

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00936/HAZ	Claire Ringwood	19 th March 2024

Address: Tetrosyl Ltd, Royle Barn Road, Rochdale, OL11 3DU

Proposal: Application for the storage of Hazardous Substances

PUBLICITY	Weekly list expired?	Y	Site notice expired?	Y
	Neighbour letters expired?	Y	Press Notice expired?	Y

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	Y

EIA	Screening opinion completed and saved to Onbase?	N/A
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CONDITIONS	Pre-commencement conditions proposed?	N/A
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	GRANT subject to conditions
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CHECKED AND SIGNED OFF BY: LA DATE: 21.03.24

SITE

The application site relates to a large warehouse building that has a floor area of 23,500m². Tetrosyl manufactures, and supplies, car care products from its manufacturing operations at Bridge Hall in Greater Manchester. The Royle Barn Road warehouse is utilised as its main warehousing and distribution centre for the range of products manufactured at Bridge Hall and for a range of bought in products also distributed by Tetrosyl directly to its customers.

The Supporting Information advises the warehouse is fitted with a part manual and part automatic fire alarm system, the alarm activates on:

- a) Fusible bulbs on sprinklers in the warehouse;
- b) Smoke detectors on mezzanine and in offices and welfare rooms;
- c) Manual break glass points.

Adjoining the northern end of the application building is a leisure use known as the Soccer Factory and to the north west of the site, on the opposite side of Royle Barn Road, and to the north east, on the opposite side of Gypsy Lane, are industrial and warehouse premises. The south east boundary of the site adjoins the Manchester to Leeds railway line as well as a builder's merchants adjacent to Castleton railway station. On the opposite side of the railway line are further business premises, some of which are within the Castleton South Conservation Area. At the nearest point the Conservation Area is 150m from the application building.

The south west boundary of the site adjoins the rear elevations of properties on Smalley Street, on which the backs of terraced dwellings face onto the site for around half of its length. The site boundary to the rear of these dwellings is marked by a brick wall which is used as an open storage/parking area.

The site falls within a Primary Employment Zone as defined in Rochdale Borough Council's Unitary Development Plan (UDP) Proposals Map.

PROPOSAL

In accordance with the Planning (Hazardous Substances) Act 1990 and the Regulation 5 of the Planning (Hazardous Substances) Regulations 2015, the application seeks express consent for the storage of hazardous substances on the site in the following maximum quantities. This application follows a previous hazardous substance consent that was approved on 4th June 2020 (application ref: 19/00817/HAZ):

- ☐ Liquid Flammable Gases – required quantity 1.1 tonnes (current approved quantity 0.3 tonnes). No change to the storage location, the bulk tank will replace the current cylinder cage;
- ☐ Aerosol Household and Car Maintenance Products – required quantity 450 tonnes (current approved quantity 300 tonnes). Additional racked cage area within the existing aerosol chamber to be created to accommodate the increased quantity;
- ☐ Flammable Liquids Household and Car Cleaning and Maintenance Products – reduced quantities due to change in product formulation. Required quantity 3,500 tonnes (current approved quantity 5,000 tonnes); and

- ☐ Oils and Miscellaneous Car and Household Products – increased quantities due to business expansion. Required quantity 350 tonnes (current approved quantity 250 tonnes).

The HSE in their comments below identify substances or categories that do not exceed the qualifying quantity and which have not been assessed. In this case this includes:

- Part 2, Entry 18 – LPG (1.1 tonnes),
- Part 2, Entry 34c – Gas oils (2 tonnes),
- Part 1, H2 – Car engine additives and paint cleaning products (8 tonnes),
- Part 1, H3 – Car engine additives and paint cleaning products (8 tonnes),
- Part 1, P5c – Household and car cleaning and maintenance products (3,500 tonnes),
- Part 1, P6b – Peroxide hardeners for filler kits (0.5 tonnes),
- Part 1, E1 – Oils and miscellaneous car and household products (10 tonnes).

The description of development was amended as it originally stated: Application for modification of condition 2 (The quantities of hazardous substances stored on the site shall not exceed those detailed in the approved application form Ref: Amended HSPC Application Form dated 20th January 2020) attached to a hazardous substance consent 19/00817/HAZ. However, as the application is not to vary condition 2 of 19/00817/HAZ the agent agreed to amend the description to: Application for the storage of Hazardous Substances.

