

Susan Davies

From: Sharon Holman
Sent: 09 February 2016 10:00
To: planning_admin
Subject: P/2010/0026 VARIATION OF CONDITION NO 2 OF P/2004/0770 TO ALLOW FOR INCREASE FROM 16 TO 24 CHILDREN - The Towers Day Nursery, Trevor, Wrexham, LL11 3SG

Civ – HSE response

From: Gerry.Adderley@hse.gsi.gov.uk [mailto:Gerry.Adderley@hse.gsi.gov.uk]
Sent: 08 February 2016 16:02
To: Sharon Holman
Cc: lupenquiries@hsl.gsi.gov.uk; Harvey.Tucker@hse.gsi.gov.uk; Stuart.Reston@hse.gsi.gov.uk
Subject: RE: TRIM: P/2010/0026 VARIATION OF CONDITION NO 2 OF P/2004/0770 TO ALLOW FOR INCREASE FROM 16 TO 24 CHILDREN - The Towers Day Nursery, Trevor, Wrexham, LL11 3SG

Hi Sharon

Thank you for your email of 4 February 2016 about planning application P/2010/0026.

Although the Flexsys site is no longer operational, the HSE consultation distance is still in place as HSE has not been notified by Wrexham County Borough Council that the hazardous substances consents which apply to the site have been formally revoked. As long as the hazardous substances consents remain, HSE will continue to advise against the granting of planning permission for a children's nursery, regardless of the number of children attending, within the middle zone of a major hazard.

As we have done on a number of occasions in recent years, HSE would strongly recommend that Wrexham County Borough Council, as the hazardous substances authority, give serious consideration to revoking the hazardous substances consents for the Flexsys site, in accordance with Sections 14 or 17 of the [Planning \(Hazardous Substances\) Act 1990](#). Under Section 14 of the Planning (Hazardous Substances) Act 1990, a consent can be revoked if it appears:

- a) that there has been a material change of use of land to which a hazardous substances consent relates; or
- b) that planning permission has been granted for development the carrying out of which would involve a material change of use of such land and the development to which the permission relates has been commenced; or
- c) in the case of a hazardous substances consent which relates only to one substance, that that substance has not for at least five years been present on, over or under the land to which the consent relates in a quantity equal to or exceeding the controlled quantity; or
- d) in the case of a hazardous substances consent which relates to a number of substances, that none of those substances has for at least five years been so present.

Guidance on the revocation of hazardous substances consents can be found in paragraphs 69-71 of the [National Assembly for Wales Circular 20/01 – 'Planning Controls for Hazardous Substances'](#). If required, I can provide some examples of revocation orders issued by other planning authorities, which you may find helpful.

If HSE is informed that the hazardous substances consents have been formally revoked, then the consultation distance around the Flexsys site will be withdrawn and there will be no need to consult HSE on any proposed developments in its vicinity.

Should Wrexham County Borough Council decide to grant permission for this application without revoking the hazardous substances consents, then confirmation of this should be sent to the address below, or via luppadhici5@hse.gsi.gov.uk, giving HSE 21 days in which to consider whether to request that the application be called-in for determination by the Welsh Assembly, as required by paragraph A5 of the National Assembly for Wales Circular 20/01.

Regards

Gerard Adderley
Health and Safety Executive
Hazardous Installations Directorate
Statutory and Commercial Land Use Planning Advice
2.2 Redgrave Court
Merton Road
Bootle
Merseyside
L20 7HS
Tel: 0151-951 5789

From: Sharon Holman [<mailto:Sharon.Holman@wrexham.gov.uk>]

Sent: 04 February 2016 11:39

To: Gerry Adderley

Subject: TRIM: P/2010/0026 VARIATION OF CONDITION NO 2 OF P/2004/0770 TO ALLOW FOR INCREASE FROM 16 TO 24 CHILDREN - The Towers Day Nursery, Tevor, Wrexham, LL11 3SG

Dear Gerry,

I am hoping you will be able to help me with a query?

The HSE advised against this planning proposal back in 2010. It has recently come to light that the planning application was never determined and so we consulted the HSE again yesterday to see if the position had changed in the 5 years have since passed, and we received the attached response.

Given that Flexys is now non-operational, I wondered if the increase in numbers of children (8) at the day care facility could be something that the HSE could, on this basis, change its position and not advise against the development?

Thank you in advance of any help that you can give me,

Best wishes
Sharon

Sharon Holman

Development Control Planning Officer/ Swyddog Cynllunio Rheoli Datblygu



01978 298779



Wrexham County Borough Council, 16 Lord Street, Wrexham,
LL11 1LG



Cyngor Bwrdeistref Sirol Wreccsam, 16 Stryt yr Arglwydd, Wreccsam,
LL11 1LG



wrexham.gov.uk | wreccsam.gov.uk



twitter.com/wrexhamcbc | twitter.com/cbswreccsam



facebook.com/wrexhamcouncil | facebook.com/cyngorwreccsam

Rydym yn croesawu gohebiaeth yn Gymraeg. Byddwn yn ymateb i unrhyw ohebiaeth yn Gymraeg ac ni fydd hyn yn arwain at unrhyw oedi.

Ewch i weld - mi fedrwch chi dalu, rhoi gwybod, gwneud cais, dweud eich dweud, a dod o hyd i wybodaeth ar-lein yn www.wreccsam.gov.uk. Arbedwch bapur - meddyliwch cyn argraffu!

Mae'r neges e-bost hon ac unrhyw atodiadau wedi eu bwriadu ar gyfer yr unigolyn neu'r sefydliad y'i cyfeirir atynt yn unig. Am yr amodau llawn ynglŷn ? chynnwys a defnyddio'r neges e-bost hon ac unrhyw atodiadau, cyfeiriwch at www.wrecsam.gov.uk/top_navigation/disclaimersw.htm ??

We welcome correspondence in Welsh. We will respond to any correspondence in Welsh and this will not lead to any delay.

Take a look - you can pay, report, request, have your say and find information online at www.wrexham.gov.uk. Save paper - think before you print!

This e-mail message and any attachments are intended solely for the individual or organisation to whom it is addressed. For full conditions in relation to content and use of this e-mail message and any attachments, please refer to www.wrexham.gov.uk/top_navigation/disclaimers.htm.

This email was scanned by the Government Secure Intranet anti-virus service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisations IT Helpdesk.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Please note : Incoming and outgoing email messages are routinely monitored for compliance with our policy on the use of electronic communications and may be automatically logged, monitored and / or recorded for lawful purposes by the GSI service provider.

Interested in Occupational Health and Safety information?

Please visit the HSE website at the following address to keep yourself up to date

www.hse.gov.uk

The original of this email was scanned for viruses by the Government Secure Intranet virus scanning service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) This email has been certified virus free.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.