

Planning Committee

24 June 2015

Reference:
HSC/15/00088

Area Team:
South Team

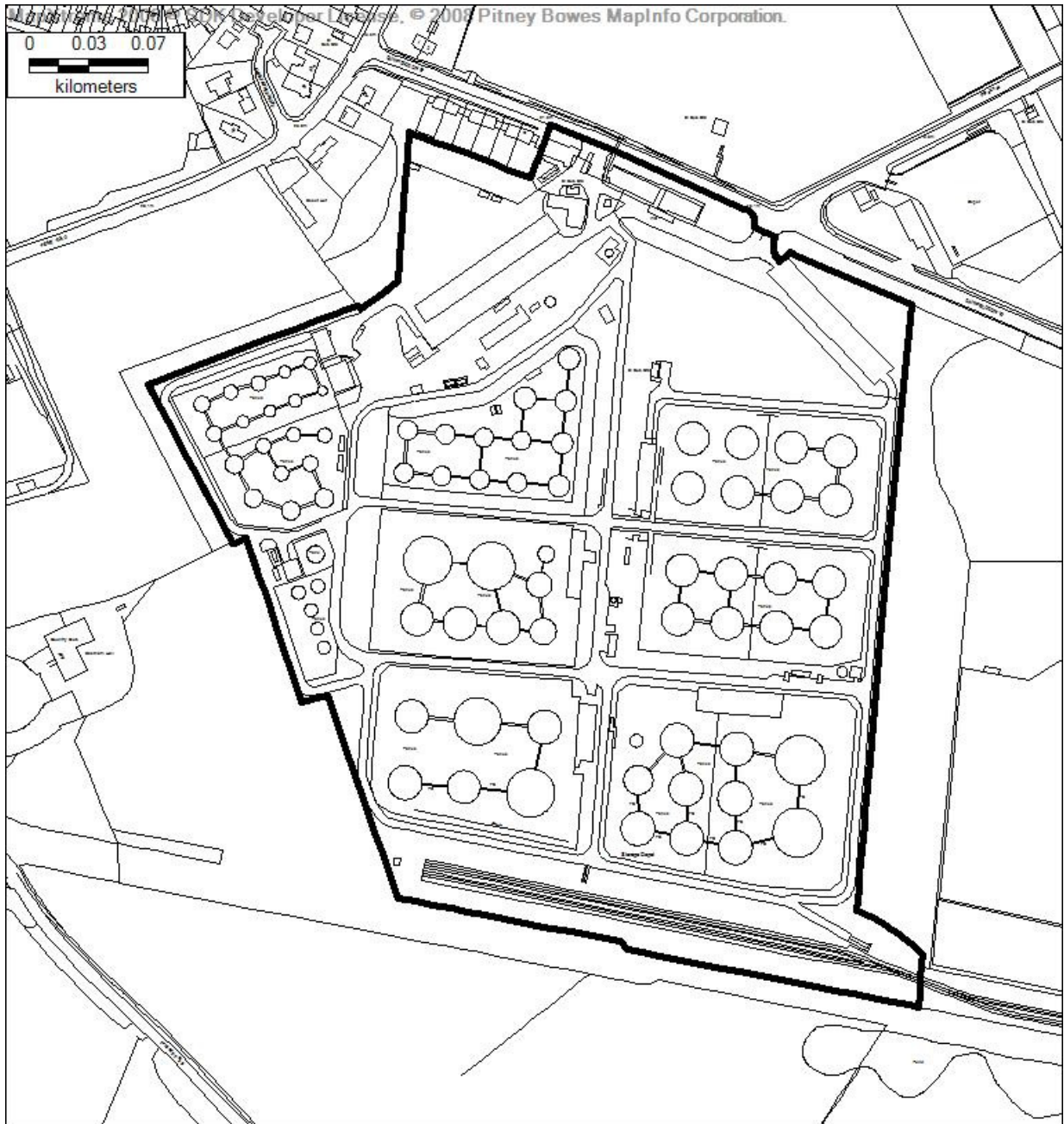
Case Officer:
Mrs C Parker

Ward:
Eastham

Location: NuStar Terminals Ltd Site 1, BANKFIELDS DRIVE, EASTHAM, CH62 0BA
Proposal: To increase Hazardous Substance Consent 14/00907 (A36a) storage from 17000 tonnes to 24064 tonnes

Applicant: NU Star Eastham Ltd
Agent : N/A

Site Plan:



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Development Plan allocation and policies:

The site has no designation on the Unitary Development Plan (UDP) Proposals Map
UDP Policy PO8 – Hazardous Installations and Substances is applicable.

