



**REVOCATION OF HAZARDOUS SUBSTANCES CONSENT FOR  
LITCHURCH GAS HOLDERS SITE, DEADMANS LANE,  
REF:DER/11/92/01288**

**SUMMARY**

- 1.1 This report is to seek Members approval for revocation of an extant Hazardous Substances Consent for the Litchurch gas holders site, Deadmans Lane, under Section 14 (2) c) of the Planning (Hazardous Substances) Act 1990. Before the order to revoke the consent takes effect, it must be confirmed by the Secretary of State.
- 1.2 The Hazardous Substances Consent on the gas holders site, ref: DER/11/92/1288 is for the reception, storage and distribution of natural gas, of up to 250 tonnes in quantity. The two gas holders are no longer used for the storage of natural gas and they have been de-commissioned and mothballed by the operator National Grid plc, since 2001. National Grid is the site owner and has confirmed that the Hazardous Substances Consent is no longer required for the Litchurch site.
- 1.3 The Health and Safety Executive (HSE) maintain records of sites with Hazardous Substances Consent and they use this information to designate consultation zones around such sites, which store hazardous substances. For the Litchurch site, there are Inner, Middle and Outer Consultation Zones around the compound, for which consultation with the HSE is required for planning applications for certain types of developments. Where development proposals are within these zones, the HSE considers the potential for major accidents to occur at an installation containing hazardous substances, which could have risks to people using development in the vicinity of the potentially hazardous site. Whilst the Hazardous Substances Consent is in place, the HSE will maintain the consultation zones and they would continue to be consulted on relevant development applications.
- 1.4 The continuation of this Hazardous Substances Consent is inhibiting the development potential of land in this part of Pride Park, which is affected by the designated consultation zones. The recently approved application ref: DER/12/11/01496, for multi-use arena, is affected by the Litchurch consultation zones and the HSE have advised that they would not object to the development on safety grounds, provided that the development is not brought into use until the Hazardous Substances Consent for Litchurch Gasholders has been revoked. This is to be secured by a condition of the planning permission.
- 1.5 The revocation of the consent, under the provisions of the Planning (Hazardous Substances) Act 1990, would mean that the consultation zones affecting development proposals in the vicinity of the Litchurch site are removed. As a result there would no longer be a requirement to consult with the HSE on such developments, effectively lifting a constraint on developing land around the former hazardous site.

## RECOMMENDATION

- 2.1 To authorise the Director of Legal and Democratic Services to make an order under Section 14 (2) of the Planning (Hazardous Substances) Act 1990, to revoke Hazardous Substances Consent, ref:DER/11/92/1288, for the Litchurch gas holders site, Deadmans Lane.
- 2.2 To seek confirmation of the Secretary of State to the making of such an order.

## REASONS FOR RECOMMENDATION

- 3.1 There is no longer a requirement for continuation of Hazardous Substances Consent on the Litchurch site. There has not been storage of the consented substance on the site for at least five years.

## SUPPORTING INFORMATION

- 4.1 Attached Plan – Redline shows extent of Hazardous Consent Site.

## OTHER OPTIONS CONSIDERED

- 5.1 Not to revoke the Hazardous Substances Consent, ref:DER/11/92/1288, would continue to place constraints on development potential of land affected by the consultation zones around the Litchurch site, due to need to consult with HSE on any planning applications. It would also mean that the recently approved Arena could not be occupied.

This report has been approved by the following officers:

<b>Legal officer</b> <b>Financial officer</b> <b>Human Resources officer</b> <b>Service Director(s)</b> <b>Other(s)</b>	
---	--

<b>For more information contact:</b> <b>Background papers:</b> <b>List of appendices:</b>	Paul Clarke 01332 255942 e-mail paul.clarke@derby.gov.uk None Appendix 1 – Implications
---	---

<b>IMPLICATIONS</b>
---------------------

**Financial and Value for Money**

- 1.1 The site owners have confirmed that they have no objections to the consent being revoked. As the revocation order is being made under Section 14 (2) of the Planning (Hazardous Substances) Act 1990, there is no eligibility for compensation to be payable to the site owner.

**Legal**

- 2.1 None.

**Personnel**

- 3.1 None.

**Equalities Impact**

- 4.1 None.

**Health and Safety**

- 5.1 None.

**Environmental Sustainability**

- 6.1 None.

**Asset Management**

- 7.1 None.

**Risk Management**

- 8.1 None.

**Corporate objectives and priorities for change**

- 9.1 None.

