

Sandwell Metropolitan Borough Council

Planning Committee

08 September 2004

Hazardous Substances Act 1990

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

General Application for Hazardous Substances Consent by
Rhodia Consumer Specialties Ltd., Trinity Street, Oldbury.
Application No. DC/HS21

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 increased the range of substances for which Hazardous Substances Consent is required. Subsequently, amendments were made to the substances listed under the Control of Major Accident Hazards Regulations 1999 thereby increasing the range of substances requiring consent.
- 1.3 Rhodia Ltd. are seeking consent for the presence and use of Tetrakis (hydroxymethyl) phosphonium chloride (THPC), Tetrakis (hydroxymethyl) phosphonium sulphate (THPS), Methylenebis (thiocyanate) (MBT) and 2-[(thiocyanatomethyl) thio]-benzothiazole) (TCMBT), at Trinity Street, Oldbury. These are classed as very toxic chemicals.
- 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 for Tetrakis (hydroxymethyl) phosphonium chloride (THPC), Tetrakis (hydroxymethyl) phosphonium sulphate (THPS), Methylenebis (thiocyanate) (MBT) and 2-[(thiocyanatomethyl) thio]-benzothiazole) (TCMBT) subject to the conditions advised by the Health and Safety Executive in their letter of the 04 June 2004 in respect of storage being restricted to the Poly Phosphoric Acid Building and the chemicals being held in accordance with the particulars described in the forms of application.

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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..
- 4.2 The policies material to the determination of the application contained in the Unitary Development Plan are:

PC3 ZONES AROUND HAZARDOUS INSTALLATIONS

The Council will seek the reduction or removal of the hazardous component of notified installations. Where any existing or proposed industrial development presents a significant potential hazard to the health and safety of employees, or to people living and working in the surrounding area, the Council will seek either a reduction in the risk or its elimination. The

Council will use its powers under Section 14 of the Act to revoke or modify a hazardous substances consent where either the consent has not been relied upon for 5 years or where all potential claimants for compensation indicate that they will not seek compensation. The Council will also oppose the expansion of existing hazardous installations unless it can be demonstrated that consent will not increase the population at risk or the level of risk or will not adversely impact on the potential for development and/or redevelopment of adjoining land.

PC4 NEW DEVELOPMENTS AND HAZARDOUS SUBSTANCES

The Council will not grant permission for new developments or hazardous substances consent which, when operational, will result in any risks to the health or safety of local residents or will adversely impact on the potential for development and/or redevelopment of adjoining land.

5. SUSTAINABILITY IMPLICATIONS

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

6. BACKGROUND DETAILS

- 6.1 Rhodia Consumer Specialties Ltd. occupy land at Trinity Street, Oldbury. They were formally known as Albright and Wilson Ltd. They have occupied these premises since the mid 19th Century. They are already a major hazard site and there is a Health and Safety Executive consultation zone around the premises extending to approximately 940 metres.
- 6.2 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 amended the Planning (Hazardous Substances) Regulations 1992. The regulations apply to substances classified in the Control of Major Accident Hazards Regulations 1999. The lists

of chemicals classified under these regulations are amended from time to time.

- 6.3 Rhodia Consumer Specialties Ltd. are seeking to extend the range of very toxic chemical that they store and use on their premises. These new chemicals are Tetrakis (hydroxymethyl) phosphonium chloride (THPC), Tetrakis (hydroxymethyl) phosphonium sulphate (THPS), Methylenebis (thiocyanate) (MBT) and 2-[(thiocyanatomethyl) thio]-benzothiazole (TCMBT)
- 6.4 The Environment Agency, The Fire Brigade, Birmingham City Council, and the Head of Environmental Protection have all been consulted on the application and no adverse comment have been received.
- 6.5 The Health and Safety Executive (HSE) are the key consultee on this application. The Methodology and Standards Development Unit (MSDU) of the Executive has assessed the risks posed by the Tetrakis (hydroxymethyl) phosphonium chloride (THPC), Tetrakis (hydroxymethyl) phosphonium sulphate (THPS), Methylenebis (thiocyanate) (MBT) and 2-[(thiocyanatomethyl) thio]-benzothiazole (TCMBT). Their advice letter concludes that subject to their suggested conditions consent would not significantly alter the current risks to the surrounding population. It has also advised that the current Consultation Distance (CD) set consequent on previous consents will not require modification. Therefore, there are no significant implications for the subsequent development of any surrounding land and consequentially there is no policy objection arising from UDP policies.
- 6.6 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. The Health and Safety Executive have concluded that there is no significant increase in risk. It is, therefore, recommended that hazardous substances consent is granted subject to the conditions suggested by the Health and Safety Executive as follows:
1. The Hazardous Substance(s) shall not be kept or used other than in accordance with the application particulars provided in Form 1.

2. The storage of all hazardous substances named in this consent shall be restricted to the Poly Phosphoric Acid Building.

7.0 SOURCE DOCUMENTS

- 7.1 The Hazardous Substances Act 1990.
- 7.2 Planning (Hazardous Substances) Regulations 1992.
- 7.3 The Control of Major Accident Hazards Regulations 1999.
- 7.4 Planning (Control of Major-Accident Hazards) Regulations 1999.
- 7.5 The file in respect of Hazardous Substance Consent application DC/HS17.