

NORTH LANARKSHIRE COUNCIL

REPORT

AGENDA ITEM NO.1.....

To: GENERAL PURPOSES (LICENSING) SUB-COMMITTEE	Subject: ASSENT FOR THE ESTABLISHMENT OF AN EXPLOSIVES FACTORY AT INCHTERF, NEAR MILTON OF CAMPSIE
From: DIRECTOR OF PLANNING AND ENVIRONMENT	
Date: 17 th NOVEMBER 2003	Ref: DR/

1. Background

- 1.0 North Lanarkshire Council has received an application from Spook Pyrotechnics Ltd for assent to the establishment of a factory for explosives at the former MOD site at Inchterf, near Milton of Campsie.
- 1.1 Under the Explosives Act 1875, a person wishing to establish a factory for explosives must apply to the Health & Safety Executive who may approve a draft licence and grant permission for the applicant to apply to the local authority for their assent to the factory. The local authority must consider the application at an Assent Hearing, and assent must be granted before the Health & Safety Executive can issue the licence.

2. Considerations

- 2.1 The Health & Safety Executive have issued a draft licence and given permission to Spook Pyrotechnics Ltd to apply for assent.
- 2.2 The Explosives Act requires the Council to ensure that the Applicant publishes notices in two local newspapers giving information of the date and time of the hearing to consider the application at least one month before the hearing. The notices must also advise where any person can examine copies of the application. These notices were published in the Cumbernauld & Kilsyth News and the Kirkintilloch Herald for the 8th October 2003.
- 2.3 Any person who wishes to object to the establishment of the factory must give notice to the Council and the applicant of their grounds for objection at least seven days before the Assent Hearing at which they must attend.
- 2.4 As the site of the proposed factory is within one mile of the boundary with East Dunbartonshire, the applicant has been required to notify the Chief Executive of that council of the application for assent.
- 2.5 The location of the proposed factory is on the former MOD site at Inchterf by Milton of Campsie. A description of the site is contained in Appendix 1.
- 2.6 Prior to the agreement of the draft licence, the Health & Safety Executive are required to consider in detail the safety measures impacting on the site, such as the construction of buildings and the separation distances between those on the site and also around the boundary of the property. This will also include measures to prevent fire and explosion and to protect the health and safety of people working at the premises and members of the public. If required an Explosives Inspector from the Health & Safety Executive may attend the Assent Hearing to respond to technical questions raised in an objection.

- 2.7 The draft licence issued by the Health & Safety Executive permits the storage of fireworks in four separate magazines located around the site. The net explosive content of each magazine is not to exceed 30,000kg of explosives of Hazard Type 4.
- 2.8 There is guidance on safety distances contained in the booklet for licence applicants issued by the Health & Safety Executive (3rd edition February 1999). The Table in the Appendix to the booklet gives a safety distance of 29 metres for Class 1 buildings (railway, road or public open space etc.) and 58 metres for Class 2 (house, school, hospital etc.) for a net explosive quantity of 30,000 kg of explosives of Hazard Type 4. The building schedule to the draft licence specifies distances to be maintained between a container and any Class 1 buildings of 30 metres, and between any Class 2 buildings of 60 metres. If any of these buildings are of vulnerable construction the distance should be 120 metres.
- 2.9 Permission has also been given for a building on the site to be used for the packing/re-packing and labelling of finished fireworks. The distances in the draft licence between this building and other outside buildings as outlined in the previous paragraph are also 30 metres, 60 metres and 120 metres respectively.
- 2.10 Explosives are categorised within Hazard Types to reflect the hazard resulting from the behaviour of the explosive in the event of accidental ignition during the process of storage or manufacture. Hazard Type 3 explosives are defined as having a fire hazard and either a minor blast hazard or a minor projection hazard or both, but not a mass explosion hazard. Hazard Type 4 are defined as having only a fire or slight explosion hazard or both, with only local effect. The draft licence permits only the storage or packing of fireworks of Hazard Type 4
- 2.9 It is a term of the draft licence that if the licence is granted then the licensee has to prepare a plan showing each building where explosives are allowed to be kept and the areas of land within the specified separation distances. If after the grant of a licence the distances are no longer maintained due to the presence of an outside building or works, then the quantity of explosives permitted to be kept in those parts of the factory buildings shall be nil or such other quantity agreed by the Health & Safety Executive.
- 2.10 The Council may assent or dissent to the factory being established on the basis of the Health & Safety Executive's draft licence and terms, or can add conditions to the draft licence which it deems necessary. If assent to the application is not given then the applicant has a right of appeal under Section 44 of the Health & Safety at Work etc Act 1974.

3. Recommendation

- 3.1 In considering this application for assent to a factory licence under Section 7 of the Explosives Act 1875, the sub-committee is asked to note the forgoing information contained in this report.



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For further information please contact David Roderick, Trading Standards Manager on 01236 616415.

**APPENDIX 1: INCHTERF – DESCRIPTION OF SITE AND SURROUNDING AREA
AND THE PLANNING POSITION**

1. Proposal.

The proposed fireworks storage operation would be located within five magazine buildings at the former Ministry of Defence Ordnance Testing Centre at Inchterf by Milton of Campsie. The site lies approximately 2.25 kilometres south west of Queenzieburn and is just within North Lanarkshire. Access into the site from the A803 is within East Dunbartonshire.

2. Background.

The ordnance testing facility closed over ten years ago and part of the site was thereafter used for the storage and testing of piling equipment. The main previously developed part of Inchterf consists of over twenty variously sized buildings and two open former firing ranges with concrete bunkers. Immediately outwith this area is the less developed magazine area, which is currently proposed for firework storage. Thereafter there is open Kelvin Valley countryside, which is mostly classified as a Site of Importance for Nature Conservation (SINC), due to the ecological value of the marsh and bog habitat. The nearest dwellinghouse is 0.5 kilometres from the proposed fireworks storage area and the eastern edge of Kirkintilloch is 0.8 kilometres from Inchterf at its closest point.

3. Development Plan.

Under the terms of the Kilsyth Local Plan 1999, Inchterf is identified as being within the Green Belt. A specific Inchterf policy (GB5) states that there will be an exception to normal Green Belt policies at Inchterf where, providing that access and drainage arrangements are satisfactory and there is no undue impact on local residential amenity, the following uses will be acceptable:-

- A leisure use compatible with the Green Belt;
- Industrial uses requiring a location detached from built up areas.

Policy GB5 also specifically states that office, retail and residential uses will not be considered as acceptable; other uses will be considered on their merits; the Council will require to be satisfied that the lowland raised bog and the water table within the site will be protected.

4. Conclusions.

- Inchterf was last used by the Ministry of Defence for ordnance testing over ten years ago. The site was subsequently decontaminated and spent munitions removed by the MOD with a view to new uses taking place.
- In January 1999, planning permission (N/98/00426/FUL) was granted for the storage and testing of piling equipment on the central part of the Inchterf site. This does not include the area currently proposed for fireworks storage.
- Planning permission is required for the storage of fireworks at Inchterf.

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