

<b>Planning Committee Report Item 5.5</b>	<b>22<sup>nd</sup> June 2016</b>
<b>PLANNING COMMITTEE</b>	

<b>Linkage to Council Strategy (2015-19)</b>	
<b>Strategic Theme</b>	Protecting and Enhancing our Environment and Assets
<b>Outcome</b>	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
<b>Lead Officer</b>	Shane Mathers
<b>Cost: (If applicable)</b>	N/a

# **ITEM 5.5**

**Old Bushmills Distillery, 2  
Distillery Road, Bushmills.**

**BT57 8XH**

**LA01/2015/0838/HSC**

**Hazardous Substance Consent**

**22<sup>nd</sup> June 2016**

<b><u>No:</u></b>	<b>LA01/2015/0838/HSC</b>	<b><u>Ward:</u></b>	<b>Giant's Causeway</b>
<b><u>App Type:</u></b>	<b>Hazardous Substance Consent</b>		
<b><u>Address:</u></b>	<b>Old Bushmills Distillery, 2 Distillery Road, Bushmills BT57 8XH</b>		
<b><u>Proposal:</u></b>	<b>Hazardous Substances Consent Application.</b>		
<b><u>Con Area:</u></b>	<b>n/a</b>	<b><u>Valid Date:</u></b>	<b>8 December 2015</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b>Agent:</b>	<b>JUNO Planning &amp; Environmental Ltd</b>		
<b>Applicant:</b>	<b>Bushmills Distillery</b>		
<b>Objections:</b>	<b>0</b>	<b>Petitions of Objection:</b>	<b>0</b>
<b>Support:</b>	<b>0</b>	<b>Petitions of Support:</b>	<b>0</b>

**Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://www.planningni.gov.uk)**

## **1 RECOMMENDATION**

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in section 7 and resolves to **GRANT** hazardous substance consent subject to the conditions set out in section 10.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The red line site includes an area of flat cleared land within the curtilage of the Old Bushmills Distillery. The site is accessed via the existing distillery entrance from the public road and the internal existing tarmac access route. The site is positioned beside warehouse number 17. There are 17 warehouses adjacent within the site on higher land to the east and south. These are used for storage of barrels of whiskey. The existing distillery main processing buildings are located within the curtilage to the south in the older buildings which have been

operating for a long time. There is a shop and museum provided for the public and walking tours within the distillery.

- 2.2 The site is positioned beside a small open watercourse. This watercourse provides the water source for the whiskey at a higher level further south. At this position of the watercourse the water is no longer entering the distillery, and is leaving the site to join the River Bush further north and then eventually go out to sea near Portballintrae. There is a monitoring station further north at the edge of the site whereby the watercourse is monitored for pollution. There is a mitigation dam/lagoon to the north east of the site whereby any flood waters or water needed for emergency is stored. The land rises to the east on which there are many warehouses. The land rises beyond this to the north where there is a nearby estate and mature trees. To the west there is an adjacent field and then west of this is the village built up area with houses. To the north there are neighbouring housing estates.
- 2.3 The character of the area is the existing industrial use by the Old Bushmills Distillery. The land is zoned in the Northern Area Plan 2016 as BSED 01. This is a committed site under the Area Plan for the Old Bushmills Distillery extension (2.64ha). The field adjacent to the west is zoned as BSED 03 which allows for any B class use set out in the Use Class Order.
- 2.4 The site is also within an area of archaeology potential as shown on the Northern Area Plan 2016. The site is also within the settlement limits of Bushmills as designated in the Northern Area Plan 2016.

### **3 RELEVANT HISTORY**

The Distillery is already classified as a Top Tier establishment under the Control of Major-Accident Hazards (COMAH) regulations operating with an existing Hazardous Substance Consent.

### **4 THE APPLICATION**

- 4.1 Hazardous Substance Consent is sought for a maximum aggregate quantity of hazardous substances of 76445.8 tonnes

which may include Alcohol, Heating Oil, Diesel and Liquid Petroleum Gas (LPG).

## **5.0 PUBLICITY & CONSULTATIONS**

### **5.1 External**

**Neighbours:** no objections

### **5.2 Internal**

**DOE NIEA:** Advise consultation with HSENI

**HSENI:** do not advise against the granting of planning permission.

**Fire service for Northern Ireland:** No comment.

## **MATERIAL CONSIDERATIONS**

6.1 Section 110—(1) of the Planning Act (Northern Ireland) 2011 states that, “Subject to the following provisions of this Act, where an application is made to a council for hazardous substances consent, the council, in dealing with the application, must have regard to any material considerations, and—

(a) may grant hazardous substances consent, either unconditionally or subject to such conditions as it thinks fit; or

(b) may refuse hazardous substances consent

6.2 The development plan is:

- Northern Area Plan 2016 (NAP)

6.3 The Regional Development Strategy (RDS) is a material consideration.

6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.

