

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 15 SEPTEMBER 2005

**05/0700/HS: APPLICATION FOR HAZARDOUS SUBSTANCES CONSENT
FOR STORAGE OF KERO, DERV AND GAS OIL
AT ACADEMY STREET, KILMARNOCK
BY SCOTTISH FUELS**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Hazardous Substances Consent is sought for the storage of Kero, Derv and gas oil of a maximum quantity of 2250 tonnes. Kerosene is sold on for heating purposes, derv for heavy goods vehicles and gas oil for plant and machinery. These substances are stored in existing large tanks with the largest being 12.30 metres x 12.10 metres. No new storage facilities are involved. The gas oil container would have a capacity of 1,300,000 litres. The fuels are brought to site by rail and are then transported in tankers to customers.

2. RECOMMENDATION

2.1 **The application should be approved subject to the condition indicated on the attached sheet.**

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report there are no applicable policies in the Adopted East Ayrshire Local Plan, and greater weight should therefore be attached to other material considerations.

3.2 As indicated in Section 6 of the report there are material considerations relevant to this application and they are supportive. The consultation responses received raise no adverse comments and the Health and Safety Executive have concluded that the risks to the surrounding population arising from the proposed operation are so small that there are no significant reasons on safety grounds for refusing Hazardous Substances Consent.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards the application will not require to be referred to the Development Services Committee because there would be no significant breach of policy.

Alan Neish
Head of Planning, Development and Building Standards

Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

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Report by Head of Planning, Development and Building Standards

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application for Hazardous Substances Consent which is to be considered by the Local Planning Committee under the scheme of delegation given the nature of the application.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is in the south of Kilmarnock and is the storage area of Scottish Fuels. The application site is bounded to the north by the River Irvine and beyond that property occupied by Scottish Power, to the south by A71 and beyond that property occupied by Glacier Vandervell, to the west by Bickets Body Shop and to the east by Power League 5-a-side football pitches. The site also involves a railway track for the transport of fuels.

2.2 **Proposed Development:** Hazardous Substances Consent is sought for the storage of Kero, Derv and gas oil of a maximum quantity of 2250 tonnes. Kerosene is sold on for heating purposes, derv for heavy goods vehicles and gas oil for plant and machinery. These substances are stored in existing large tanks with the largest being 12.30 metres x 12.10 metres. No new storage facilities are involved. The gas oil container would have a capacity of 1,300,000 litres. The fuels are brought to site by rail and are then transported in tankers to customers.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Health and Safety Executive Hazardous Installations Directorate has indicated that there are no significant reasons, on safety grounds for refusing Hazardous Substances Consent. They do however suggest the application of a condition to any consent clarifying the consent issued.

Noted. The suggested condition can be applied to any grant of consent.

3.2 There is no Community Council in existence for this area.

Noted.

4. REPRESENTATIONS

4.1 There are no representations.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application, the development plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan (EALP)

Ayrshire Joint Structure Plan

5.2 The proposed development does not raise any strategic issues.

Adopted East Ayrshire Local Plan

5.3 There are no directly relevant policies in the East Ayrshire Local Plan and greater weight should be placed on the material considerations as identified in Section 6 of the report.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultations received which are detailed in Section 3 and do not indicate that the application should be refused.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in the determination of this application.

8. CONCLUSIONS

8.1 As indicated in Section 5 of the report there are no applicable policies in the Adopted East Ayrshire Local Plan, and greater weight should therefore be attached to other material considerations.

8.2 As indicated in Section 6 of the report there are material considerations relevant to this application and they are supportive. The consultation responses received raise no adverse comments and the Health and Safety Executive have concluded that the risks to the surrounding population arising from the proposed operation are so small that there are no significant reasons on safety grounds for refusing Hazardous Substances Consent.

9. RECOMMENDATION

9.1 The application should be approved subject to the condition indicated on the attached sheet.

CONTRARY DECISION NOTICE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards it will not require to be referred to the Development Services Committee as there would be no significant breach of Council policy.

Alan Neish
Head of Planning and Building Control

05 September 2005
(PC/RH)
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Approved Ayrshire Joint Structure Plan.
5. Adopted East Ayrshire Local Plan.

Any person wishing to inspect the above papers please contact Dave Morris on (01563) 576753.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Site of Proposal: Academy Street
KILMARNOCK
KA1 4DT

Nature of Proposal: Application For Hazardous Substances
Consent For Storage Of Kero, Derv And
Gas Oil

Name & Address of Applicant: Scottish Fuels
Academy Street
KILMARNOCK
KA1 4DT

Name & Address of Agent: Alec Fletcher
Tryst House
Glenbervie Business Park
LARBERT
FK5 4RB

DPOs Reference: PC/RH

The above hazardous substances consent should be granted subject to the following condition:

1. The hazardous substances shall not be kept or used other than in accordance with the application details provided in the hazardous substances consent application form nor outside the application site which formed part of the application.

REASON To enable the Planning Authority to retain control over the development of the site in the interests of public safety.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**