Planning History:

- Location: NuStar Terminals Ltd Site 1 & 2, BANKFIELDS DRIVE, EASTHAM, CH62
0BA
Application Type: Hazardous Substances
Proposal: Application for Hazardous Substance Consent for the storage of a maximum
of 50,000 tonnes of substances falling within Part B10 (i) of the Planning
(Hazardous Substances) Regulations 1992 (as amended)
Application No: HSC/13/00190
Decision Date: 09/08/2013
Decision Type: Approve
- Location: Bankfield Drive, Eastham
Application Type: Full Planning Permission
Proposal: Garage for dry equipment storage
Application No: APP/74/01454
Decision Date: 21/11/1974
Decision Type: Approve
- Location: From roundabout south of 1408 New Chester Road, Eastham to Pump
House, Commercial Road Bromborough
Application Type: Full Planning Permission
Proposal: Application for a new permission to replace extant planning permission
08/05472 (for the installation of 2 no. cross country parallel pipelines from
roundabout at junction 4 of M53 motorway to Commercial Road,
Bromborough) in order to extend the period of implementation by a further
three years.
Application No: APP/12/00513
Decision Date: 29/11/2012
Decision Type: Withdrawn
- Location: Paktank Storage Co. Ltd., Banksfield Drive, Eastham, L620ba
Application Type: Full Planning Permission
Proposal: New electrical switchroom and new electrical work shop and stores
Application No: APP/75/03399
Decision Date: 19/11/1975
Decision Type: Approve
- Location: Unitank Storage Co. Ltd., Bankfield Drive, Eastham
Application Type: Full Planning Permission
Proposal: Change of use of land from agricultural to storage purposes.
Application No: APP/76/05774
Decision Date: 01/11/1976
Decision Type: Refuse
- Location: Unitank, Bankfield Drive, Eastham, L62 0AZ
Application Type: Advertisement Consent
Proposal: Display of illuminated symbol printed on side of one tank.
Application No: ADV/78/09589
Decision Date: 19/07/1978
Decision Type: Refuse
- Location: Unitank Storage Co. Ltd., Bankfield Drive, Eastham, L62 0AZ
Application Type: Full Planning Permission
Proposal: Change of use of agricultural land to storage purposes for provision of a

buffer zone to storage tanks
Application No: APP/81/19114
Decision Date: 29/10/1981
Decision Type: Refuse

Location: Unitank Storage Company, Bankfield Drive, Eastham, L62 0AZ
Application Type: Full Planning Permission
Proposal: Erection of rail loading gantry at existing rail sidings
Application No: APP/84/26135
Decision Date: 31/01/1985
Decision Type: Approve

Location: GATX, Bankfield Drive, Eastham. L62 0BA
Application Type: Hazardous Substances
Proposal: Deemed hazardous substances consent for storage of a liquid or any mixture of liquids which has a flashpoint of less than 21 degrees centigrade, (substance 71), in the established quantity of 464,544 tonnes.
Application No: HSC/92/06698
Decision Date: 03/12/1992
Decision Type: Approve

Location: NuStar Terminals Ltd Site 1, BANKFIELDS DRIVE, EASTHAM, CH62 0BA
Application Type: Hazardous Substances
Proposal: Addition of products in the groups A36 (b), (c), (d); and B10(i) storage locations to current Hazardous Substances consent HSC/13/00190 & HSC/2005/5471 under deemed consent due to changes in legislation following 1999, 2009, 2010 & 2014 amendments to 1992 planning regulations.
Application No: HSC/14/00907
Decision Date: 10/12/2014
Decision Type: Approve

Location: Gatx, Bankfields Drive, Eastham. L62 0BA
Application Type: Full Planning Permission
Proposal: Erection of an entrance porch.
Application No: APP/93/05042
Decision Date: 26/02/1993
Decision Type: Approve

Location: ST Eastham, Site 1 Bankfields Drive, Site 2 Power House Road, Eastham, Wirral, CH62 0BA
Application Type: Hazardous Substances
Proposal: Methanol storage (A20) in established quantity of 23,200 tonnes, Petrol storage (A32) in established quantity of 17,000 tonnes. Storage of substances in Categories B1, B2 in established quantities of 352,600 tonnes, categories B6, B8, B9 in established quantity
Application No: HSC/03/05034
Decision Date: 06/06/2003
Decision Type: Approve

Location: ST Eastham, Site 1, Bankfields Drive, Eastham, Wirral, CH62 0BA,
Application Type: Full Planning Permission
Proposal: Construction of new service yard access road, fuel filling apparatus and new gantry
Application No: APP/00/05744
Decision Date: 07/09/2000
Decision Type: Approve

