

<b>APPLICATION NO</b>	<b>PA/2017/343</b>
<b>APPLICANT</b>	Groveport Logistics Limited
<b>DEVELOPMENT</b>	Application for hazardous substance consent to modify the previous consent (7/100/93)
<b>LOCATION</b>	Groveport, access road to Grove Wharf, Gunness, DN15 8UA
<b>PARISH</b>	Gunness
<b>WARD</b>	Burringham and Gunness
<b>CASE OFFICER</b>	Andrew Law
<b>SUMMARY RECOMMENDATION</b>	<b>Grant consent subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllr Dave Oldfield – public safety and significant public interest, and Cllrs Elaine Marper & Helen Rowson – significant public interest)

## **POLICIES**

**National Planning Policy Framework:** Paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 28 states that planning policies should support economic growth in rural areas to create jobs and prosperity by taking a positive approach to sustainable new development.

Paragraph 35 states that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people.

Paragraph 100 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

Paragraph 111 states that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.

Paragraph 120 states that to prevent unacceptable risks of pollution and land instability, planning policies and decisions should ensure the new development is appropriate for its location.

**NPPG:** Hazardous Substances

**North Lincolnshire Local Plan:**

Policy DS1 (General Requirements)

Policy DS10 (New Hazardous Installations and Pipelines)

## **North Lincolnshire Core Strategy:**

Policy CS2 (Delivering More Sustainable Development)

### **CONSULTATIONS**

**Highways:** No comments.

**Environmental Health:** No comments to make.

**Canal and River Trust:** No comments to make.

**Health and Safety Executive:** No significant reasons, on safety grounds, for refusing Hazardous Substances Consent.

### **PARISH COUNCIL**

No response received.

### **PUBLICITY**

Neighbouring properties have been notified by letter and a site notice posted. No comments or objections have been received.

### **ASSESSMENT**

This application was deferred at the last meeting of the planning committee to enable members to visit the site prior to making a decision.

#### **Site**

The site is Grove Wharf, located on the eastern bank of the River Trent to the north of Gunness and to the south of Flixborough Industrial Estate. This is an existing, operational wharf complete with jetties, industrial buildings and structures.

The wharf is located outside of any defined development boundary and as such is located in the open countryside for the purpose of planning policy. The site is located within a high flood risk zone (2/3a of the SFRA) due to its proximity to the River Trent.

#### **Proposal**

The application site currently benefits from Hazardous Substance Consent (7/1993/100) for the storage and blending of ammonium nitrate across the site.

This application seeks to amend the existing Hazardous Substance Consent so that the areas permitted for the storage of the ammonium nitrate are restricted to the buildings on the western side of the site, shown hatched on the site layout plan (this also includes the wharves and jetties where it can be unloaded).

This application has arisen as a result of planning applications which have been made on adjacent land at Crosby Le Moor Farm (PA/2016/1054 and PA/2016/1236). These applications seek planning permission to develop the vacant farm into an equestrian business. Currently Crosby Le Moor Farm falls within the inner consultation zone due to its proximity to the eastern part of Grove Wharf, where ammonium nitrate can currently be

stored. For this reason the Health and Safety Executive (HSE) have objected to the equestrian development which would result in members of the public on site. Developments of this type are not supported within inner consultation zones. Following the advice of the HSE, the applicants in respect of the applications at Crosby Le Moor Farm have liaised with the operators of Grove Wharf, who have agreed to amend their Hazardous Substance Consent (subject to consent being granted by NLC) to restrict the storage of ammonium nitrate to the western side of their site. Should the proposed amendment to the Hazardous Substance Consent be granted then the HSE consultation zones will alter and Crosby Le Moor Farm will move from the inner zone to the middle zone, where the proposed equestrian use is deemed acceptable.

The proposed amendment will not result in an increased amount of ammonium nitrate being stored on site and it will not introduce substances that are not already consented on site. It should also be noted that, despite the existing consent, ammonium nitrate has not actually been stored on this site for some time.

**The main issue to consider in the determination of this application is whether the proposed amendment to the Hazardous Substance Consent would be harmful to public safety.**

### **Principle**

The principle of development is already established by the existing Hazardous Substance Consent which already allows for the storage of ammonium nitrate on the western side of the site. This application merely seeks to remove consent for the storage of this substance on the eastern side of the site.

Policy DS10 of the North Lincolnshire Local Plan is the most relevant development plan policy in the determination of this application. This policy sets out the council's approach to new hazardous installations, including sites for the storage of hazardous substances. Policy DS10 is supportive of such developments provided that they do not impose any significant development restrictions upon surrounding land users; will not put at risk surrounding residential properties; or pose a risk to other properties where significant numbers of people regularly congregate.

In this instance the current Hazardous Substance Consent imposes restrictions on the development of adjacent land users. Specifically it is preventing the development of the adjacent Crosby Le Moor Farm, which would be beneficial to the area by redeveloping a vacant site and contributing to the rural economy. The intention of varying the Hazardous Substance Consent is to remove this restriction on development. Restricting the storage of ammonium nitrate to the western side of the site (where it can already be stored under the current consent) would not impose any additional restrictions on any other land users as the buildings on the western side of Grove Wharf are further from the site boundary and Neap House Road than those on the eastern side.

Issues relating to safety are considered below.

