

Application Number 07/2016/0398/HAZ

Address W H Bowker Ltd
Holme Road
Bamber Bridge
PR5 6BP

Applicant W H Bowker Limited

Development Application for Hazardous Substances Consent
for the storage of hazardous substances/products

Officer Recommendation **Consent Granted**

Date application valid 27.05.2016
Target Determination Date 22.07.2016
Extension of Time 11.11.2016



1.0 REPORT SUMMARY

1.1 The application is for hazardous substances consent for the storage and use of prescribed substances within land and buildings associated with the company known as Bowker an established haulier/distribution business.

1.2 The Planning (Hazardous Substances) Act 1990 allows for Hazardous Substances Consents to be granted provided that the particulars which are being applied for are evidenced and verified by any consultations that the hazardous substances authority (South Ribble Borough Council in this case) deems appropriate.

1.3 The hazardous substances authority (SRBC) has undertaken the required publicity associated with this application and has consulted the Health and Safety Executive (HSE) amongst others. The HSE has responded and raised no objection subject to conditions controlling the quantities of some substances. The application for Hazardous Substances Consent is

considered to be acceptable and consent should therefore be granted subject to the imposition of conditions.

2.0 Site and Surrounding Area

2.1 The application relates to W.H Bowker Ltd, an established haulier/distribution business located approximately 0.5km west of Bamber Bridge train station. Forming part of a small industrial area the application site is bound to the north by Bamber Bridge football ground to the south by other industrial units and to the east and west by residential properties.

2.3 The nearest residential properties are located some 40m away (off Old Hall Lane) on the eastern boundary beyond a footpath and associated landscaping. Public Footpath no 76 runs adjacent to the north east boundary.

2.4 The premises comprise of three buildings housing, liquid production manufacture and filling, packaging warehousing and finished goods warehousing and distribution. The site is subject to Policy B4 Commercial and Employment Site at Cuerden Way, Bamber Bridge of the South Ribble Local Plan.

3.0 PLANNING HISTORY

3.1 The application site is located at an established industrial estate. There are four applications on the history of this site; the most relevant of which is 07/2013/0924/HAZ — Hazardous Substances Consent application for the storage of hazardous substances and/or products at existing haulage depot to a new location. Approved May 2013.

4.0 PROPOSAL

4.1 The application is for hazardous substances consent for the storage of prescribed substances as set out in the table below:

Name, or relevant category or description of substance	Part number in Schedule 1 to the Regulations, and entry number if Part 2, category if Part 1, identity if Part 3	Maximum quantity proposed to be present in tonnes
Gas Oil (flash point greater than 55C)	Part 2 - 34	135
Acute Toxic Cat 1	Part 1 – H1	2.5
Acute Toxic Cat 1 3-isocyanatomethyl-3,5,5-trimethylcyclohexyl isocyanate).	Part 1 – H1	9.5
Acute Toxic Cat 2/3	Part 1 – H2	150
Flammable Aerosols	Part 1 – P3A	5
Flammable Aerosols	Part 1 – P3B	5
Flammable Liquid	Part 1 – P5A	5
Flammable Liquid	Part 1 – P5C	500
Oxidising Liqs & Sols	Part 1 – P8	94
Hazardous to the Environment Cat 1 Acute/Chronic	Part 1 – E1	125
Hazardous to the Environment Cat 2 Chronic	Part 1 – E2	250
Substances or Mixtures EUH014	Part 1 – O1	100
Substances and Mixtures which in	Part 1 – O2	5

5.0 SUMMARY OF PUBLICITY

5.1 Site notices have been posted and 125 neighbouring properties were consulted one letter of representation has been received from Cllr Foster which raises the following concerns.

A number of residents in and around Edwards Street have been in contact and raise concerns about the safety of the storage of Hazardous waste in close proximity of residential properties and so close to the River Lostock. Therefore, an objection is made to the application.

6.0 CONSULTATION REPLIES

6.1 Health and Safety Executive (HSE) Initially the HSE required the applicant to amend the details that had been submitted. With regard to the amended details the HSE has advised that in considering this application for Consent, HSE has made the assumption that the requirements of the Health and Safety at Work etc. Act 1974, and all relevant statutory provisions, will be met at the establishment should Consent be granted. On this basis, The Health and Safety Executive has concluded that the risks to the surrounding population arising from the proposed operations are so small that there are no significant reasons, on safety grounds, for refusing Hazardous Substances Consent. The following conditions should be imposed:

The Hazardous Substances shall not be kept or used other than in accordance with the particulars provided in the application, nor outside the areas marked for storage of the substances on the plan which formed part of the application. A table setting out the amounts associated with the hazardous substances to be the controlled through a condition.

6.2 Network Rail: No objection -the application is being made due to recent changes in the legislation. With regard to the revisions no further comments to make.

6.3 Environmental Agency- No objection but make the following comments: This is an existing lower tier Control of Major Hazardous Sites COMHA site and the potential environmental impacts of this site would be regulated under the COMHA Regulations 2015 by the Environment Agency as part of the Competent Authority. Further advice has been offered with regard to Flood Risk as the site is within Flood Zone 2 which is defined as medium probability of flooding. New Flood risk modelling is due 2017 which would be made available to the applicant to inform how the site is managed. The River Lostock is a Main River and due to recent legislative changes the applicant may need an Environment Permit.

