

**EREWASH**



**Hazardous Substances  
and Installations  
Supplementary Planning  
Document**

**April 2006**

*A clean, healthy, vibrant, safe and sustainable borough  
delivering the best for 'Erewash'*

# **EREWASH**



## **EREWASH BOROUGH COUNCIL**

### **HAZARADOUS SUBSTANCES AND INSTALLATIONS**

### **SUPPLEMENTARY PLANNING DOCUMENT**

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**April 2006**

# Hazardous Substances and Installations SPD

## About this Guidance

- 1.1** This Supplementary Planning Document (SPD) has been prepared in accordance with current Government planning guidance. Its purpose is to supplement relevant policies and proposals as set out in the Erewash Borough Local Plan Adopted July 2005. The contents of this document will therefore guide those submitting planning applications. When adopted it will be given considerable weight in the determination of planning applications and it is therefore expected that developers will follow the advice as set out.

## Introduction

- 1.2** The evolution of the modern chemical industry has influenced all our lives. In many respects this influence has been beneficial; the standard of living enjoyed by today's consumer society would not have been possible without its products. But there is a price to be paid for these advances: that of living with hazards from industry.
- 1.3** The flammable, oxidising, explosive or toxic properties of the substances used and produced by today's chemical industry are such that accidents involving even relatively small quantities of these materials may have the potential to cause harm to people, property, or to the environment.
- 1.4** In the UK much has already been achieved through controls under the Health and Safety at Work Etc. Act 1974 [HSWA] and its relevant statutory provisions to reduce the likelihood of major accidents and to mitigate the consequences of those which do occur, by emergency planning and getting information to people in the surrounding area.
- 1.5** But there is a further and very important way in which the consequences of major accidents can be mitigated: planning. Planning allows decisions to be made about the location of major hazard installations and about the development of land around them.
- 1.6** In an ideal world, industries using large quantities of hazardous substances would be located far away from centres of housing and other developments which could be affected in case of accident.
- 1.7** In reality, the position is very different. Factories, housing, schools and shops have developed close to each other; indeed, in many cases these industries provide the economic heart of the local community.
- 1.8** Greater control is possible when planning the location of new hazardous activities, but even here the options may be limited. There are few locations where new hazardous installations can be "shoehorned" into place without creating some risk to an existing community.



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- 1.9** It also remains the case that, to be economically viable, industries need to be sited where they are accessible to main transport routes and to sources of labour. This inevitably means that in making planning decisions about hazardous installations safety, however important, is only one of the elements to be considered. A balance has to be struck between the needs of industry, the needs of the community and the interests of safety. The Health and Safety Executive (HSE) provide advice which will allow an informed decision to be made from a proper understanding of the risks involved.
- 1.10** Reference should also be made to all the Council's other SPD's, specifically Development, Flood Risk and Aquifer Protection and Biodiversity.

### Policies

- 1.11** This Document supports and amplifies the policies of the Erewash Borough Local Plan (adopted July 2005). The Local Plan provides a framework for the control of development in Erewash. The Policy relating to hazardous installation and substances etc. is EV20 which is contained in Appendix A of this document. Appendix B shows the installations in Erewash and the consultation distances which apply, where they are available. For further advice please contact the HSE at [www.hse.gov.uk](http://www.hse.gov.uk)

### Hazardous Installations

- 1.12** These have a number of definitions: the first is that in the Control of Major Accident Hazard Regulations 1999 and applies where a dangerous substance as listed in Schedule 1 Column 1 of the Regulations is present in a quantity equal to or exceeding the entry for that substance. Additional requirements fall on an establishment where the quantity is also in excess of that listed in column 3 of the Schedule.
- 1.13** The second is a derivative of the first and is taken from The Planning (Hazardous Substances) Regulations 1992 as amended by The Planning (Control of Major Accident Hazards) Regulations 1999. Again, a hazardous installation is defined by the presence of a substance at or above the threshold quantity.

### Legislation

- 1.14** The relevant planning legislation is the Town and Country Planning The Planning (Hazardous Substances) Act 1990 and The Planning (Hazardous Substances) Regulations 1992 as amended by The Planning (Control of Major-Accident Hazards) Regulations 1999.



