



Case reference	NA-FLK-043
Application details Site address	Alterations and extension to block of flats to form 2 additional flatted dwellings. 1-27 Salmon Court, School Brae, Bo'ness
Applicant Determining Authority	Falkirk Council Corporate and Housing Falkirk Council
Reason(s) for Notification	Category 2 (Objection by Government Agency) (HSE – Health and Safety Executive)
Representations	3
Date notified to Ministers Date of recommendation	25 September 2020 23 October 2020
Decision / recommendation	Clear

### Description of Proposal and Site:

- Planning permission is sought for alterations and an upper floor extension to form 3 flats (2 additional flats) at an existing flatted development located within Bo'ness Town Centre within the Conservation Area. The building is unlisted.
- The building lies within the Consultation Distance of a major hazard pipeline – the BP Forties Cruden Bay/Kinneil Terminal pipeline.

### EIA Development:

- This application is not considered to fall within Schedule 2 of the EIA Regulations and an Environmental Impact Assessment (EIA) is therefore not required.

### Consultations and Representations:

- HSE have advised against the proposal on safety grounds as a result of the building lying within the consultation zone of a major hazard pipeline.
- PAD consulted HSE upon notification of the application. HSE responded that they do not recommend Ministers call in this particular application.
- Three representations were received during the public consultation period concerning reduced light to neighbouring residential properties and impact on property values.

### **Assessment:**

1. The application has been notified to Scottish Ministers as Falkirk Council are minded to grant planning consent for this proposal against the advice of HSE.
2. The application site is located within the middle zone of the Forties pipeline.
3. In reaching their view that permission should be granted, Falkirk Council considers that the proposed development would not significantly increase the number of people exposed to risk in the area. This is based on the number of residents which could occupy the existing 4-bedroom flat and guest bedroom, in relation to three 1-bedroom flats. The Council also considers the development would have a notable regeneration benefit and would not impact on existing chemical and petrochemical sites or pipelines. The Council consider that the town centre location and the benefits of additional residential accommodation within a sustainable location outweigh the HSE objection. The Council consider that the proposal accords with their Local Development Plan policies.
4. HSE have stated that, despite not recommending call-in, 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.
5. With regard to the objections received, the Council considers that the proposed extension would not have a significant impact on the level of daylight and sunlight currently enjoyed by surrounding residential properties.
6. The application relates to the development of additional flats within an established residential development, in a town centre location. It is a small scale, brownfield site proposing internal alterations and a small extension to an existing flatted development, supported by the local development plan.
7. In summary, this application raises no issues of national importance which require ministerial intervention.

### **Decision / Recommendation**

- It is recommended that the application be cleared back to Falkirk Council for their own determination.