PLANS AND DOCUMENTS SUBMITTED

Application to the relevant hazardous substances authority (planning authority)

Document B (i) – Substance Location

Document C – Site Location

Document C (iii) – Access Route

Document Di – Notice published

Copy of Notice published

Schedule 3, Form 1 – Posting of Notice of Application Certificate

Form 2 – Certificate A

Document Gii – Photos of displayed notice

Displayed Notice

Warehouse Layout

Received 23rd August 2023

The following additional and/or amended information was received on 20th September 2023:

Application to the relevant hazardous substances authority (planning authority)

Summary Information

Document B (i) – Substance Location

Document B (iv) – Site Location

Decision Notice for Hazardous Substance Consent relating to application 19/00817/HAZ (including Document C (i) – Substance Location plan

RELEVANT PLANNING POLICY

Legislation

The Planning Hazardous Substances Act 1990

The Planning (Hazardous Substances) Regulations 2015

National Guidance

RELEVANT SITE HISTORY

17/00335/HAZ – Application for consent to store hazardous substances – Withdrawn

19/00817/HAZ - Application for the storage of Hazardous Substances. Approved 04/06/2020.

CONSULTATION RESPONSES

Health and Safety Executive

Initial comments

In order to provide a swift response to this consultation, HSE needs a properly completed application form and the appropriate associated information. Some of this information is missing or incomplete. Therefore we are writing to you requesting that the following information is provided. HSE will not be able to start the technical assessment until this missing information is supplied.

The application appears unfinished in the following ways:

1. The 'Application to Modify consent conditions (Variation)' form is not appropriate for the scale of the changes proposed by Tetrosyl, particularly given that the detail required by HSE to undertake the assessment is not included within this form.
2. It is suggested that Tetrosyl instead use the '(General) Application' form for all hazardous substances they require moving forwards and HSE treat this as a Consolidated application.
3. It would also be helpful if Tetrosyl provide a Covering Letter outlining the reasons for the application and use a different colour throughout the application form to indicate what has changed from the 2019 extant Consent ref 19/00817/HAZ. All forms can be found at www.hse.gov.uk/landuseplanning/application-forms-hazardous-consent.htm.

We look forward to receiving this essential information. When we receive the information we will be able to start our assessment.

Officer Note: Additional information was provided by the applicant's agent on 20th September 2023 which was sent to the HSE for their final comments below.

Final comments

1. The Health and Safety Executive (HSE) has assessed the risks to the current population in existing development surrounding the likely activities, resulting from the granting of Hazardous Substances Consent at Royle Barn Road, Rochdale, OL11 3DU. Application 23/00936/HAZ is for various hazardous substances, including 450 tonnes of flammable aerosols (Part 1, P3a) and 350 tonnes of substances dangerous for the environment (Part 1 E2).

2. HSEs advice is on the basis of the amended application form (email received 20/09/2023).

3. Advice is given on the basis that application 23/00936/HAZ seeks to consolidate the extant consents associated with this site. If the application is granted, it is recommended that all the extant consents are revoked because they will be made redundant by granting 23/00936/HAZ.

4. Only the risks from hazardous substances for which Consent is being sought has been assessed and substances in vehicles which are being loaded or unloaded. HSE has assessed the risk of harm from the maximum quantity of hazardous substances for which Consent is being sought. Risks which may arise from the presence of other substances have not been taken into account in this assessment. Substances or categories that do not exceed the qualifying quantity have not been assessed. In this case this includes:

- Part 2, Entry 18 – LPG (1.1 tonnes),
- Part 2, Entry 34c – Gas oils (2 tonnes),
- Part 1, H2 – Car engine additives and paint cleaning products (8 tonnes),
- Part 1, H3 - Car engine additives and paint cleaning products (8 tonnes),
- Part 1, P5c – Household and car cleaning and maintenance products (3,500 tonnes),
- Part 1, P6b – Peroxide hardeners for filler kits (0.5 tonnes),
- Part 1, E1 – Oils and miscellaneous car and household products (10 tonnes).

5. HSE has not been able to take account of any proposed developments in the surrounding areas that have been granted planning permission but are not yet built. This may also apply to existing developments that did not appear on the maps accompanying the consent application. Since this may affect our advice please consult the HSE again if there are any such developments within the consultation area proposed on the map referred to below. Also consult us again if there is any likely development in the zones that you wish us to take into account. We will require some detail, for example if housing the estimated number of dwelling units, if retail/leisure the indoor floor space and opening hours, so we can estimate what population might be present and for how long.

Officer Note: The Planning Officer has reviewed the HSE Consultation Zones for the application site. The HSE are aware of the Soccer Factory and residential properties which are existing. The Consultation Zones are relatively tight around the site and there are no proposed developments that have been granted planning permission that are within these zones.