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## Mechanisms

- 1.15** There are a number of mechanisms for controlling the risks from hazardous installations. Proposals for installations handling hazardous substances are subject to controls aimed at preventing major accidents. A system of hazardous substances consent is already in operation under the Planning (Hazardous Substances) Act 1990 and Regulations under that Act (as amended by the Planning (Control of Major-Accident Hazards) Regulations 1999). Where both planning permission and hazardous substances consent are required, two separate applications are necessary and the respective statutory requirements must be followed.
- 1.16** The first is on the siting of new hazardous installations and the primary control is under the Health and Safety at Work etc. Act 1974 via the Control of Major Accident Hazard Regulations 1999 [COMAH]. These require operators to submit a pre-construction safety report to HSE before construction can begin. Operators must also apply for a hazardous substances consent from the Hazardous Substance Authority (HAS). On application, the HAS is required to consult HSE as to the advisability or otherwise of the location of the installation. HSE will then advise on the residual risk that still remains when all reasonably practicable steps have been taken to ensure safety. HSE's role is purely advisory: it is for the HAS to take into account other economic or social factors that should be considered. If the consent is granted, HSE notifies the local planning authority (LPA), declares a consultation zone around the installation within which it must be consulted on any further developments such as housing, shops, schools and hospitals.
- 1.17** The second mechanism for controlling risks around hazardous installations, is the siting of other developments. All applications for planning permission beyond a certain size are required to be notified to HSE by the LPA for advice as to their suitability in the vicinity of a major hazard site. This is required by the Town and Country Planning (General Development Procedure) Order 1995, Article 10 (d) and (zb). As above, HSE advises on the basis of the residual risk that remains after all reasonably practicable steps have been taken to ensure safety in compliance with HSWA. Again, HSE's role is purely advisory: it is for the LPA to take into account other economic or social factors that should be considered.
- 1.18** This does not however mean that similar decisions need to be given on both applications, as there are many considerations which are material to one application but not to the other. For example, an authority may decide, having considered the potential risks to the local community that there is no good reason for withholding consent. But in the role as local planning authority they may consider that planning permission should be refused for the associated development because of a wider planning consideration e.g. the adverse effect of a building on amenity, or inadequate access arrangements. In these circumstances it is reasonable for contrasting decisions to be made on the different applications.



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### Enforcement

- 1.19** Enforcement of COMAH is the responsibility of the Competent Authority (EA/SELPA & HSE). Enforcement of The Planning (Hazardous Substances) Act 1990 and its Regulations 1992 are the responsibility of the appropriate HSA.

### Further advice and information

- 1.20** If you wish to write to us for informal comments on your proposals the Council's address is:

**Erewash Borough Council**  
**Development and Regulatory Services Directorate**  
Town Hall  
Midland Street  
Long Eaton  
Derbyshire  
NG10 1HU

- 1.21** Alternatively you may e-mail us at [planning@erewash.gov.uk](mailto:planning@erewash.gov.uk). Our offices are located at Long Eaton and are open Monday to Thursday 9:00am to 5:00pm, and on Friday's from 9:00am to 4:30pm.

- 1.22** If you live in Ilkeston, Morley, West Hallam, Little Eaton, Breadsall, Dale Abbey, Stanton-by-Dale, Stanley, Stanley Common and Breaston and wish to discuss your plans please call 0115 907 2220.

- 1.23** Queries regarding Long Eaton, Sawley, Sandiacre, Ockbrook, Borrowash, Draycott and Risley please call 0115 907 **2210**.

- 1.24** You may also wish to contact the Health and Safety Executive. You can do this via the website, or alternatively the address of the East Midlands office is:

1st Floor  
The Pearson Building  
55 Upper Parliament Street  
NOTTINGHAM  
NG1 6AU  
Tel: 01159 712800  
Fax: 01159 712802



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**1.25** All telephone enquiries should be directed through [HSE Infoline](#) in the first instance.

### Policy

#### **POLICY EV20 - HAZARDOUS SUBSTANCES, HAZARDOUS INSTALLATIONS & MAJOR HAZARD PIPELINES**

A. THE COUNCIL WILL REFUSE PROPOSALS FOR DEVELOPMENT INVOLVING:

THE INTRODUCTION OF HAZARDOUS SUBSTANCES OR THE MODIFICATION OF EXISTING INSTALLATIONS HANDLING HAZARDOUS SUBSTANCES WHERE THEIR PRESENCE OR THE RESULTANT EXTENSION OF CONSULTATION ZONES MAY INHIBIT DEVELOPMENT IN THE VICINITY OF THE INSTALLATION.

