

Wrexham County Borough Council
Head of Environment and Planning
16 Lord Street
Wrexham
LL11 1LG

Chemicals, Explosives and
Microbiological Hazards Division

Gerard Adderley

Statutory and Commercial Land
Use Planning Advice
2.2 Redgrave Court
Merton Road
Bootle
L20 7HS

Tel: 02030 283003
Gerry.adderley@hse.gov.uk

<http://www.hse.gov.uk/>

Head of Team
Stuart Reston

Date: 21 February 2018

HSE Ref.: 4.2.1.5757
Your Ref.: P/2017/0835

For the attention of Philip Forster

Dear Mr Forster

**Town and Country Planning (Development Management Procedure) (Wales)
Order 2012**

Application No: 17/0835

**Proposal: Erection of 4 no. dwellings (two bedroom cottage style dwellings in a
single terrace)**

Location: land at Tan Y Graig, off High Street, Cefn Mawr, Wrexham

1. Thank you for the letter of 9 February 2018, advising HSE that Wrexham County Borough Council is minded to grant planning permission for planning application P/2016/0505, which HSE advised against, giving HSE 21 days' notice in which to consider whether or not to request that Welsh Ministers call-in the application for their own determination, in accordance with paragraph A5 of the National Assembly for Wales Circular 20/01 'Planning controls for dangerous substances'.
2. HSE is a statutory consultee for developments in the vicinity of major hazard sites by virtue of Article 14 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012. The proposed development relates to a residential development within inner and middle zones of a major hazard site – Flexsys Rubber Chemicals Ltd.
3. Wrexham County Borough Council used the HSE Planning Advice Web App (see <https://pa.hsl.gov.uk/>) to consult HSE for advice on this application. During the Web App consultation, the whole site was treated as lying within the inner zone, in

accordance with HSE's methodology, as more than 10% of the identified development site area lies within that zone. As it is HSE's policy to advise against a housing development involving more than two dwellings within the inner zone, the response provided was that HSE advised against the granting of planning permission.

4. However, having looked at the details of this proposal, it is considered that the strict application of the methodology is not appropriate in this case. Although more than 10% of the development site lies within the inner zone, the site plan drawing shows that only two of the proposed dwellings will lie wholly or partly within the inner zone, with the other two dwellings lying within the middle zone. In these circumstances, the appropriate HSE advice in respect of this application is that **HSE does not advise, on safety grounds, against the granting of planning permission.**

5. I should be grateful if you would treat this as HSE's formal advice on this application, superseding the previous advice obtained from the HSE Planning Advice Web App on 10 October 2017.

6. As HSE does not advise against the granting of planning permission in this case, there is therefore no need for HSE to consider requesting that the Welsh Ministers call-in this application for their own determination.

7. HSE notes that the Report to the Head of Environment and Planning dated 5 February 2018, states that:

'the site is located within the middle consultation zone for the former Flexsys Rubber Chemicals plant. Whilst it is acknowledged that the chemical works are no longer in situ, a Hazardous Substances Consent remains extant on the site.'

'I am also mindful of the condition of the land upon which the extant Hazardous Substances Consent remains. Significant decommissioning and site clearance has taken place and I am satisfied that the likelihood of the site being used again for such a hazardous purpose is negligible.'

8. HSE has advised Wrexham County Borough Council on a number of occasions that, as the hazardous substances authority, it should consider revoking the hazardous substances consent for the Flexsys Rubber Chemicals Ltd site in accordance with the provisions of the Planning (Hazardous Substances) Act 1990. Had this been done, there would have been no need to consult HSE on subsequent planning applications in the vicinity of the site, or to approach HSE again regarding the possible request to call-in those applications which HSE advised against.

9. As it appears that the hazardous substances have not been present on the Flexsys Rubber Chemicals Ltd site for at least five years in quantities equal to or exceeding the controlled quantities, the hazardous consent could be revoked under Section 14 (d) of the Planning (Hazardous Substances) Act 1990 Act.

10. When Wrexham County Borough notifies HSE that the hazardous substances consent has been formally revoked, HSE will remove the consultation distance

around the site and there will be no need to consult HSE on future developments in its vicinity.

Yours sincerely



Gerard Adderley

Statutory and Commercial Land Use Planning Advice

cc. Mr H Tucker, CEMHD 5H, Bootle.
Mrs J Eccles, CEMHD 2A, Bootle

