

Planning Committee Report LA01/2018/1325/HSC	17th April 2019
PLANNING COMMITTEE	

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

<u>No:</u>	LA01/2018/1325/HSC	<u>Ward:</u> Giant's causeway
<u>App Type:</u>	Hazardous Substance Consent.	
<u>Address:</u>	Old Bushmills Distillery, 2 Distillery Road, Bushmills	
<u>Proposal:</u>	OBD seeks permission to store a total of 70, 697.4 tonnes of hazardous substances at its premises at Distillery Road, Bushmills.	
<u>Con Area:</u>	N/A	<u>Valid Date:</u> 26.10.2018
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u> 12.02.2018
<u>Agent:</u>	Juno Planning and Environmental Ltd.	
<u>Applicant:</u>	Old Bushmills Distillery	
<u>Objections:</u>	0	<u>Petitions of Objection:</u> 0
<u>Support:</u>	0	<u>Petitions of Support:</u> 0

Drawings and additional information are available to view on the Planning Portal- 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 & 8 and resolves to provide **CONSENT** subject to the conditions and informatives set out in section 10.

2 SITE LOCATION & DESCRIPTION & CHARACTER OF AREA

- 2.1 The application site consists of an area of flat vacant land behind the existing main 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 adjacent to warehouse number 17. There are multiple warehouses adjacent within the site on higher land to the east and south. These are used for the storage of barrels of the whiskey manufactured on the site. The existing distillery main processing buildings and listed buildings are located within the curtilage to the south and these have been operating for hundreds of years. There is an associated shop and museum provided for the public and walking tours within the distillery.
- 2.2 The proposed site is within an area of land which is not open for the public to enter. The site is positioned beside the external barrel storage area which will be moved to an area of land in the south west of the new proposed distillery. A stream enters the main distillery site from the south which provides the main water element for the manufacturing of the whiskey and there is associated monitoring equipment at entry and also exit from the site. There is a mitigation dam/lagoon to the north east of the site whereby any flood waters or water needed for emergency is stored.
- 2.3 The land rises gradually to the east on which there are multiple warehouses. The land also rises beyond this to the north and north east where there is a nearby country house and estate land which is screened by long established mature trees and vegetation. To the west of the proposed site the land gently rises to nearby residential development and a church,

graveyard and associated carpark which are all accessed via the main street in the village. To the north of the distillery lands there is a long established neighbouring housing estate.

- 2.4 The land is zoned on 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 all of Use Class B under the Use Class Order.
- 2.5 The site is also within an area of archaeology potential as shown on the Northern area Plan 2016. The site is also within the village limits of Bushmills as shown on the Northern area Plan 2016.
- 2.6 The character of the area is the existing industrial use by the Old Bushmills Distillery.

3 RELEVANT HISTORY

- 3.1 LA01/2015/1015/O. Old Bushmills Distillery 2 Distillery Road, Bushmills. Proposed new distillery facility including boiler house and cooling equipment. **Granted** 23/06/2016.
- 3.2 LA01/2015/0838/HSC. Old Bushmills Distillery 2 Distillery Road, Bushmills. Hazardous Substance Consent. **Consent** 23/06/2016.

4 THE APPLICATION

- 4.1 Proposed Hazardous Substance Consent.

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours:** notified according to procedure

No objections received

Internal:

- 5.2 Health and Safety Executive N.I. (HSENI): No objections.
NIEA IPRI: No objections.
N.I. Fire & Rescue Service: No objections.

6 MATERIAL CONSIDERATIONS

- 6.1 The Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 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 relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The Northern area Plan 2016

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 4: Planning and Economic Development

8 CONSIDERATIONS & ASSESSMENT

Principle

8.1 The principle of a new distillery and Hazardous Consent is already established on the Old Bushmills Distillery site, see relevant history under paragraph 3.1 above. However, as this is a new application to update the Hazardous Consent, the full details of the proposal will now be assessed against current plan and policy.

8.2 The Northern Area Plan 2016 states on page 184 of Volume 2 under Economic Development, that any proposals on the economic site of the Old Bushmills Distillery will be assessed in line with prevailing regional planning policy, currently contained in PPS 4: Planning and Economic Development.

8.3 The proposed site is zoned within the Northern Area Plan 2016 the following apply:

Area of Archaeological Potential: Historic Environment Division have been consulted and have no objections.

Within Settlement Development limits: presumption in favour of development.

Land zoned for Economic Development under policy BSED 01: This is a committed site for the extension of the Old Bushmills Distillery to the northern area (2.64 ha.) Therefore as this site is committed for the extension of the Distillery, no other use may be allowed as per Policy PED 7 of PPS 4.

The Northern Area Plan 2016 states on page 184 of Volume 2 under Economic Development, that any proposals on the economic site of the Old Bushmills Distillery will be assessed in line with prevailing regional planning policy, currently contained in PPS 4: Planning and Economic Development.

