

Application to the relevant hazardous substances authority (planning authority)

The Planning (Hazardous Substances) Act 1990 - Section 13

England - The Planning (Hazardous Substances) Regulations 2015 (Regulation 5)

Wales - The Planning (Hazardous Substances) (Wales) Regulations 2015 (Regulation 5)

Application for modification or removal of condition(s) attached to a hazardous substance consent

[application for Hazardous Substances Consent without a condition(s) subject to which a previous consent was granted]

1	<b>Applicant</b>	[REDACTED]	
	Address	Adams Hendry Consulting Limited 40-43 Sheridan House Jewry Street Winchester, Hampshire	
	Post code	SO23 8RY	
	Telephone number	01962 877414	
	<b>Person in control of the land to which the application relates, if different to above</b>	Oikos Storage Limited	
1	Address	Hole Haven Wharf Haven Road Canvey Island Essex	
	Post code	SS8 0NR	
	Telephone number	01268 682206	
	2	<b>Address or other location details of application site</b>	As Above
OS grid ref		TQ 777823	

### Substances covered by the application

[consented substance(s) for which a variation in condition(s) is being applied for]

- (a) In the Table below, list named substances falling within Part 2 of Schedule 1 to the Regulations first, then list any substances falling within the categories in Part 1 of that Schedule; finally list substances falling within the description in Part 3.
- (b) Substances falling within Parts 1 or 3 of Schedule 1 to the Regulations may be listed under the relevant category or description or named specifically. Where a substance falls within Part 1 and 2 list under Part 2 only; where a substance falls within more than one category in Part 1 list under the category which has the lowest controlled quantity. Where a substance falling within Part 1 or 2 also falls within Part 3 list under the Part which has the lowest controlled quantity. The "controlled quantity" means the quantity specified for that substance in column 2 of Parts 1, 2 or 3 of Schedule 1 to the Regulations.

Name or relevant category or description of substance	Part number in Schedule 1 to the Regulations, and entry number if Part 2, category if Part 1, identity if Part3	Maximum quantity proposed to be present (in tonnes)
Gasolines and Naphthas	Part 2, Entry No 34a	101,439
Kerosenes (including jet fuels)	Part 2, Entry No 34b	222,824
Gas oils including diesel and home heating oil	Part 2, Entry No 34c	242,391
Methanol	Part 2, Entry No 22	195,001
Ethanol	Part 1, Category P5c (Flammable liquids having a F Pt <21°C)	162,098
Flammable Liquids	Part 1, Category P5c (Flammable liquids having a F Pt <21°C)	133,412
Flammable Liquids	Part 1, Category P5c (Flammable liquids having a F Pt ≥21°C and ≤55°C)	220,107

OSL Notes to accompany the Table:

(i) F Pt in the above means Flash Point.

(ii) The quantity figures given are the maximum quantity figures of the specific product that could be stored at any one time. However, due to the overall storage capacity of the site it is not possible for all of the maximum quantities to be stored on site at the same time.

(iii) The above information reflects that of the current consented position and simply updates the position in respect of the relevant entry and categories now provided in The Planning (Hazardous Substances) Regulations 2015. The differentiation made in respect of Category P5c Flammable Liquids is to ensure that there is no alteration from the current consented position. A further explanation of this issue is set out in section 4 of the supporting statement.

4 Application for modification or removal of a condition(s) attached to a previous consent

- (a) Describe any condition previously attached to the relevant consent which it is proposed should no longer be attached to the consent, or which should only be attached in a modified form. In the latter case, indicate the proposed modification–

No.	Condition previously attached	Action (modification or removal)	If modification, details of proposed modification
2	Please refer to Schedule 1	Modification	Please refer to Schedule 1
3	Please refer to Schedule 1	Modification	Please refer to Schedule 1
4	Please refer to Schedule 1	Modification	Please refer to Schedule 1

- (b) Give the reasons why the condition(s) referred to in (a) should not be attached, or should only be attached in a modified form–

