

HAZARDOUS SUBSTANCES CONSENT

PLANNING (HAZARDOUS SUBSTANCES) ACT 1990 PLANNING (HAZARDOUS SUBSTANCES) REGULATIONS 1992

Hazardous substances consent application for natural gas refuelling station at East Midlands Gateway Development at East Midlands Gateway Development Ashby Road Castle Donington

In pursuance of its powers under the Planning (Hazardous Substances) Act 1990 and Planning (Hazardous Substances) Regulations 1992 North West Leicestershire District Council hereby grants Hazardous Substances Consent for the above development in accordance with the application and plans submitted subject to and as may be modified by the following conditions:

- 1 The hazardous substances shall not be kept or used other than in accordance with the particulars provided on the amended application form, received by the Local Authority on the 13th February 2020, nor outside the areas marked for storage of the substances on the plans which formed part of application (including drawing numbers C130 Revision P3 (Substance Location Plan - Phase 3) and C131 Revision P3 (Substance Location Plan - Phase 1 & 2) both received by the Local Authority on the 13th February 2020).

Reason: To define the scope of this consent and for the avoidance of doubt.

- 2 The consent, hereby granted, is on the condition that an effective management system is in place for controlling access of the public to the facility that includes suitable signage and a competent person to escort members of the public off the site.

Reason: In the interests of health and safety.

INFORMATIVES :-

- 1 The applicants attention is drawn to Section 29 of the Planning (Hazardous Substances) Act 1990. This makes it clear that nothing in any consent granted can require or allow the building or operation of an establishment which does not comply with the relevant statutory provisions and to the extent that any consent purports to require or allow any such thing is void.

Your attention is drawn to the enclosed notes.

J Mattley

James Mattley
Planning & Development Team Manager
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NOTE TO APPLICANT

□ **THIS IS A PLANNING PERMISSION ONLY.** Separate approvals or consents may be required for the following:-

- **Building Regulations.** Approval is required for new buildings, extensions, some internal alterations and certain changes of use. Work must not commence until Building Regulation Approval has first been obtained. If in doubt contact the District Council offices.
- **Listed Buildings.** It is an offence to alter or demolish any part of a Listed Building without first having obtained Listed Building Consent. This includes fixtures, walls and structures within the curtilage. If in doubt contact the District Council offices.
- **Demolition of Buildings in Conservation Areas.** It is an offence to demolish a building or part of a building (with some minor exceptions within a Conservation Area) or to demolish any part of a wall which is over 1m in height which abuts a highway or which is over 2m in height in any other case.
- **Formation of Vehicular Access and Works within Highways.** Consent is required from the Local Highway Authority before any works may be carried out within the limits to the public highway, including verges. In the Coalville area, please apply to the Manager of Technical and Contracting Support, Council Offices, Coalville. Elsewhere in the district, to the County Council Western Divisional Surveyor, Kilwardby Street, Ashby de la Zouch.
- **Stopping up or Diversion of Footpaths.** It is an offence to stop up or divert a statutory public footpath. Maps showing all statutory paths are available for inspection at the District Council Offices. (Central Support). Applications to stop up or divert a footpath may be made to either the District Council or County Council.

• **APPEALS TO THE FIRST SECRETARY OF STATE.**

- If you want to appeal against your local planning authority's decision to grant permission subject to conditions then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>
- **The First Secretary of State** can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- **The First Secretary of State** need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- **In practice**, the First Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

□ **PURCHASE NOTICES.** If either the local planning authority or the First Secretary of State refuses permission to develop land or grants subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

- **In these circumstances**, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

• **SCREEN WALLS AND FENCES: SAFETY AND STABILITY.** The developer should ensure that any screen wall or fence proposed in the application, or required by planning condition, is designed and constructed to ensure structural stability, particularly in high winds. Felt damp-proof courses should not be used in free standing walls.

• **SHOPS, OFFICES, FACTORIES, EDUCATIONAL BUILDINGS AND BUILDINGS TO WHICH THE PUBLIC ARE ADMITTED: ACCESS AND PROVISION FOR DISABLED PERSONS.** The Local Planning Authority is required to bring your attention the requirement of the Chronically Sick and Disabled Act 1970 (Sections 4, 6, 7, 8 and 8A) requiring the provision of access facilities, car parking and toilets for the disabled and the provision of signing indicating what provision has been made for disabled persons within the building. Your attention is also drawn to the Code of Practice, BS5810 : 1979, "Access for the Disabled to Buildings" available from the British Standards Institution, 2 Park Street, London, W1A 2BS. (Tel: 020 7629 9000) and (in so far as educational buildings are concerned), to Design Note 18 "Access for the Physically Handicapped to Educational Buildings".

The buildings to which these requirements apply are:-

- a) Buildings to which the public are to be admitted to which Section 4 of the Chronically Sick and Disabled Persons Act 1970 applies.
- b) Office, Shops and Railway Premises as defined in the Offices, Shops and Railway Premises Act 1963 or premises deemed to fall within that Act.
- c) Factories as defined by Section 175 of the Factories Act 1961.
- d) Educational buildings as defined by Section 29B of the Disabled Persons Act 1981.

□ **LIMITATIONS ON STORAGE BUILDINGS : LEICESTERSHIRE ACT 1985 - SECTION 53.** You are advised that if more than 7,000 cubic metres of space in any building is used for storage purposes, the requirements of Section 53 of the Leicestershire Act 1985 come into effect. This enables the District Council to require the subdivision of buildings or (as is more likely) to require fire detection/precaution/extinguishment measures to be incorporated. You are advised to seek advice from Building Control before proceeding with any such use.

