

Yellow
1307

H.C.C.
Code No. W/2608/64

L.A.
Ref. No. 5547

ADMINISTRATIVE COUNTY OF HERTFORD

The Council of the ~~BOROUGH OF~~
~~URBAN DISTRICT OF~~
RURAL DISTRICT OF Hemel Hempstead.

TOWN & COUNTRY PLANNING ACT, 1962

To Property Investment Holdings (Markyate) Ltd.,
Survey House,
Arnfield Close,
West Molesey.

Warehouse
at off High Street, Markyate, Herts.
(Part Parcel 212 on OS. HERTS. XXV1.4)

Brief description and location of proposed development.

In pursuance of their delegated powers under the above-mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council on behalf of the Local Planning Authority hereby permit the development proposed by you in your application dated 4/11/64 and received with sufficient particulars on 6/11/64 and shewn on the plan(s) accompanying such application, subject to the following conditions:—


1. The development hereby permitted shall be used only for the storage of goods or materials and no kind of industrial use as defined in the Town and Country Planning (Use Classes) Order, 1963.
2. No part of the site outside the proposed buildings shall be used for the storage of materials, packing containers or waste of any kind.
3. Simultaneously with the carrying out of the development hereby permitted provision shall be made within the site for the parking of all motor vehicles attending the premises and such provision shall be kept continuously available for this purpose while the premises are in use.
4. Access to the site shall be confined to the southerly of the frontages of the site to High Street and shall be constructed to the requirements of the Highway Authority.
5. A scheme for the layout and landscaping of the parts of the site having frontages to High Street and for the planting of trees generally on the perimeter of the site shall be submitted to the Local Planning Authority for their approval not later than six months after the commencement of the development hereby permitted and the scheme as approved shall be completed within one year after the date of such approval and thereafter maintained to the reasonable satisfaction of the Local Planning Authority.

6. The appendage to the main part of the site commencing at a distance about 35ft. from the south-east side of the proposed building shall be used for parking purposes only and only in accordance with a layout plan for this part of the site to be submitted to and approved by the Local Planning Authority before the use of this part of the site is commenced.

The reasons for the Council's decision to grant permission for the development subject to the above conditions are:—

1. The site is not included within an industrial area in the County Development plan and to ensure the development hereby permitted complies with the provisions of Section 38 of the Town and Country Planning Act, 1962.
2. In the interests of the visual amenities of the locality.
3. To ensure that parking provision is made within the site to the requirements of the Local Planning Authority and in the interests of the safety and free flow of traffic on nearby highways.
4. To ensure the development complies with the requirements of the Highway Authority.
5. In the interests of the visual amenities of the locality.
6. To ensure that any use of the land is related as closely as possible to the proposed buildings in the interests of the visual amenities of the locality.

Dated 18th day of May 1965.....


Clerk/~~Secretary~~ of the Council.

NOTE.

(1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.

(2) If the Applicant is aggrieved by the decision of the local planning authority to grant permission or approval subject to conditions, he may by notice served within one month of receipt of this notice, appeal to the Minister of Housing and Local Government in accordance with Section 23 of the Town and Country Planning Act, 1962. The Minister has power to allow a longer period for the giving of a Notice of Appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the local planning authority in regard to the proposed development are in progress. The Minister is not, however, required to entertain such an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the provisions of Section 17(1), 18(1) and 38 of the Act and of the Development Order and to any directions given under the Order.

(3) If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Minister of Housing and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the County District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with Section 129 of the Town and Country Planning Act, 1962.

(4) In certain circumstances, a claim may be made against the local planning authority or the Minister of Housing and Local Government for compensation, where permission is granted subject to conditions by the Minister on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 123 and Part VI of the Town and Country Planning Act, 1962.



MINISTRY OF POWER
Thames House South, Millbank, LONDON S.W.1
Telephone: Abbey 7000

Please address any reply to
the Secretary

and quote:

F.E.6901/9

1st September, 1964.

Your reference:

Gentlemen,

1964-11-11-1962
United Kingdom Oil Pipelines Limited
Application for a Pipeline Construction Authorisation

I am directed by the Minister of Power to refer to your application for authorisation under section 1(1) of the Pipe-lines Act 1962 of the construction of a cross-country pipeline to convey light petroleum products between the Thames Estuary, Stanwell in the County of Middlesex, the Midlands, and the Mersey. A public inquiry with respect to objections to the application was held jointly by Mr. A.K. Pollock, M.I.C.E., M.I.W.E., and Mr. A.R. Chown, M.A., M.T.P.I., Dip.T.P., of the Ministry of Housing and Local Government, at Watford, Rugby and Lichfield, in April and May 1964. A copy of the Inspectors' report is enclosed.

2. The Inspectors recommended that construction of the pipeline should be authorised on the route advertised in March 1964, subject to the following diversions:-

- (a) that which they recommended at Anington Hall Farm, Syerscote Manor Farm, Winterdyne Farm and Portway Farm;
- (b) that which had been agreed with Mr. Moss at Ashley Green, Buckinghamshire; and
- (c) those which had been agreed since March 1964 as listed in the schedule submitted during the inquiry, but omitting that shown on Plan BRC/4/6.

The Minister accepts this recommendation.

