

**Report to Environment and Licensing Committee**

**Subject:** Revocation of Hazardous Substances Consent

**Date:** 15<sup>th</sup> January 2013

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**REVOCATION OF THE HAZARDOUS SUBSTANCES CONSENT FOR THE CHEVRON/TEXACO SITE, PRIVATE ROAD No. 3, COLWICK INDUSTRIAL ESTATE, COLWICK, NOTTINGHAM.**

**REF: H3801**

**Summary**

1.1 This report is to seek Members approval for the revocation of a Hazardous Substance Consent for the Chevron/Texaco site, Private Road No. 3, Colwick Industrial Estate, under Section 14 (2) of the Planning (Hazardous Substances) Act 1990. Before the Order to revoke the consent takes effect, it must be confirmed by the Secretary of State.

1.2 The Planning (Hazardous Substances) Act 1990 allows for a Hazardous Substances Consent (HSC) to be revoked under section 14. This Authority can make a revocation order under section 14 (1) or (2) of the Act. The revocation will be subject to confirmation by the Secretary of State under section 15 (even if it is unopposed). Section 16 (1) makes it clear that compensation, which would otherwise be payable for a revocation or modification using powers under section 14 (1), is not payable for a revocation if it is made under section 14 (2) of the Act.

The grounds under which revocation can be made are set out in section 14 (2) as being:

- a) That there has been a material change in the use of the land to which the HSC relates;
- b) Planning permission has been granted and commenced for development of the site and would involve making a material change in the use of the land; or
- c) In the case of a HSC which relates only to one substance, that the 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 HSC which relates to a number of substances, that none of those substances has for at least five years been so present.

1.3 The Hazardous Substance Consent on the Chevron/Texaco site, reference H3801, is for the storage of kerosene, petrol and diesel. Chevron/Texaco has confirmed that they no longer hold an interest in the site and they are no longer in control of the site. They have confirmed that their control in the site ended on the 9<sup>th</sup> February 2010. All tanks, pipe work, drainage and buildings on the site were cleared on the 24<sup>th</sup> December 2009. In addition all substances have been removed and the ground has been remediated. Chevron/Texaco has confirmed that they do not wish to retain the Hazardous Substance Consent.

1.4 The site in question has been cleared of all buildings and the hazardous substances. In the Planning Officers view there has therefore been a material change of use of the site from a sui generis use to a nil use i.e because the site has been cleared of structures and substances. As a result it is considered that an order can be made under s. 14(2) a) claiming that there has been a material change of use of the land.

1.5 The Health and Safety Executive (HSE) maintain records of sites with Hazardous Substances Consent and they use this information to designate consultation zones around such sites, which store hazardous substances. For the Chevron/Texaco site, there are Inner, Middle and Outer Consultation Zones around the compound, for which consultation with the HSE is required for planning applications for certain types of developments. Where development proposals are within these zones, the HSE considers the potential for major accidents to occur at an installation containing hazardous substances, which could have risks to people using development in the vicinity of the potentially hazardous site. Whilst the Hazardous Substances Consent is in place, the HSE will maintain the consultation zones and they would continue to be consulted on planning applications.

1.6 The continuation of this Hazardous Substances Consent is inhibiting the development of land in the surrounding area, which is affected by the designated consultation zones.

1.7 The revocation of the consent, under the provisions of the Planning (Hazardous Substances) Act 1990, would mean that the consultation zones affecting development proposals in the vicinity of the Chevron/Texaco site are removed. As a result there would no longer be a requirement to consult with the HSE on developments, effectively lifting a constraint on developing land around the former hazardous site.

## **Recommendation**

2.1 To authorise the Council Solicitor and Monitoring Officer to prepare a Revocation Order under Section 14(2) of the Planning (Hazardous Substances) Act 1990 to revoke Hazardous Substances Consent, ref. H3801, for the Chevron/Texaco site, Private Road No. 3, Colwick Industrial Estate, Colwick, Nottingham and submit it to the Secretary of State for confirmation.

## **Reasons For Recommendation**

3.1 There is no longer a requirement for the continuation of the Hazardous Substances Consent on the Chevron/Texaco site. There has not been storage of the consented substances on the site since the 24<sup>th</sup> December 2009.

## **Supporting Information**

4.1 Attached Plan – the redline shows the extent of the Hazardous Substances Consent site.

## **Other Options Considered**

5.1 Not to revoke the Hazardous Substance Consent, reference H3801, would continue to place constraints on development potential of land affected by the consultation zones around the Chevron/Texaco site, due to the need to consult with the HSE on planning applications.