



**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/21/2261/0H1
2.	Proposed Development:	HAZARDOUS SUBSTANCES CONSENT : APPLICATION FOR EXPRESS CONSENT FOR THE RELOCATION OF DIESEL FUEL INTO NEW TANKS
3.	Location:	SELLAFIELD SITE, SEASCALE
4.	Parish:	Ponsonby, Seascale, Beckermest with Thornhill
5.	Constraints:	<p>ASC;Adverts - ASC;Adverts,</p> <p>Flood Area - Flood Zone 2, Flood Area - Flood Zone 3,</p> <p>Safeguard Zone - Safeguard Zone,</p> <p>Coal - Off Coalfield - Data Subject To Change,</p> <p>Gas Pipeline - Northern Gas Pipeline - 135m buffer,</p> <p>DEPZ Zone - DEPZ Zone,</p> <p>Preferred Route Corridor - Within Preferred Route Corridor</p>
6.	Publicity Representations &Policy	See Report
7.	<p>Report:</p> <p>Site and Location</p> <p>Sellafield is an existing licensed nuclear site situated on the west coast of Cumbria. It is highly industrialised covering an area of approximately 6km square and accommodating over 1300 buildings of varying sizes. Vehicular access is via the A595T at Blackbeck, Calderbridge and Seascale.</p> <p>Whilst the site does not benefit from any sensitive designations it is situated circa 3km away from the boundary of the Lake District National Park to the east which is a UNESCO World Heritage site.</p> <p>The application site lies within eastern quadrant of the Sellafield site.</p> <p>The Proposal</p> <p>The applicant, Sellafield Ltd, operate a number of processes on the Sellafield Licensed nuclear site which involve the storage and use of hazardous substances.</p>	

Express consent is sought under the Planning (Hazardous Substances) Regulations 2015 (as amended by the Planning (Hazardous Substances) (Amendment) 2017) to relocate/ diesel fuel already stored on the Sellafield site into new tanks which were commissioned in association with the CHP Plant at Fellside. This is one of two applications currently pending for Hazardous Substances Consent (HSC) approval in relation to the site.

Diesel has been stored and used on the site for many years, there will be minimal change to the quantities involved with the proposal being to relocate it into the new storage facilities.

It is the role of the Local Planning Authority in such instances to assess the degree of risk the relocation, storage and use of this substance poses to the surrounding community. The system is designed to ensure such a substance can be stored and used in significant amounts on the Sellafield site without posing a major off site risk to the public/ local community.

Relevant Planning History

The new tanks which the diesel is to be relocated into were approved as part of the development associated with the Steam Generation Plant (SGP) (planning references 4/17/2256/OF1 and 4/20/2044/OF1 refer). The relocation of the substance per se does not in itself constitute development under the planning legislation.

Consultations

Ponsonby Parish Council

No objection, support the application.

Seascale Parish Council

No objection

Beckermeth with Thornhill Parish Council

No comments received.

Gosforth Parish Council

Comments awaited.

ONR

Do not advise against the development.

HSE

They are the Competent Authority and the key consultee for this HSC. In summary HSE has concluded that the risks to the surrounding population arising from the proposed operation(s) are so small that **there are no significant reasons, on safety grounds, for refusing Hazardous Substances Consent** subject to specified conditions.

EA

The Environment Agency are aware of these proposals and have no comment to make.

CCC Resilience Unit

No objections.

Natural England

No comments to make.

Environmental Health / Scientific Officer

No objection.

Public Representation

This application was advertised by way of site notice and press notice. No responses have been received to date as a result of these advertisements.

Planning Policy Context

Copeland Local Plan 2013 – 2028 (CLP) (Adopted December 2013)

The relevant Copeland Local Plan policies are identified below.

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Development Management Policies

Policy DM5 – Nuclear Sector Development at Sellafield and the LLWR at Drigg

The aforementioned policies and guidance generally support proposals related to the development of energy/ nuclear related infrastructure on the Sellafield site.

Other Material Planning Considerations

National Planning Policy Framework (2019)

Planning Policy Guidance (NPPG)

	<p>Assessment/ Conclusion.</p> <p>Taking into account the above and in particular the consultation response from HSE, it is considered that the safety risks to the surrounding community arising from the proposed relocation of the diesel fuel into new storage facilities on the Sellafield licensed nuclear site are minimal and as such the proposal is considered acceptable in compliance with the Planning (Hazardous Substances) Regulations 2015 as amended. Also it should be noted that the proposal raises no material planning issues and generally accords with the policies of the Copeland Local Plan and national guidance contained in the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve Hazardous Substances</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. The hazardous substance shall not be kept or used and other than in accordance with the particulars provided on the application form (incorporating `revised Table A` received by the Local Planning Authority on 8 July 2021) nor outside the areas marked for storage of the substance on the plans which formed part of the application; Substance Location Plan and the Location of Fellside CHP New Oil Tanks. <p>Reason</p> <p>To ensure the safety of the hazardous substances specified in the Consent.</p> <ol style="list-style-type: none"> 2. The hazardous substance part 2 -34 (c) gas oils [also substance 34 (e) alternative fuels with the same properties as substance 34 (c)] shall have a flash point greater than 60 degrees centigrade and, shall not be classified under European Regulation (EC) No 1271/2008 (the CLP Regulations) as Flammable Liquid category 1 or category 2 or category 3; and shall only be kept at ambient temperature and pressure. <p>Reason</p> <p>To ensure the safety of the hazardous substances specified in the Consent.</p> <p>Statement</p> <p>The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations and any representations that may have been received and subsequently determining to grant Hazardous Substances Consent in accordance with the Planning (Hazardous Substances) Regulations 2015 as amended and the guidance contained in the National Planning Policy Framework.</p>

Case Officer: H.S. Morrison	Date : 14/07/2021
Authorising Officer: N.J. Hayhurst	Date : 14/07/2021
Dedicated responses to:- N/A	