- 8.4 Policy PED 7 of PPS 4 applies for the retention of zoned land. Development that would result in the loss of land or buildings zoned for economic development use in a development plan to other uses will not be permitted. In this instance the proposal complies with this policy test as the applicant is Bushmills Distillery and the proposal is for a distillery building and the extension of the existing business. Therefore the proposal safeguards the policy PED 7.
- 8.5 The application for hazardous consent is being processed alongside another application for the new distillery. The application for the new distillery building has been assessed separately under Policy PED 9 of PPS 4: General Criteria for Economic Development and complies with the tests of this policy.
- 8.6 Under Policy PED 9 General criteria for Economic Development-Justification: Hazardous Substances: It states in addition to planning permission some industrial developments may also require consent under the Planning (Hazardous Substances) Regulations (Northern Ireland) 1993, as amended by The Planning (Control of Major-Accident Hazards) Regulations (Northern Ireland) 2000.
- 8.7 This legislation allows the Planning Authority to consider whether the proposed storage or use of a significant quantity of a hazardous substance is appropriate in a particular location, having regard to the risks arising to persons in the surrounding area and the wider implications for the community. Consent is also required where a hazardous substance is introduced onto a site, or used differently within it, without there being any associated development requiring planning permission. Detailed guidance on these matters is currently contained in Development Control Advice Note 12 – Planning Controls for Hazardous Substances, published by the Department in May 2000. The application for hazardous consent complies with the stated regulations above. HSENI have been consulted as they are the competent authority and they have no objections.
- 8.8 DCAN 12 guidance applies: Directive 96/82/EC⁵ 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.

- 8.9 The COMAH Directive is implemented in Northern Ireland by the Control of Major Accident Hazards Regulations (Northern Ireland) 2000¹. These Regulations place a duty on operators subject to the Regulations to notify the Competent Authority that is the body responsible for enforcing the Regulations, of their activities. For all hazardous substances including explosives, the Competent Authority will be the Health and Safety Executive for Northern Ireland (HSENI). HSENI have been consulted on this application for consent and have no objection to the granting of consent.

9 CONCLUSION

- 9.1 Having taken into account the expert advice from the competent consultees listed, the proposed granting of consent is considered acceptable in this location having regard to the regulations, Area Plan and other material considerations. The consent is for a development which is an appropriate use of the land and is acceptable in terms of its layout and appearance. Recommend approval with conditions.

10 CONDITIONS/ INFORMATIVES

10.1 Regulatory Conditions:

1. The maximum aggregate quantity of hazardous substances, including Alcohol, Heating oil, Diesel and Liquid Petroleum Gas (LPG) that may be present at the site outlined in red on Drawing No. 02 dated 26/10/18 at any one time shall not exceed 70,697.4 tonnes.

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

INFORMATIVES

10.2 Informatives:

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Planning authority or other statutory authority.
4. N.I.Fire and Rescue Service considers the following measures are relevant for the preparation of the planning application. Measures in the event of fire or other emergency in relation to:
 - 1 the provision of means of escape;
 - 2 the provision of a free flowing exiting system;
 - 3 the means of securing the means of escape;
 - 4 giving warning in the event of fire;
 - 5 prevent false alarms;
 - 6 reduce the risk of fire;

- 7 reduce the risk of spread of fire;
- 8 the means of extinguishing fires;
- 9 the means of detecting fires;
- 10 limit damage to the environment;
- 11 the provision of access routes and vehicle hardstanding areas for fire appliances; and
- 12 the provision of facilities for firefighting, including water supplies; fire mains, firefighting shafts, operating mechanisms, smoke venting and compartmentation.

NIFRS would wish to ensure that the design demonstrates compliance with the Fire Safety requirements of Building Regulations (Northern Ireland) Technical Bulletin E, or by an alternative way of demonstrating compliance.

Suitable and sufficient facilities, access and water supplies for the Fire & Rescue Service should feature as a distinct element of the design, be provided during construction and then be maintained after the completion of the facility.

During the construction phase and then following construction, NIFRS would wish to be provided with details on the facilities, access and water supplies and be provided with a site layout plan showing these for emergency planning purposes.

The above premises will become “relevant premises” as defined by The Fire and Rescue Services (Northern Ireland) Order 2006 and The Fire Safety Regulations (Northern Ireland) 2010. NIFRS is the enforcing authority and carries out audits of relevant premises to ensure compliance.

The legislation requires owners, occupiers and persons responsible for premises to carry out a Fire Risk Assessment and to consider the risk from fire to employees, persons legally in the premises and others who may be affected by what takes place in the premises. The significant findings of the risk assessment must be recorded. Risk must be reduced as far as reasonably practicable and general fire precautions put in place to deal with any remaining risks. Appropriate emergency procedures in the event of fire must be developed with training provided for employees. The risk assessment must be reviewed periodically or after significant changes in the workplace.