

**Sandwell Metropolitan Borough Council**

**Planning Committee**

**12 January 2000**

**Hazardous Substances Act 1990**

**The Planning (Control of Major-Accident Hazards) Regulations 1999.**

**General Application for Hazardous Substances Consent by  
Albright and Wilson Ltd, Trinity Street, Oldbury. Application No.  
DC/HS11**

**1. SUMMARY STATEMENT**

- 1.1 On the 24 March 1999 the Secretary of State for the Environment, Transport and the Regions made the Planning (Control of Major-Accident Hazards) Regulations 1999 and they came into force on the 20 April 1999. These Regulations amend the Planning (Hazardous Substances) Regulations 1992.
- 1.2 The amending regulations increase the range of substances for which Hazardous Substances Consent is required.
- 1.3 The regulations allow those who in the preceding 12 months had hazardous substances on their premises to claim an established quantity, defined as the maximum quantity which was present within the previous 12 months, within a transitional period of 6 months expiring on the 20 October 1999. Albright and Wilson made such a claim, which I accepted under delegated powers, and this application is to increase the quantity of various material stored and involved in industrial processes on their premises.
- 1.4 The determining issue with this application is whether or not, as a consequence of consent, there is a significant increase in risk to the surrounding population.

## **2. RECOMMENDATIONS**

- 2.1 It is recommended that hazardous substances consent is granted subject to a condition that the substances shall not be kept or used other than in accordance with the application particulars.

**Malcolm W Hinks**

**Director of Environment and Development Services**

### **Contact Officer**

Tony Rice  
0121 569 4037

## **3. RESOURCE IMPLICATIONS**

- 3.1 There are no resource implications arising from this report.

## **4. POLICY IMPLICATIONS**

- 4.1 There are no policy implications arising from this report as all decisions will be made in accordance with Council policy.

## **5. SUSTAINABILITY IMPLICATIONS**

- 5.1 There are no sustainability implications arising from this report.

## **6. BACKGROUND DETAILS**

- 6.1 Hazardous substances consent is required whether or not land has previously been used for the storage or use of hazardous substances. However, there was an entitlement to receive consent if a hazardous substance was present at the land at any time within the period of 12 months preceding the commencement date (20 April 1999) and such consent is deemed to have been granted by the Hazardous Substances

Authority upon receipt of a valid claim. Albright and Wilson made such a claim on the 19 October 1999 along with this application to increase the quantities claimed. The substances are:

<b>Element</b>	<b>Established quantity</b>	<b>Total quantity now requested</b>
P4 Phosphorus	710 tonnes	800 tonnes
Trichloride Washings	115 tonnes	150 tonnes
Accomet C	8 tonnes	16 tonnes
Chromic Acid	4 tonnes	5 tonnes
Ethyl monochloroacetate	20 tonnes	25 tonnes
Phenol	4 tonnes	5 tonnes
TEPA Strippings	20 tonnes	35 tonnes
Acetonitrile	2 tonnes	5 tonnes
Octene	21 tonnes	25 tonnes
Sodium Fluoride	80 tonnes	100 tonnes
Pentaethylene Hexamine	3 tonnes	20 tonnes

- 6.2 The determining issue with this application is whether or not the proposed increase to the quantities outlined above will significantly increase the risk to the surrounding population.
- 6.3 The Methodology and Standards Development Unit of the Health and Safety Executive has assessed the hazards to the surrounding areas from the increase in the quantities of the 11 named substances in the site activities resulting from the granting of the proposed express hazardous substances consent and have concluded that:

*"the risks to the surrounding population....are sufficiently small*

*that there are no significant reasons, on safety grounds, for refusing Hazardous Substances Consent."*

They have also observed that the substance determining the largest overall hazard is phosphorus and that the existing consultation zone, which was based on a site specific risk assessment of chlorine, phosphine and phosphorus included the risk from 900 tonnes of phosphorus and this application is for 800 tonnes.

- 6.4 They have also advised that it would be beneficial to include a condition such as:

*" The hazardous substance(s) shall not be kept or used other than in accordance with the application particulars provided in Form 1 , nor outside the area(s) marked for storage of the substance(s) on the plan which formed part of the application."*

I concur with their view.

- 6.5 Before determining any application for Express Hazardous Substances Consent the authority is required to consult the Environment Agency, the Fire Brigade (Oldbury) and any other Hazardous Substances Authority (Birmingham) within 2 km of the application site. The applicant is also required to advertise the application in the local press. This has been done and there has been no adverse response to these consultations.

## **7.0 Source Documents**

- 7.1 The Hazardous Substances Act 1990.
- 7.2 Planning (Hazardous Substances) Regulations 1992.
- 7.3 Planning (Control of Major-Accident Hazards) Regulations 1999.
- 7.4 The file in respect of Hazardous Substance Consent application DC/HS11.