6. In considering this application for Consent, HSE has made the assumption that the requirements of the Health and Safety at Work etc. Act 1974, and all relevant statutory provisions, will be met at the establishment should Consent be granted. Accordingly, HSE advises that you should direct the applicant's attention to section 29 of the Planning (Hazardous Substances) Act 1990. On this basis, HSE has concluded that the risks to the surrounding population arising from the proposed operation(s) are so small that **there are no significant reasons, on safety grounds, for refusing Hazardous Substances Consent.**

7. Following Government advice that particulars in the application form do not automatically become conditions of consent, it would be beneficial to include the following conditions:

"The hazardous substances shall not be kept or used other than in accordance with the particulars provided on the application form, nor outside the areas marked for storage of the substances on the plans which formed part of the application (including 'Document B (i) – Substance Location', ID: BW1-00600846, Rev 2, dated 20/02/17)."

8. On the basis of the above assessment, there is no change to the Consultation Zone map within the HSE's land use planning web app.

9. This consultation area will be for relevant consultations under The Town and Country Planning (Development Management Procedure) (England) Order 2015. The consultation area is also relevant to The Town and Country Planning (General Permitted Development) (England) Order 2015 in which it is referred to as a 'safety hazard area'. The granting of consent will therefore have implications for certain types of development proposed in the zones. More information can be found in HSE's land use planning methodology <http://www.hse.gov.uk/landuseplanning/methodology.pdf>.

10. If Consent is granted, consult HSE on relevant development in the consultation area by using HSE's land use planning web app <https://pa.hsl.gov.uk/>.

11. Please email HazSubCon.CEMHD5@hse.gov.uk to let us know you have received our advice.

12. Please email HazSubCon.CEMHD5@hse.gov.uk to inform HSE of the determination decision, as soon as is practicable in accordance with Regulation 11(6)(a) of The Planning (Hazardous Substances) Regulations 2015, so that we can update our records for the purpose of providing accurate advice in the future.

13. If Consent is granted, please email a copy of the decision notice to HazSubCon.CEMHD5@hse.gov.uk so that our records can be updated. If multiple versions of particulars such as the substance location plan or application form were submitted during the application process, please include the reference number of the version to which granted consent relates. This will ensure that future land-use-planning advice to you can be provided on a proper basis, for example when you consult us using HSE's web app <https://pa.hsl.gov.uk/>.

Health and Safety Executive – Control of Major Accident Hazards (COMAH)

A copy of the notification for the above establishment has been received and is enclosed with this letter.

Please take into account for civil contingencies as appropriate. Please confirm if hazardous substances consent has been granted for the establishment as required by:

The Planning (Hazardous Substances) Regulations 2015

Environment Agency

No comments received at the time of writing.

Officer Note: The Environment Agency had no comments to make to the previous application 19/00817/HAZ.

Highways and Engineering

Highways raised no objection when approval was granted for the storage of hazardous material on this site.

The storage of this type of material on this site would have little impact on the surrounding highway network.

Highways raise no objection to this application and request no specific planning conditions.

Environmental Health (Noise)

No objection to the proposal.

Cadent Gas Limited (National Grid)

If you're contacting us because **you want to dig**, you will need to register with LinesearchbeforeUdig to process any new enquiries.

Please use the following link to log your request - **WWW.LSBUD.CO.UK**

You will need the following information to submit an enquiry –

- ❑ Full site address including postcode
- ❑ Full description of works you are planning on undertaking
- ❑ Your works start date
- ❑ Any relevant site contact details

A site plan highlighting the extent of works will need to be provided following the request from the relevant network.

Please ensure that you include all relevant information regarding your works on your request to enable us to make an accurate assessment.

Please do not commence with any works until you have received authorisation and guidance.

If you need assistance and want to speak to one of the team, you can call us on 0800 688 588 between 8am and 4:30pm Monday to Friday.

Officer Note: The previous Hazardous Substance Consent recommended an informative note should the LPA be minded to approve the application to ensure that the proposed works do not infringe on Cadents operational gas apparatus. Tis informative will be carried across to the current application.

GM Fire Service

No comments at the time of writing.

Electricity North West

No comments at the time of writing.

REPRESENTATIONS

The applicant has posted notices adjacent to the site and in the local press. Letters of notification were sent to surrounding neighbours. As a result of this notification procedure 3 letters of objection have been received, the contents of which are summarised as follows:

- Many of the products applied for are extremely flammable and toxic. Risk of fire and explosion.
- Increasing the storage of hazardous substances would add significantly to the risk of catastrophic consequences, particularly if a fire were to break out.

