
REPORT TO:	Development Control Committee	AGENDA ITEM: 8(a)
DATE OF MEETING:	21 November 2006	CATEGORY: DELEGATED
REPORT FROM:	Deputy Chief Executive	OPEN
MEMBERS' CONTACT POINT:	TR Dening 595748	DOC: ACRDovevalleypark.doc
SUBJECT:	Hazardous Substances Contravention Notice – Kuehne & Nagel Logistics Ltd Dove Valley Park Foston.	REF:
WARD AFFECTED:	North West	TERMS OF REFERENCE: DC01

1.0 Reason for urgency

- 1.1 Despite several requests an application for Hazardous Substance Consent has not been received nor any indication given by the company as to when such a application would be forthcoming. The matter has now become urgent and immediate action is required.

2.0 Recommendations

- 2.1 That a Hazardous Substances Contravention Notice be served on the Company and its officers for failure to apply for Hazardous Substances Consent when the quantities of hazardous substances held on the premises at Dove Valley Park Foston exceed those specified in the Planning (Hazardous Substances) Regulations 1992.
- 2.2 That the Head of Planning Services and the Head of Legal and Administrative Services be authorised to pursue the enforcement of the Hazardous Substances Contravention Notice to the Magistrates Court in the event that the Contravention Notice is not complied with.

3.0 Purpose of Report

- 3.1 To seek authority from the Committee to serve a Hazardous Substances Contravention Notice on Kuehne & Nagel Logistics Ltd and its officers for failure to obtain Hazardous Substances Consent for the storage of chemicals at their premises at Dove Valley Park Foston.

4.0 Detail

- 4.1 In May this year the Authority was consulted by the Health and Safety Executive about an application it had received under COMAH (Control of Major Accident Hazards) Regulations 1999. The quantity of materials specified in that application

was in excess of the amounts specified in the Planning (Hazardous Substances) Regulations 1992 and as such requires consent under those regulations.

- 4.2 The company was contacted in July and advised that an application was necessary and a meeting was requested to discuss the way forward. The meeting was held in September and the company representatives stated a Hazardous Substances application would be submitted in the near future. At the end of September the company was contacted again and asked what progress had been made. It was advised that failure to submit an application could result in the service of a Notice and subsequent prosecution. The company requested three more weeks to prepare the submission for consideration. Further extensions were granted to the end of October. No such application has been forthcoming. Authority is sought to serve a Hazardous Substance Contravention Notice on the Company and its officers.

5.0 Financial Implications

- 5.1 There may be certain expenses incurred with the preparation and service of the notice and with any subsequent prosecution.

6.0 Corporate Implications

- 6.1 None

7.0 Community Implications

- 7.1 The service of the Notice to ensure compliance with legislation is in the interests of the Health & Safety of the local and wider community.

8.0 Conclusions

- 8.1 There is a clear breach of the Planning (Hazardous Substances) Regulations 1992 and in the absence of consent under the Hazardous Substance Act 1990 the Company is open to the service of a Notice and subsequent prosecution.

9.0 Background Papers

- 9.1 File E2006/185