

## Warrington Local Plan

### Inspector's Matters, Issues and Questions identified by the Inspectors

#### Response on behalf of Emerald Kalama Chemical Ltd (ref no: 2452)

#### Matter 5 – Economic growth and development

Q 10. In other respects, is Policy DEV4 justified, effective and consistent with national policy?

Emerald Kalama Chemical Ltd (part of the LANXESS Group) ("Emerald Kalama") operates a major chemical plant at Dans Road, Widnes, within the administrative boundary of Halton Borough Council. The site is however adjacent to the boundary with Warrington Borough Council.

As outlined in our client's representations at the Publication Draft stage (Regulation 19), they are concerned that the identification of land at Fiddler's Ferry for a strategic mixed-use development does not have any regard to safety planning in respect of the adjacent Emerald Kalama site and therefore does not provide clear and effective guidance on constraints and suitable mitigation.

Emerald Kalama's concerns are set out in detail in their statement on Matter 6c which relates to the proposed policy that will govern the redevelopment of the Fiddler's Ferry site and, as such, we will not seek to repeat these concerns in full.

Emerald Kalama is supportive of the redevelopment of the Fiddler's Ferry site and are happy to work with the site promoter going forward on the development of the site to ensure that the safety planning requirements associated with the Emerald Kalama site are appropriately considered and taken account of as the site develops.

Regulation 10(1)(b) of the Town and Country Planning (Local Planning) (England) Regulations 2012 provides that local plans must take account of the "*objectives of preventing major accidents and limiting the consequences of such accidents for human health and the environment*".

Regulation 10(1) (c) provides that local plans must have regard to the need in the long term "*(i) to maintain appropriate safety distances between establishments and residential areas, buildings and areas of public use, recreational areas, and, as far as possible, major transport routes; (ii) in the case of existing establishments, to take additional technical measures in accordance with regulation 5 of the Control of Major Accident Hazards Regulations 2015 so as not to increase the risks to human health or the environment*".

There is no evidence within the draft Local Plan that this Regulation has been considered in proposing the allocation of Land at Fiddler's Ferry under policy MD3 or in the wider preparation of the Local Plan. This is considered to be significant flaw in the preparation of the Local Plan.

Regulation 25 of the Planning (Hazardous Substances) Regulations 2015 provides that Councils preparing plans or programmes relating to new developments around establishments where the siting or developments may increase the risk or consequences of a major accident must take measures to ensure that public consultees (any person of whom the Council is aware would be affected or likely to be affected by, or have an interest in, the relevant plan) are given early and effective opportunities to participate in the preparation, modification or review of the plan and to do so by ensuring that they are informed of any proposals to prepare a relevant plan and provide relevant information about such proposals to them, together with confirmation on how and within which timescale to make comments.

Emerald Kalama would be such a consultee given that the draft plan seeks to enable development on the site adjacent to its Upper Tier COMAH site. No such consultation has taken place and it is also unclear from the Council's examination documents as to whether the Health & Safety Executive have been consulted and involved in the plan making process. In order to demonstrate that the allocation of land at Fiddler's Ferry under policies DEV4 and MD3 is legally compliant, the Council must show that the Plan complies with the requirements of both these sets of Regulations.

In identifying the site for mixed use development (including employment development), the Council has not demonstrated that it has taken any steps to ensure that this operational site will not be adversely affected by the proposal of development within this area or indeed that it has had regard to the wider public safety interests of such development. Emerald Kalama consider this to be a considerable flaw in the preparation of the Local Plan rendering it unsound if adequate safeguards and provisions aren't included through modifications to policy MD3 in particular and as set out in our representations on Matter 6c.