Location: Kaneb Terminals Eastham, Site 1 Bankfields Drive, Site 2 Power House Road, Eastham, Wirral, CH62 0BA

Application Type: Hazardous Substances

Proposal: Methanol storage (A20) in established quantity of 27,200 tonnes, petrol storage (A32) in established quantities of 17,000 tonnes. Storage of substances in categories B1,B2 in established quantities of 352,600 tonnes, categories B6,B8,B9 in established qua

Application No: HSC/05/05471

Decision Date: 13/05/2005

Decision Type: Approve

Location: From roundabout south of 1408 New Chester Road, Eastham to Pump House, Commercial Road, Bromborough, Wirral, CH62 3NL

Application Type: Full Planning Permission

Proposal: Installation of 2no. cross country parallel pipelines from roundabout at junction 4 of M53 motorway to Commercial Road, Bromborough

Application No: APP/08/05472

Decision Date: 19/08/2009

Decision Type: Approve

Location: Panocean, Power House Road, Eastham. L62 0AZ

Application Type: Hazardous Substances

Proposal: Deemed Hazardous Substances Consent for storage of substances in the established quantities listed in tables A and B.

Application No: HSC/92/06029

Decision Date: 26/06/1992

Decision Type: Approve

Location: Gatx, Bankfields Drive, Eastham. L62 0AZ

Application Type: Full Planning Permission

Proposal: Erection of a stairway enclosure to existing stairway.

Application No: APP/94/05843

Decision Date: 04/07/1994

Decision Type: Approve

Location: ST Eastham, Site 1 Bankfields Drive, Site 2 Power House Road, Eastham, Wirral, CH62 0BA

Application Type: Hazardous Substances

Proposal: Methanol storage (A20) in established quantity of 20,500 tonnes, Petrol storage (A32) in established quantity of 17,000 tonnes. Storage of substances in Categories B1,B2 in established quantities of 352,600 tonnes, categories B6,B8,B9 in established quant

Application No: HSC/99/06831

Decision Date: 15/10/1999

Decision Type: Approve

Summary Of Representations and Consultations Received:

REPRESENTATIONS:

In line with the requirements of The Planning (Hazardous Substances) (Amendment) (England) Regulations, the applicant has confirmed that the proposal has been publicised in the local newspaper, and a notice placed on the land. 117 representations have been received objecting to the proposal due to:

1. Lack of consultation from Nustar
2. Nustar are concealing their intentions of the storage of chemicals
3. 30% increase is significant
4. Incompatible with Eastham Conservation Area
5. Safety issues
6. Traffic issues
7. Pollution issues

CONSULTATIONS:

Head of Environment and Regulation (Pollution Control Division) - No objection

The Health and Safety Executive has assessed the risks to the surrounding areas from the likely activities resulting from the granting of Hazardous Substances Consent and found there are no significant reasons, on safety grounds, for refusing Hazardous Substances Consent. **It should be noted this advice is given on the basis that all extant consents before HSC/14/00907 are now superseded by this consent.**

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

There has been 117 objections received to the proposal and under the provisions of the Council's Scheme of Delegation for Determining Applications, the application is therefore to be determined by the planning Committee.

INTRODUCTION

The application is for Hazardous Substance Consent to increase the storage of gasoline from 17000 tonnes approved under consent HSC/14/00907, to 24064 tonnes. The recent consent approved HSC/14/00907 was for the addition of products in the groups A36 (b), (c), (d); and B10(i) storage locations to current Hazardous Substances consent HSC/13/00190 & HSC/2005/5471 under deemed consent due to changes in legislation following 1999, 2009, 2010 & 2014 amendments to 1992 planning regulations.

PRINCIPLE OF DEVELOPMENT

The principle of development has been established through the grant of hazardous substance consent for earlier applications in this location. The current application must be assessed for compliance with UDP Policy PO8 – Hazardous Installations and Substances.

SITE AND SURROUNDINGS

The application site is an established chemical storage facility, located adjacent to the Estuary. The site offers storage to other parties, rather than storing for on-site processes. The surrounding land uses are mixed, predominantly industrial to the east with open land and residential development to the west.

POLICY CONTEXT

When dealing with applications for hazardous substance consent, s9 (2) of the Planning (Hazardous Substances) Act 1990 requires the Authority to have regard to any material considerations, in particular:

- (a) to any current or contemplated use of the land to which the application relates; .
- (b) to the way in which land in the vicinity is being used or is likely to be used; .
- (c) to any planning permission that has been granted for development of land in the vicinity; .
- (d) to the provisions of the development plan; and .
- (e) to any advice which the Health and Safety Executive have given.