### **Public safety**

As stated above, the buildings on the western side of the site are located further from the site boundaries and Neap House Road. Furthermore, these buildings could be used for the storage of ammonium nitrate under the current Hazardous Substance Consent. Therefore,

the proposal will not result in any new or additional hazardous substances on site. Therefore, there will be no additional impact on surrounding properties, whether they be residential or commercial in nature. Indeed, the proposed variation of the consent will result in no properties outside of the wharf site being located within the inner consultation zone, whereas Crosby Le Moor Farm and adjacent properties to the south-west are currently within this zone. Therefore the proposal will result in a reduced risk to adjacent properties.

The Health and Safety Executive has been consulted as part of the determination of this application and has confirmed that there are no reasons, on safety grounds, to advise against the granting of Hazardous Substance Consent. The proposed variation of the existing consent was suggested by the HSE to overcome their objections to the development of Crosby Le Moor Farm.

## **Conclusion**

The proposed development will have no unacceptable risk to public safety and will allow the development of adjacent sites that are currently restricted by the proximity of the consent for hazardous substance storage. Therefore the proposal is considered to be acceptable and this application should be supported.

## **RECOMMENDATION      Grant consent subject to the following conditions:**

1.

The hazardous substances shall not be kept or used other than in accordance with the particulars provided on the application form and supporting letter, nor outside the areas marked for storage of the substances on the plans which form part of the application.

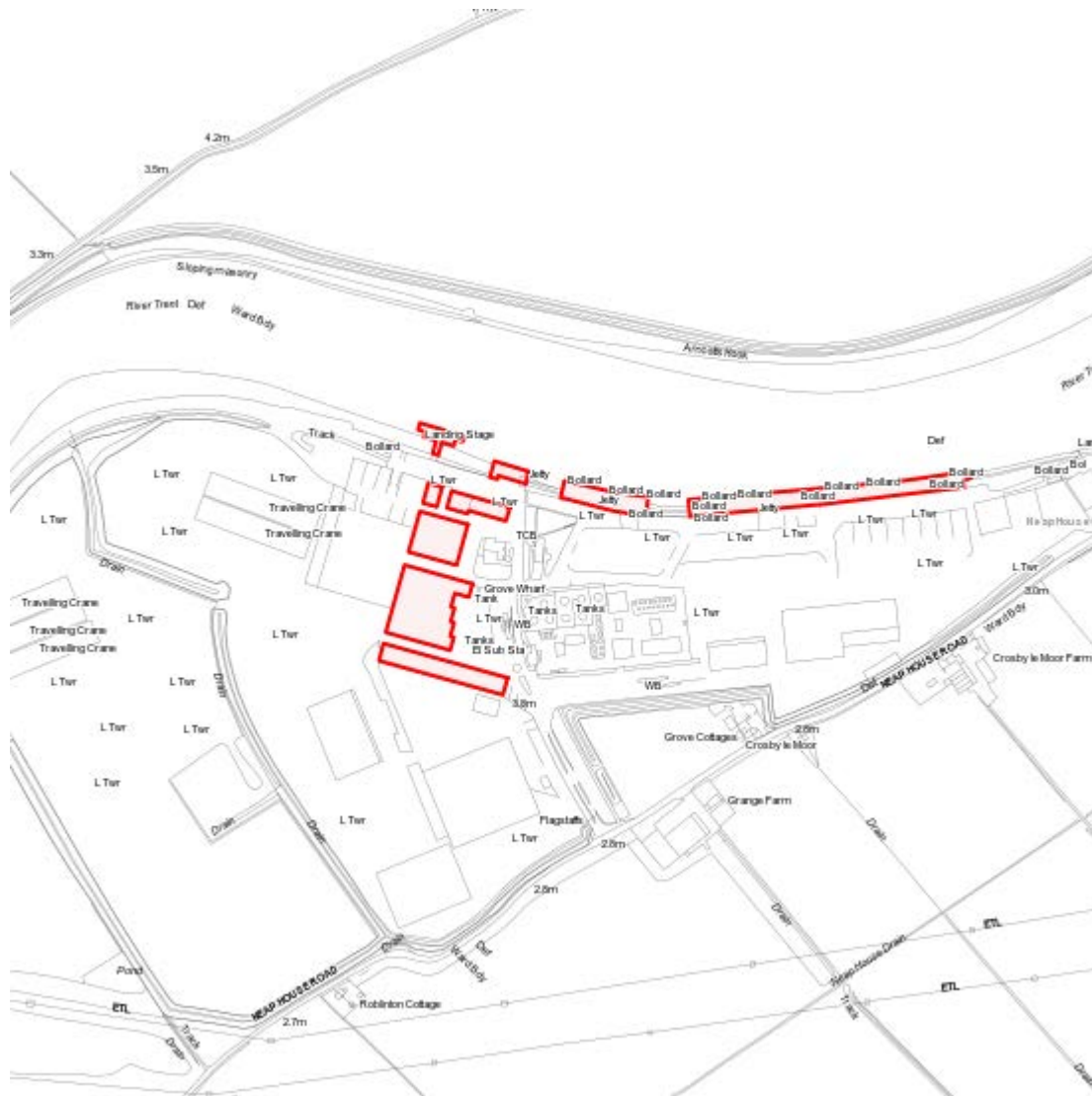
### **Reason**

To define the terms of the permission and to protect neighbouring properties in accordance with policy DS10 of the North Lincolnshire Local Plan.

### **Informative**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

# PA/2017/343 – Site Location



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# SITE LAYOUT PLAN

NOT TO SCALE



-  HAZARDOUS CONSENT AREA
-  SITE BOUNDARY

