

No.8	APPLICATION NO.	2021/0849/HSC
	LOCATION	Buffaload Gillibrands Road Skelmersdale Lancashire WN8 9TX
	PROPOSAL	Hazardous Substances Consent - Storage of liquefied natural gas.
	APPLICANT	Buffaload Logistics Ltd
	WARD	Skelmersdale North
	PARISH	Unparished - Skelmersdale
	TARGET DATE	1st September 2021

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme; however, Councillor Furey has requested it be referred to Planning Committee due to the nature of the application involving hazardous materials.

2.0 SUMMARY

- 2.1 Hazardous Substance Consent is sought under the Planning (Hazardous Substances) Regulations 2015 to store a controlled quantity of Liquefied Natural Gas (LNG) up to 18.5 Tonnes on the Buffaload Logistics site at Gillibrands Road. The HSE, as the Control of Major Accident Hazards (COMAH) competent authority, has concluded that there are no reasons to withhold consent based on safety grounds, as set out in the above Regulations. Having regard to the relevant policies within the Local Plan, and other material considerations, I am of the view there are no reasons to object to the application on planning policy grounds. Therefore, I recommend that Hazardous Substances Consent be granted subject to the conditions required by the HSE.

3.0 RECOMMENDATION: APPROVE with conditions.

4.0 THE SITE

- 4.1 The site is situated to the south of Gillibrands Road in Skelmersdale and is located in a strategic employment area known as Gillibrands Industrial Estate. The site is bound by the A5068 Glenburn Road to the east and the M58 to the south. Commercial and industrial buildings are situated to the north and west of the site.

5.0 THE PROPOSAL

- 5.1 Hazardous Substance Consent is sought under the Planning (Hazardous Substances) Regulations 2015 to store a controlled quantity of Liquefied Natural Gas (LNG) up to 18.5 Tonnes. It is proposed to create a new Bio Liquefied to Compressed Natural Gas (LCNG) storage and dispenser facility on site.
- 5.2 The site is operated by Buffaload Logistics and Facilities Fleet and the equipment will provide a dedicated facility for their fleet of vehicles that are based on the site. Liquefied natural gas (LNG) is natural gas that is cooled to a liquid state for shipping and storage. LNG trailers deliver the liquid fuel from an LNG terminal to the fuelling station. At the site of the fuelling station the LNG is stored in insulated tanks. The Biomethane supplied is a sustainable and renewable gas that has been produced from organic waste feedstocks such as food waste.
- 5.3 An LNG tank, associated saturation stack, control kiosk and dispenser will be located on an area of existing hardstanding to the rear of the site. The tank will measure 11.8m long

with a diameter of 2.5m. Its height including the mount will be 3.6m. The storage tank will have a capacity of 18.5 tonnes of LNG. The saturation stack is 6.8m high. The standalone kiosk will house the control equipment and measures 2.8m by 2.8m with a height of 2.3m.

5.4 A separate planning application has been submitted under reference 2021/0829/FUL.

6.0 PREVIOUS RELEVANT DECISIONS

6.1 2021/0829/FUL Pending Full planning permission for a bio liquefied to compressed natural gas storage and dispensing facility.

6.2 1998/0552 GRANTED Erection of single storey research building for testing of car polishes on vehicles.

7.0 CONSULTEE RESPONSES

7.1 Health and Safety Executive (HSE) (08.09.2021) No Objections

7.2 Environmental Health (09.09.2021) No Objections

7.3 Chorley Council (27.08.2021) – No Objections

7.4 St Helens Council (12.08.2021) – No Objections

7.5 Knowsley Council (10.08.2021) No Observations to make

7.6 Sefton Council (02.08.2021) – No Objections

7.7 Natural England (16.07.2021) – No Comment

7.8 British Pipeline Agency (12.07.2021)– No Comment

7.9 Network Rail (09.07.2021) No Comment

7.10 Sabic UK (09.07.2021) No Observations

7.11 Shell Pipeline (09.07.2021) – No affect to pipeline

7.12 The Coal Authority (9.07.2021) No Observations

7.13 Merseyside Fire and Rescue Service (09.07.2021) no objections given the size and location of tank.

8.0 OTHER REPRESENTATIONS

8.1 None Received

9.0 SUPPORTING INFORMATION

9.1 Planning Statement

10.0 RELEVANT PLANNING POLICIES

10.1 The Planning (Hazardous Substances) Act 1990, National Planning Policy Framework (NPPF) the West Lancashire Local Plan (2012-2027) DPD provide the policy framework

against which the development will be assessed. Additional guidance on hazardous substances and how they relate to the planning system is found in the MHC&LG guidance note dated 1st November 2019.

The site is allocated as a Strategic Employment Site known as Gillibrands Industrial Estate in the West Lancashire Local Plan 2012-2027 DPD.