6.4 Architectural Liaison Officer: The site has been visited and there ae no police objection to the proposal.

6.5 Environmental Health - No comment

7.0 MATERIAL CONSIDERERATION

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
Central Lancashire Core Strategy
Policy 9: Economic Growth and Employment
Policy 10: Employment Premises and Sites- Protects existing employment sites
South Ribble Local Plan

B4 Commercial and Employment Site at Cuerden Way, Bamber Bridge

Within the borough, there are a number of mixed use sites which include commercial, employment and leisure developments. As these sites offer a range of facilities, it is important for them to be protected, whilst allowing flexibility for the change of use if appropriate.

Policy G17 Design Criteria for New Development

8.0 OTHER MATERIAL CONSIDERATIONS

8.1 As part of changes to legislation, Bowker UK are required to apply for hazardous substances consent. The company are seeking moderate increase in certain categories to continue to store goods that have been recently reclassified under the legislation.

8.2 The Planning (Hazardous Substances) Act 1990 allows for Hazardous Substances Consents to be granted by the hazardous substances authority (South Ribble Borough Council in this case) provided that the particulars which are being applied for are evidenced and verified by the appropriate consultations that are required.

South Ribble as the hazardous substances authority (HAS) has undertaken the required publicity associated with this application and has consulted a number of bodies.

8.3 Hazardous substances consent is an important mechanism in the overall control of major hazards as it enables the HSA to consider whether the presence of a significant quantity of a hazardous substance is acceptable in a particular location. The process ensures that hazardous substances can be kept or used in significant amounts only after an assessment of the risk to people and the environment in the surrounding area. The rare occasions when explosions at chemical works have occurred, underline the importance of controlling sites where these substances could be present.

8.4 In assessing whether to grant consent, the responses from the consultees are a material consideration. The Health and Safety Executive HSE is a statutory consultee on applications for hazardous substances consent. Their remit is to consider the hazards and risks which the hazardous substance may present to people in the surrounding area, and take account of existing and potential developments. Their advice is aimed at mitigating the effects of a major accident on the population around a major hazard site. The HSE has advised that the risks to the surrounding population arising from the proposed operations are so small that there are no significant reasons, on safety grounds, for refusing the application. Conditions should be imposed controlling the concentrate of the hazardous substances

8.5 The Environment Agency has raised no objection, but has provided advice about potential flooding which has been forwarded to the applicant for consideration. Network Rail and the Architectural Liaison Officer both raise no objection to the application.

9.0 RELATIONSHIP TO NEIGHBOURS

9.1 The application site is located on an established mixed use area with residential properties within the locality. An objection has been received expressing concern from the residents in and around Edward Street approximately 110 metres away about the proposal hazardous waste. It should be noted that the proposal does not involve hazardous waste. To address these concerns the applicant has provided the following information in support of the application.

“With regards to public concerns and any objections you may or have received, we would be more than happy for anyone who has any concerns to come and visit us where I’d gladly show them around the whole site and answer any questions they have. They will see that we are not a hazardous waste site as some local residents believe, but a responsible and well respected operator who handle, store and transport - amongst other things, hazardous substances in unopened, UN approved packaging. We operate to very high standards and enjoy an excellent relationship with all the regulatory bodies we deal with.”

Given that the consultees have not raised any objections, it is considered that the storage of these chemicals in the quantities stated is acceptable.

9.2 The site is an established, busy site and it is considered that additional consent to regularize the current situation for hazardous materials storage will impact little on either surrounding business or residential neighbours.

10.0 CONCLUSION

10.1 In conclusion, as no objections have been received from the HSE it is recommended that Hazardous Substance Consent should be granted with conditions controlling the storage of the substances and the amounts.

RECOMMENDATION:

Consent Granted.

RECOMMENDED CONDITIONS:

1. The Hazardous substance(s) shall not be kept or used other than in accordance with the particulars provided on the Hazardous Substances Consent Application Form, nor outside the area(s) marked for storage of the substance(s) on the plan (Bowker storage plan, 07/2016/0398/HAZ May 2016), which formed part of the application."
REASON: To ensure the safe storage of the substances on the site and to safeguard the amenities of neighbouring residents.
2. The amount of H1 generic should be limited to a maximum of 2.5 tonnes and there should be a maximum of 9.5 tonnes of named H1 (3-isocyanatomethyl-3,5,5- trimethylcyclohexyl isocyanate)"
REASON: To ensure the safe storage of the substances on the site and to safeguard the amenities of neighbouring residents.
3. The substances set out in the table below shall not be exceeded without the written consent of the Local Planning Authority in consultation with the Health and Safety Executive.

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RELEVANT POLICY

NPPF	National Planning Policy Framework
9	Economic Growth and Employment (Core Strategy Policy)
10	Employment Premises and Sites (Core Strategy Policy)
POLB4	Commercial and Employment Site at Cuerden Way
17	Design of New Buildings (Core Strategy Policy)