3. The Inspectors considered that the most serious objection to the advertised route of the pipeline related to that section which crossed the swallowhole area of the Lee Valley Water Company. They stated that it would not be easy, however, to decide on an alternative practicable route which would avoid this swallowhole area without making a very wide and expensive detour and this would be difficult to justify. A reduction of risk to the sources of the Lee Valley Water Company might increase the risks in other directions. The Inspectors stated that in their opinion the best solution would be to rely on stringent safety precautions throughout this length, and indeed over all the sections which cross surface catchment areas of water undertakings or underground aquifers which are not protected by a substantial covering of impervious material. In addition to the Lee Valley Water Company this would apply to sections within the areas of the following water

/undertakings:-

United Kingdom Oil Pipelines Ltd.,
3, Savoy Place,
LONDON, W.C. 2.

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installations, and they did not consider that a condition to the deemed planning permission was necessary.

8. The Minister agrees with the Inspectors that deemed planning permission should be granted, and that no conditions are necessary in respect of highway crossings, in view of the provisions of section 15 of the Act. So far as buildings and other works above ground are concerned, the Minister notes that your application contained no precise details of the siting, design and external appearance of these installations. He has concluded that this matter ought not to be left to consultation between the company and the local planning authorities, particularly having regard to his duty, under section 43 of the Act, to safeguard amenity. He cannot, therefore, accept this part of the Inspectors' recommendation. In the Minister's view, the siting, design and external appearance of these works ought to be subject to the approval of the appropriate local planning authority.

9. Mr. Crave and Mr. Nichol made applications for costs on behalf of their clients; the Inspectors made no recommendation on this matter. In inquiries of a similar nature held under other enactments it is not the practice to award costs unless one of the parties has acted frivolously or vexatiously. The Minister does not consider that he would be justified in adopting a different practice in inquiries held under the Pipeline Act 1962. He does not, therefore, propose to make any order as to costs.

10. The Minister is accordingly granting an authorisation in which he:-

- (i) authorises, under section 1(1) of the Act, the execution of works for the construction of the pipeline along the route delineated on the map whereof copies accompanied the application, as modified by the diversions which were shown on the maps deposited at the Ministry of Power and referred to in the advertisements and notices of the inquiry published or served in March 1964, and subject to the further modifications listed in the Annex to this letter;
- (ii) specifies, under para. 6(2) of the First Schedule to the Act, limits of lateral deviation of 200 feet from the route as authorised;
- (iii) directs, under section 5(1) of the Act, that, in so far as the execution of the works whose execution is authorised by, or by virtue of, the authorisation, or any change in the use of the land which is involved in the execution of those works, constitutes development within the meaning of the Town and Country Planning Act, 1962, permission for that development shall be deemed to be granted under Part III of that Act, subject to the condition that the siting, design and external appearance of any building, plant or equipment to be erected above ground level shall be as may be agreed with the local planning authority, or in default of agreement as may be determined by the Minister.

/11. Maps

undertakings:- South Staffordshire Waterworks Company, Staffordshire Potteries Water Board, Leicester City Council, Leicestershire Water Board, Mid and S.E. Cheshire Water Board and the Metropolitan Water Board.

4. The Minister agrees with the Inspectors that it would be difficult to justify a diversion to avoid the shallow-hole area of the Lea Valley Water Company and that it would be preferable to rely on stringent safety precautions in respect of this length and of the sections of the pipeline which will traverse the underground and surface catchments of other water undertakers. He intends to give further consideration to the safety precautions to be adopted both on these sections and generally, in consultation with your company and with the water undertakers referred to above, with a view to imposing requirements under sections 20 and 23 of the Act before construction work is begun. To this end, you are requested to submit to the Department as soon as convenient, for the attention of the Pipelines Inspector, your detailed proposals for the design of the pipeline, the material and construction specifications, the safety precautions to be adopted generally and the additional safety precautions to be applied in the areas referred to above. In doing so, it would be helpful if you would indicate the extent to which these proposals have been agreed with the water undertakers concerned.

5. The Inspectors also drew attention to the suggestion made by Mr. Delwyn Davies of the Mid and S.E. Cheshire Water Board, and endorsed by your company, regarding the setting up of a joint committee representing the water supply industry and the oil industry to study the problem of oil pollution of water supplies and devise methods of dealing with it should it occur. The Minister welcomes this suggestion and will be ready to give any help he can in implementing it.

6. The Inspectors recommended that general limits of deviation should be authorised of 200 feet on either side of the line shown on the deposited plans subject to the agreement of the owner of the land. The Minister agrees that the limits of deviation which should be specified should be 200 feet. It is, however, unnecessary to qualify these limits as being subject to the agreement of the owner of the land, because authorisation under the Act does not carry with it any rights over land and the pipeline cannot therefore be placed anywhere within the limits of deviation without the agreement of all persons having an interest in the land (or, in default of agreement, a compulsory order made in accordance with the procedure laid down in the Second Schedule to the Act).

7. The Inspectors recommended that deemed planning permission should be granted, and that no conditions should be attached thereto. The Warwickshire County Council had requested conditions requiring that highway crossings should be subject to the approval of the highway authority and that the siting and external appearance of all above-ground installations should be subject to the approval of the local planning authority. The Inspectors considered that control over highway crossings was already provided by section 15 of the Act. They accepted that the company would consult the local planning authority with regard to above-ground

/installations,

11. Maps delineating the whole route of the line, with the modifications, are annexed to the authorisation. Your attention is drawn to section 35 of the Act requiring deposit of maps with each local authority concerned, and to section 37 requiring arrangements to be made with fire and police authorities, river boards, water undertakers and sewerage authorities to facilitate the carrying out of their duties. Your attention is also invited to the obligation to restore agricultural land imposed by section 45 of the Act and to the Inspectors' comments in the last paragraph on page 33 of their report.

I am, Gentlemen,

Your obedient Servant,

(Sgd) M. Scheles

Assistant Secretary.