West Lancashire Local Plan (2012-2027) DPD

SP1 – A Sustainable Development Framework for West Lancashire

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

EC1 - Strategic Employment Site

EN1 – Low Carbon Development and Energy Infrastructure

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Background

- 11.1 Hazardous Substance Consent (HSC) is required for the presence of certain quantities of hazardous substances. HSC is a key part of the controls for storage and use of hazardous substances which could, in quantities at or above specified limits, present an off-site risk. The hazardous substances consent procedure does not replace requirements under health and safety legislation. Hazardous substances consent provides control over the presence of hazardous substances whether or not an associated planning permission is required. However, in this case, a separate planning application has been submitted and is recommended for approval on this agenda (2021/0829/FUL).
- 11.2 Hazardous substances consent ensures that the risk to people in the vicinity or to the environment is taken into account before a hazardous substance is allowed to be present in a controlled quantity. The Control Of Major Accidents Hazards (COMAH) competent authority advises the hazardous substances authority (the LPA in this case) on the nature and severity of the risk to persons in the vicinity and the local environment arising from the presence of a hazardous substance and is a statutory consultee on all HSC applications. Consultation with the COMAH competent authority allows those making planning decisions to give due weight to the risks presented by major accident hazards when balanced against other relevant planning considerations. The COMAH competent authority is the Health and Safety Executive and Environment Agency acting jointly.
- 11.3 The NPPF provides guidance on the planning considerations in relation to hazardous substances. In setting out how the planning system should contribute to and enhance the natural and local environment, Paragraph 174 states that it should prevent both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of pollution or land instability. Paragraphs 183 to 185 directs that planning decisions should take into account risks arising.
- 11.4 Policy GN3 of the Local Plan requires development to minimise risk from pollution and contamination.

Assessment of risk

- 11.5 HSC is required for the amount of LNG proposed as the applicant believes the quantities are above the threshold set out in Schedule 1 of the Planning (Hazardous Substances) Regulations 2015. The HSE and EA have been consulted as COMAH competent authorities and HSE have assessed the risks to the current population in existing development surrounding the site resulting from the granting of Hazardous Substances

Consent. The application is for 18.5 tonnes of Liquefied Natural Gas (Schedule 1 Part 2 Entry 18) stored in 18.5 tonnes fixed horizontal tank.

- 11.6 It is the view of HSE that the risks to the surrounding population arising from the proposed operation(s) are so small that there are no significant reasons, on safety grounds, for refusing Hazardous Substances Consent. HSE has assessed the risk of harm from the maximum quantity of hazardous substances for which Consent is being sought. Risks which may arise from the presence of other substances have not been taken into account in this assessment. Furthermore, 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. Accordingly, HSE have advised that the applicant's attention should be directed to section 29 of the Planning (Hazardous Substances) Act 1990. This can be set out in a note to accompany the decision.
- 11.7 On the basis of the information provided, HSE 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. However, following Government advice that particulars in the application form do not automatically become conditions of consent, HSE advise it would be beneficial to include the following condition on any permission: *"The hazardous substances shall not be kept or used other than in accordance with the particulars provided on the application form, nor outside the areas marked for storage of the substances on the plans which formed part of the application (including 'Proposed layout', dated 10/06/2021).*
- 11.8 The HSE have determined that should the HSC be implemented, a consultation area, made up of a set of zones marked on a map, must be adhered to for the duration of the HSC and the consultation zone will be placed within the HSE's land use planning web app. This consultation area will be for relevant consultations under The Town and Country Planning (Development Management Procedure) (England) Order 2015.

Other planning considerations

- 11.9 The site is located within an allocated Employment Site currently occupied by Buffalo Logistics Ltd. The proposed storage of LNG is required for the wider operation of the business and its expansion and investment into a more environmentally sustainable form of goods transportation in the form of bio-gas powered trucks rather than the diesel HGV's used at present. The visual impact of the storage tanks as well as impacts on highways, neighbouring amenity and landscape have been assessed as part of planning application 2021/0829/FUL. The NPPF and policies GN3 and EN1 of the Local Plan both support the transition to a low carbon future. The Council supports environmentally sustainable development and I consider that the proposed use of Liquefied Natural gas will reduce the carbon footprint of the existing fleet of vehicles by introducing a more sustainable form of fuel. I am therefore satisfied that the HSC application complies with Policies GN1, GN3, EN3 and EC1 of the adopted West Lancashire Local Plan 2012-2027 DPD.

Summary

- 11.10 I am satisfied that as HSE, as the COMAH competent authority, has concluded that there are no reasons to withhold consent based on safety grounds as set out in the Regulations. Therefore, I recommend that consent should be granted for the application subject to the conditions required by HSE.

12.0 RECOMMENDATION

12.1 That Hazardous Substance Consent be GRANTED subject to the following conditions:

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:
Plan reference Site Location Plan received by the Local Planning Authority on 7th July 2021
Plan reference Site Layout Plan and Elevation Plan received by the Local Planning Authority on 25th June 2021
Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. The hazardous substances shall not be kept or used other than in accordance with the particulars provided on the application form, nor outside the areas marked for storage of the substances on the plans which formed part of the application (including 'Proposed layout', dated 10/06/2021 and received by the Local Planning Authority on 25th June 2021).
Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Reason for Approval

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

EC1 - Strategic Employment Site

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.