6.5 Due weight should be given to the development plan.

6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7.0 RELEVANT POLICIES & GUIDANCE**

The Northern area Plan 2016

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 4: Planning and Economic Development

Development Control Advice Note 12 Planning Controls for hazardous substances.

## **8.0 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the increase of the COMAH area.

### **Principle of development**

8.2 The site is located within the town boundary for Bushmills as defined by Northern Area Plan which is currently a COMAH site. The application for hazardous consent is being processed alongside another application for the new distillery. The application for the principle of a new distillery building has been assessed separately under LA01/2015/1015/O.

8.3 DCAN 12 guidance applies: Directive 96/82/EC on the control of major-accident hazards (the COMAH Directive) came into force on 3 February 1999 and supersedes the Seveso Directive. The aim of the Directive is to prevent major accidents which involve dangerous substances and to limit their consequences for man and the environment.

8.4 Hazardous Substances require the specialist skills and knowledge of HSE risk assessors to determine the potential risks and consequences from the hazardous substances in the Consent application. HSE provides the advice to the Council if they should grant consent and will also set a consultation distance, usually comprising three consultation zones (inner, middle and outer) which set out the risk contours and zones around the hazardous installation. This proposal will result in an increase to the consultation zone area.

## **Increase in COMAH area.**

- 8.5 The proposal is for hazardous substance consent for the storage of flammable liquid on site. The Industrial Pollution and Radiochemical Inspectorate (IPRI) is along with the Health and Safety Executive (NI) the joint Competent Authority for regulation of the Control of Major Accident Hazard Regulations (Northern Ireland) 2015. Old Bushmills Distillery, 2 Distillery Road, Bushmills is currently controlled as a top tier COMAH establishment under the above regulations. Under these regulations the Council must consult with the joint competent authorities. This process has been carried out and no objections have been raised in relation to the increase of the COMAH consultation area and to the granting of this consent based on the current developments surrounding the site.
- 8.6 However, the HSE does raise concern in relation to a current, yet undecided, application for a nursing home (E/2015/0056/F). As a nursing/care home falls within the highest sensitivity level within the HSE Planning Advice for Developments near Hazardous Installations guidance, the HSE would advise against the increase in the consultation distances as the occupiers of the nursing home i.e elderly/infirm/vulnerable people would have a greater problem evacuating the site in the case of an emergency.
- 8.7 That said, the land on which the new distillery is proposed, is on land zoned for Economic Development which is to be occupied by the distillery. The HSE has stated that if the nursing home application was refused, then it would not advise against the increase in the area which this HSC application seeks to achieve.
- 8.8 The HSE advises that the Hazardous Substances Authority (Council) can grant consent if planning approval is not forthcoming for planning application E/2015/0056/F. On balance, it is considered that the hazardous substance consent can be granted as this land is already zoned within the Plan for the use of the Distillery.
- 8.9 The greatest quantity of hazardous material handled on site is ethanol, which can be stored and handled as ethanol/water mixtures at various strengths and reflects what is already got

consent. This consent will now increase the consultation area north and west so increases the number of properties within the Old Bushmills Distillery consultation zones. This is predominately as a result of an increase of the outer zone.

- 8.10 The operator has produced a Safety Report detailing the major accident hazards, their potential effects on human health and the environment, the major accident scenarios and the control measures to prevent such accidents and limit their consequences.

## **9.0 CONCLUSION**

- 9.1 This Hazardous Substance Consent application will result in an increased area when consultation with the HSE is necessary. The HSE will provide advice, as it currently does, which will depend on the type of application and its sensitivity, and the distance from the Old Bushmills site and which consultation zone the application is in. There is a current application on an adjacent site for a nursing/care home and given this is a highly sensitive receptor, that this consent should be withheld. However, given current and proposed land uses, while having regard to zoned land in the Northern Area Plan, it appears that this consent can be granted if the nursing/care home did not receive planning approval. Approval is recommended.

## **10 Conditions:**

- 10.1 1. The maximum aggregate quantity of hazardous substances, including Alcohol, Heating oil, Diesel and Liquid Petroleum Gas (LPG) that may be present:-
- (a) on, over or under the land to which this consent relates;
  - (b) on, over or under the other land which is within 500 metres of it and controlled by the same person; or
  - (c) in or on a structure controlled by the same person any part of which is within 500 metres of it; at any one time shall not exceed 76445.8 tonnes.

Reason: In the interests of public safety and to enable the Planning Authority to retain control over the intensity of site usage.



2. The hazardous substance shall only be present in the approved vessels at the location shown on drawing No. 02(Rev.02) which was received on 15<sup>th</sup> February 2016.

Reason: In the interests of public safety and to enable the Planning Authority to retain control over the intensity of site usage.