



Case reference	NA-FLK-039
Application details	Development of land for residential purposes (P/18/0424/PPP)
Site address	Land to the East of 8-10 Main Street, Bo'ness
Applicant	CCG (Scotland) Ltd
Determining Authority/ Local Authority Area	Falkirk Council
Reason(s) for notification	Category 2 (Objection by Government Agency) (HSE)
Representations	2 objections from 1 individual
Date notified to Ministers	07 January 2019
Date of recommendation	29 January 2019
Decision / recommendation	Clear

Description of Proposal and Site:

- The proposal is for a residential flatted development located on a long term brownfield site at the corner of Main Street and The Bog, adjacent to a terrace of listed buildings and within Bo'ness Town Centre Conservation Area. The indicative plans show 25 units in a block containing 1 and 2 bedroom flats, and ranging from 2 to 4 stories in height. There is residential development found to the west, south and north of the site and 2 supermarkets to the north and east.
- The proposed development site lies within the consultation distance of a major accident hazard pipeline zone – Forties (Cruden Bay to Kinneil) Terminal. The pipeline runs along the coastal edge of Bo'ness and is a key part of an oil and gas transportation and processing facility.

EIA Development:

- N/A

Consultations and Representations:

- HSE advised Falkirk Council against the proposal on safety grounds as a result of the density of development proposed and potential exposure to risk as the site lies with the consultation zone of a major hazard pipeline.
- PAD consulted HSE upon notification of the application. They recognise the number of developments in Bo'ness which have recently been granted against their advice. They believe that sufficient reasons remain on safety and density grounds to advise against the granting of planning permission, however they are satisfied that, if permission is granted, the Council will be acting in full

understanding of HSE's advice and the consequences that could follow should a major accident occur involving the major hazard.

- There were no other statutory consultee objections subject to conditions and mitigation measures.
- Two other objections were received from an individual relating to comments about the design, footprint and landscaping shown on the indicative plans. As the planning permission in principle application relates to the principle of development, not its detailed design and layout, these aspects will be considered in any follow-up applications.

Assessment:

1. Falkirk Council are minded to grant planning permission in principle for the proposed development against the advice of the Health and Safety Executive (HSE), therefore the application has been notified to Scottish Ministers as a result.
2. The application site is located within the middle and outer zones of the Forties pipeline. The split between the zones runs north to south near the middle of the site. The Council considers that the development would not impact on existing chemical and petrochemical sites or pipelines, but the proposal would result in a modest increase in people exposed to potential risk in the area. As the site is allocated in the Falkirk Local Development Plan for housing and is within an area of the town centre, the increase is not considered to be significant.
3. The vacant brownfield site is currently overgrown and in a dilapidated condition. The Council believe the proposed development would achieve notable regeneration benefits for the east end of the town centre and conservation area and would maintain and increase the vitality and viability of the town centre.
4. HSE advise against the development on risk/public safety grounds due to the proposed density and suggests the number of units be reduced to 10 or under. They consider cumulative development leads to a rise in population within the consultation zone and a proportionate increase in the consequence should a major accident occur.
5. The Council believe that the HSE concerns do not outweigh the LDP allocation, town centre location and potential regeneration benefits of the development. Based on HSE's comments regarding the Council's role in considering the planning application and that there are no other outstanding issues for Ministers to consider in relation to this proposal, we are content that the application should be cleared back to the Council for its own determination.
6. In summary, taking all the above into account, this application raises no issues of national importance which requires ministerial intervention.

Decision/Recommendation:

- It is recommended that the application be cleared back to Falkirk Council for their own determination and subject to the satisfactory conclusion of a legal agreement and appropriate conditions.