B. DEVELOPMENT NEAR INSTALLATIONS HANDLING HAZARDOUS SUBSTANCES

PLANNING APPLICATIONS FOR DEVELOPMENTS NEAR NOTIFIED INSTALLATIONS HANDLING HAZARDOUS SUBSTANCES AND MAJOR HAZARD PIPELINES WILL ONLY BE PERMITTED WHERE THE COUNCIL IS SATISFIED THAT THERE WOULD NOT BE A SIGNIFICANT INCREASE IN THE POPULATION AT RISK OR THAT THERE IS NO REASONABLE ALTERNATIVE.





The table below shows a list of hazardous installations in Erewash Borough Council (other than notified pipelines, licensed explosives facilities and ports handling explosives).

Notes: Consultation distances are measured from site boundaries unless otherwise specified.

Site	Activity Status and Consents	Local Ref MSDU Ref CIS Ref EA	Hazard Quantity Notified (Estab Quantity)	Storage Type	Planning Authority Consultation Distance	OS Map Map Ref	COMAH Status
Castle Environmental Waste Treatment Centre Crompton Road Ilkeston Derbyshire DE7 4BG	Consents	No 78 CIS: 3230 EA: Nottingham	V toxic Toxic Waste <200te		No distance given – contact HSE	(129)	COMAH LT
Severn Trent Water Ltd	Deemed Consent	No. 16 HL/13/497	24 te Chlorine		750m	463319 SK 43SE	COMAH LT

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Site	Activity Status and Consents	Local Ref MSDU Ref CIS Ref EA	Hazard Quantity Notified (Etab Quantity)	Storage Type	Planning Authority Consultation Distance	OS Map Map Ref	COMAH Status
Church Wllne Water Treatment Works Draycott Road Sawley Long Eaton, NG10 3AZ		C1018 EA: Nottingham	(Etab 50 te)			SK43SW	
Severn Trent Water Ltd	Deemed Consent	No. 15 HL13/1088 C1017 CIS23594153	10 te Chlorine (in 1 tonne drums) [2]		500m	365408 SK 34 SE	Non COMAH





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Site	Activity Status and Consents	Local Ref MSDU Ref CIS Ref EA	Hazard Quantity Notified (Estab Quantity)	Storage Type	Planning Authority Consultation Distance	OS Map Map Ref	COMAH Status
Derwent Division Pumping station Alfreton Road Little Eaton Derby DE2 5DB		EA: Nottingham				(128)	
PW Defence Wilne Draycott Derbyshire	Explosive Site	XI/1111/4 09				SK 447315	

If you require this information in your language, please contact the Council using one of the below methods.

“જો તમારે આ માહિતીની તમારી પોતાની ભાષામાં જરૂર હોય, તો નીચેની પદ્ધતિઓમાંથી એકનો ઉપયોગ કરીને કાઉન્સિલનો સંપર્ક સાધો.”

如果您需要您自己语言的此信息，请通过以下方法之一与委员会联系。

“ਜੇ ਇਹ ਜਾਣਕਾਰੀ ਤੁਹਾਨੂੰ ਆਪਣੀ ਭਾਸ਼ਾ ਵਿਚ ਚਾਹੀਦੀ ਹੋਵੇ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਹੇਠ ਲਿਖਿਆਂ ਵਿੱਚੋਂ ਕਿਸੇ ਇੱਕ ਤਰੀਕੇ ਦੀ ਵਰਤੋਂ ਕਰਦੇ ਹੋਏ ਕੌਂਸਲ ਨਾਲ ਸੰਪਰਕ ਕਰੋ।”

“ اگر آپ کو یہ معلومات اپنی زبان میں درکار ہوں، تو براہ کرم درج ذیل میں سے کسی طریقہ استعمال کرتے ہوئے کونسل سے رابطہ کریں۔ ”



**0845 907 22 44**



**communications@erewash.gov.uk**



**Ilkeston Town Hall, Wharnccliffe Road, Ilkeston, Derbyshire DE7 5RP**

**Long Eaton Town Hall, Derby Road, Long Eaton, Derbyshire NG10 1HU**