

AMBER VALLEY DISTRICT COUNCIL

EPC-UK

REPRESENTOR'S ID – PSLP 134

Matter 11

Environment

May 2018



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CONTENTS

SECTION 1	INTRODUCTION
SECTION 2	SECTION 2 – MATTER 11 ENVIRONMENT

SECTION 1 INTRODUCTION

- 1.1 **Instructions:** These representations have been prepared by Leith Planning Limited on behalf of EPC-UK; attention has been focussed on those aspects of the Inspectors Matters, Issues and Questions which impact on the site known as Rough Close Works, Carnfield Hill.
- 1.2 **The Site:** EPC-UK has for many years operated as a major hazard site for the manufacture of explosives at Rough Close Works, Carnfield Hill, South Normanton. In circumstances where Rough Close Works is an integral part of EPC-UK's operations and the national explosives industry as a whole, as well as being an important local employer, we wish to protect the site from encroachment and to protect the safety of the local community.
- 1.3 **Invitation:** Leith Planning Ltd made representations to the Proposed Submission Draft Local Plan on the 6th December 2017, in addition to submissions made on earlier drafts of the Plan since 2010. Following the submission of our representations to the Submission draft we were invited by Mr Derek Stafford of Amber Valley Council to meet with him to discuss our representations and review whether there was a way forward which would satisfy both parties. I can confirm that a meeting took place at the council offices in Ripley on the 11th January 2018 to discuss the policy framework as it relates to Rough Close Works.
- 1.4 At the meeting we set out the need to protect the site from unacceptable development encroachment and the impact new development could have on the long term viability of Rough Close Works. We set out the work which had been undertaken with Bolsover Council (the neighbouring authority within which Rough close is located) on their emerging Local Plan and the nature of the agreed draft Policy. Mr Stafford suggested that there may well be merit in the interests of the Duty to Co-Operate to replicate relevant parts of the agreed Bolsover policy within the Amber Valley Local Plan and therefore requested a copy of the draft Policy and an updated plan of the site with the associated consultation zones.
- 1.5 Following the meeting the papers and documentation requested by Mr Stafford were provided to him by the 28th February 2018. It was understood that upon receipt Mr Stafford would review the draft policy framework and propose a potential modification to the plan with a view to addressing our representation.
- 1.6 Following receipt of the notification from the Programme Officer of the Examination Hearing timetable and associated Inspectors Matters and Questions on the 1st May 2018 we contacted Mr Stafford for an update on the proposed Modification. It can be confirmed that the draft modifications were only received on the 9th May 2018.

- 1.7 **Statement Content:** This statement deals with the relevant Matters, Issues and Questions raised by the Inspector for Matter 11, as they relate to the protection of the long term viability of Rough Close Works to operate as a major hazard site, and in relation to the need to protect the community from unnecessary risk.

SECTION 2 MATTER 11 ENVIRONMENT

2.1 In preparing these further submissions due regard has been paid to the content of our earlier representations and more specifically the Inspector's Schedule of Matters, Issues and Questions with particular attention being made to the following, namely:

vii). Should reference be made in a policy to the consultation zones for hazardous substances shown on the Policies Map?

2.2 **Comment:** As drafted the Amber Valley Local Plan is unsound in relation to the protection and operation of hazard sites. The generic policy provides our clients with minimum protection from unacceptable encroachment, and does not allow land owners and developers clear guidance on the forms of development which may or may not be acceptable in close proximity to hazard sites.

2.3 We remain of the view that in the interests of both our clients, the Council and the local community that amendments should be made to draft policy EM14 to provide clarity on development around hazard sites and that such provisions would be justified and would result in a Plan which is unambiguous and coherent. Inclusion of the consultation zones associated with hazard sites on the Proposals Map would provide clarity and ease of reference for those affected by the designations, and would provide suitable and appropriate context for the associated draft policy. If the generic policy for hazard sites is adopted in its current form, and without inclusion of the consultation zones on the Policies Map there are legitimate concerns that the Plan would be incoherent and unduly complex making it difficult for applicants to understand the policy constraints relevant to their site and proposal.

2.4 In drafting these representations due regard has been paid to the proposed plan modifications in relation to draft Policy EM14 which are being proposed by the Council and which are understood to read as follows:

"EN14

Within the consultation or safety zones of a site which involves the manufacture, storage, use, or transport of hazardous substances, including as shown on the Policies Map, any development proposals will be not be permitted if there would be an increased risk or consequences of major accidents and/or if the proposals would undermine the viability of the existing business or operation within the site.

11.9 Hazardous Substances

11.9.1 The Borough Council is required to have regard to the prevention of major accidents and limiting their consequences in its Local Plan. There are a number of existing hazardous installations, either within or in close proximity to Amber Valley where it is important that the risk to human health is not increased. These currently include installations at Cotes Park, Somercotes; Amber Business Centre, Riddings and Rough Close Works (within Bolsover district). There is also a need to consider the potential impact on the operational viability of the existing businesses at these installations, when considering any development proposals within the existing consultation or safety zones around the installations.

11.9.2 The Health and Safety Executive and the operators of the hazardous substances installations will need to be consulted on any development proposals within the relevant consultation or safety zone around the installations.”

- 2.5 It is our view that the modifications being proposed would secure compliance with the provisions of the National Planning Policy Framework, would address our earlier objections to the Plan and would ensure a sound Plan which will best protect the local community and the future viability of our clients site.