Regulation 5 of Planning (Hazardous Substances) Regulations 2015 also requires applications to include details on how and where each substance is to be kept and used; how it is to be transported and on the measures to be taken to limit the consequences of a major accident.

The land in question was previously identified as part of the dock estate, however, it has no formal designation in the UDP as saved in 2007 following a direction issued by the Secretary of State. Included in the priorities for the settlement area set out in the emerging Core Strategy Policy CS7 is a strategy to maintain and provide attractive residential areas, to maximise the economic contribution of the employment areas including Eastham Dock Estate, and address the impact on HGVs and air quality in Eastham.

UDP Policy PO8 indicates that applications for hazardous substance consent will only be permitted when the Local Planning Authority are satisfied that the degree of off-site risk is within acceptable limits. Regard must be given to: the size and nature of the proposal, the type and volume of hazardous substance both on site and travelling to and from it, the nature of existing uses in the area especially the location of residential areas and where large numbers of people normally congregate, the likelihood of accident, the wider land-use implications of the proposal, and the proximity of surface and ground

waters.

No additional storage vessels are proposed, nor is consent being sought in parallel for any building works. The site has a consent for storage of significant quantities of substances in Parts A20, A32, B2, B6, B8, B9 and B10 (ii) - totalling nearly a million tonnes of storage. In this context, the volume involved is not considered to have potential to impact the wider area.

The Health and Safety Executive has not advised against the grant of Consent, and recommend conditions. Given this, it is considered that the requirements of UDP Policy PO8 are met.

APPEARANCE AND AMENITY ISSUES

The application is an amendment to a previous consent to increase the storage of gasoline by 6464 tonnes (from 17600 to 24064 tonnes) at Nustar Terminals. The area of the additional storage is within the same bunded area currently in use at the site.

There has been a significant amount of objection to the proposal with a lot of the letters following a standard format. There was a safety issue on the 1st March 2015 where an alarm sounded for 2 hours in the early hours of the morning and this raised concern of the local residents. The vast number of objections to this proposal have been received shortly after the incident. The applicant has confirmed that there was a malfunction and the company followed the Emergency Plan and the Off site Plan produced by the Merseyside Fire and Rescue Service. Other issues raised relate to an increase in the storage being significant and the close proximity to residential properties. The applicant has confirmed that the increase is less than previously allowed in the 1990's and that no further housing development has been built closer to the terminal since this time. There is a mix of uses including residential both within and out of the Conservation Area, which are located adjacent to the Oil Storage facility and the other established industrial uses in this area. In light of the previous consents that have historically been granted at the Terminal site and the fact that the Health and Safety Executive (HSE) do not advise against granting consent subject to conditions, it is considered that there are no significant reasons to refuse the consent. In addition, no built development is proposed, nor would the overall capacity of the site be altered to result in any appearance or amenity issues.

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.**

SEPARATION DISTANCES

Separation distances do not apply in this instance.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no highway implications relating to this proposal.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

The Health and Safety Executive, Environment Agency and the Head of Environment and Regulation have not advised against the grant of Consent, having assessed the risks to surrounding areas that might result from the granting of Consent. The HSE comments that the risks are so small that there would be no significant reasons on safety grounds for refusing Hazardous Substances Consent.

HEALTH ISSUES

Given the above, there are considered no health implications relating to this application.

CONCLUSION

The proposal is consistent with the provisions of UDP Policy PO8 and there is no significant reason on safety grounds for refusing Hazardous Substances Consent.

Summary of Decision:

Having regards to the individual merits of this application the decision to approve has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy. In reaching this decision the Local Planning Authority has considered the following:-

The proposal is consistent with the provisions of UDP Policy PO8 and there is no significant reason on safety grounds for refusing Hazardous Substances Consent.

Recommended Decision: **Approve**

Recommended Conditions and Reasons:

1. The Hazardous substance(s) shall not be kept or used other than in accordance with the particulars provided on the application form, nor outside the area(s) marked for storage of the substance(s) on the plans submitted with the application, drawing number 50/10/002, 53/10/001 received by the Local Planning Authority dated 21 January 2015

Reason: For the avoidance of doubt, to define the consent and in the interest of health and safety.

2. Storage of Part B2 toxic substance, or preparations, on either the Bankfields Drive or Powerhouse Lane Site, will be limited only to toxic liquids with a boiling point of greater than 75°C, and LC₅₀ 4 hour 'Rat' of greater than 0.5mg⁻¹

Reason: In the interest of health and safety

Last Comments By: 11/03/2015 08:47:24
Expiry Date: 18/03/2015