No.	Reason
2	<p>The approval of the Oikos Deepwater Jetty (ODWJ) Proposals in 2016 (planning permission 16/0106/FUL and relevant marine consents) means that it is now OSL's intention that product delivered to the terminal will also be transferred along the extended and refurbished Jetty 2, which had previously not been in use, as well as the existing operational Jetty 1.</p> <p>Jetty 2 was not previously included in the OSL Hazardous Substances Consent (HSC) granted in 2012 and varied in 2013. Jetty 1 is included in these consents and so to be consistent across the terminal, the HSC should be amended to also include the refurbished and extended Jetty 2. This condition currently refers to plans that do not include the refurbished and extended Jetty 2 and other elements of the ODWJ proposals. This requires the drawing numbers to be updated to reflect plans which correctly show these new infrastructure elements.</p> <p>The second part of the current condition is un-necessary as it duplicates the control that is already in place via the first paragraph of the condition. OSL, therefore, are suggesting that the second part of the condition is deleted. However, if this approach is not considered acceptable by the Hazardous Substances Authority then the second part of the condition would need to be suitably amended to reflect the changes to the referencing of different product entry numbers and categories that are now contained within <i>The Planning (Hazardous Substances) Regulations 2015</i>.</p> <p>For the avoidance of any doubt, the changes proposed to this condition do not result in any change to the type, amount or location of product to be stored on the OSL site from that which is currently authorised via the existing HSC.</p>

No.	Reason
3	<p>Amendment to the hazardous substance entry number referred to in this condition is required in order for the consent to reflect the categorisation of different substances that is now detailed in current legislation – <i>The Planning (Hazardous Substances) Regulations 2015</i>.</p> <p>The list of tanks to which this condition relates should also include Tanks 58 and 59. The current HSC allows for gasolines and naphthas to be stored in Tanks 58 and 59, but they have been missed off the list of tanks set out in condition. For completeness, these tanks should be included in the condition.</p>
4	<p>A flow rate of 750 cubic metres per hour was specified in this condition because of the proximity of the import and export pipelines on Jetty 1 to the residential properties in Haven Quays and also to the site office within the terminal. Jetty 2 is located at a greater distance from these receptors and, therefore, the flow rates of the import and export pipelines on Jetty 2 do not need to be limited in this way and can be set at 1500 cubic metres per hour.</p> <p>A more detailed explanation of the reasons why the condition modifications are necessary are contained within the supporting statement that accompanies this application, which should be referred to.</p>

(c) Describe any relevant changes in circumstances since the date of the relevant consent–

A variation to OSL's existing consent is required to reflect the works permitted by the recent ODWJ Proposal approvals, and which are currently under construction.

In 2015, new Planning (Hazardous Substances) Regulations were approved, which reclassified the product entry numbers and categories referred to in the existing HSC. The proposed amendments will bring the consent in line with current legislation.

Please refer to the supporting statement that accompanies this application for additional information and justification.

## 5 Additional Information

Give any additional information which you consider to be relevant to the determination of this application–

Please refer to the supporting statement for additional information.

**Attach** in relation to any relevant consent, a **copy of the consent, claim or direction**.

**Attach a change of location plan** if the application relates to a condition restricting the location of a hazardous substance.

A “**change of location plan**” is a plan of the land to which the application relates, drawn to a scale of not less than 1:2,500 which identifies the location of the hazardous substance at the date of the application, and the proposed location requiring the application.

I/We hereby apply for hazardous substances consent in accordance with this application

Signed:

A solid black rectangular box used to redact the signature of the person on behalf of Adams Hendry Consulting Ltd.

On behalf of Adams Hendry Consulting Ltd

On behalf of OIKOS STORAGE LIMITED

Date: 26<sup>th</sup> January 2018.

To be accompanied by the notices and certificates required by regulations 6 and 7 of the Planning (Hazardous Substances) Regulations 2015