- The site is within close proximity to a Soccer Factory where young people and children play.
- Congestion and an increase in air pollution.
- Increase in noise pollution.
- Only a wall and alleyway separates residential properties from the site.
- Diesel fumes are responsible for 90% of the poisonous nitrous oxides coming from roads.
- There are other transport companies opposite the site and a sizeable number of HGVs already operate along Royle Barn Road.
- Increased number of HGVs will add to congestion and are a highway safety risk.
- The application isn't clear, will it be acid petrol explosives?
- Within 10 km of the site there is an area (Rochdale canal) designated as a SSSI and SPA and SCAO. Any contamination of the canal would have unreparable consequences.
- Residents do not want chemicals stored and distilled in a residential area.

Officer Note: As the site is already used for the storage of hazardous substances, the principle of the whether the site is suitable for such storage is not for consideration in this application.

- What are they allowed to store now and what change for each item are they requesting.

Officer Note: this information has been provided in the additional information submitted by the applicant's agent on 20th September 2023).

- Can the HSE say that there is definitely no risk to residents.
- For each item in this application what is the percentage risk of an accident/incident?
- Are some of the contents potentially explosive?
- Tetrosyl are applying to increase their storage of Hazardous Substances. Does the HSE accept that increasing the storage will increase the risk?
- Can residents have a detailed breakdown of the application in terms of the changes in amounts of each item and the risks from each of these items and each risk expressed as a % of an accident/incident?

Officer Note: In regards to the five points raised above these are specific questions for the HSE. The HSE has provided comments on the application and the local planning authority are guided by their expertise.

- In the past the HSE ensured that the chemicals were not stored against the dividing wall to Tetrosyl's adjoining neighbours – the Soccer Factory.

Officer Note: The HSE have confirmed that they are aware of the Soccer Factory location and their comments are based on knowing this information.

The purpose of the hazardous substance consent procedure is to regulate the storage and use of hazardous substances to enable breaches of control which present serious risks to be dealt with quickly and effectively. Any permission that is granted for the quantities and storage of the proposed substances will be controlled by planning conditions.

Other concerns about safety of residents, air quality, highway safety and ecology are also noted. However, the hazardous substances consent process is solely required to ensure that necessary measures are taken to prevent major accidents and limit their consequences to people and the environment. This is a key part of the controls for storage and use of hazardous substances which could, in quantities at or above specified limits, present a major off-site risk.

Officers have, as a matter of courtesy, notified by email Councillor Sheerin and a local resident of the HSE's final comments, following a meeting where they expressed their concerns with the proposal.

ANALYSIS

The Planning (Hazardous Substances) Regulations 2015 requires consultation with the COMAH competent authority, which in this (and most) cases comprises the Health and Safety Executive and the Environment Agency.

Paragraph 45 of the NPPF states that *"local planning authorities should consult the appropriate bodies when considering applications for the siting of, or changes to, major hazard sites, installations or pipelines, or for development around them."*

The HSE has assessed the risk of harm from the maximum quantity of hazardous substances for which consent has been sought. Risks which may arise from the presence of other substances have not been taken into account in this assessment. Substances or categories that do not exceed the qualifying quantity, but have been included in the application, have also not been assessed.

In considering this application for Consent, the HSE has made the assumption that the requirements of the Health and Safety at Work etc. Act 1974, and all relevant statutory provisions, will be met at the establishment should Consent be granted. On this basis, the HSE has concluded that the risk to the surrounding population arising from the proposed operation(s) are so small that there are no significant reasons, on safety grounds, for refusing Hazardous Substances Consent. The Environment Agency, at the time of writing, have not provided comment however, it is noted that they did not raise any objections to the previous consent (application ref: 19/00817/HAZ).

Having regard to the representations from the HSE it is therefore not considered that the proposal would result in any unacceptable risk to the public, surrounding land or the environment which would warrant refusal of the application. This would be subject to appropriately worded planning conditions to control the quantities of the substances and their storage. The proposal is therefore in accordance with the requirements of the Planning (Hazardous Substances) Regulations (2015) and the NPPF.

RECOMMENDATION

GRANT subject to the following conditions:

1. The hazardous substances shall not be kept or used other than in accordance with the particulars provided on the application form, nor outside the areas marked for storage of the substances on the plans which formed part of the application including:

Document B (i) – Substance Location, ID. ID: BW1-00600846, Rev 2, dated 20/02/17) received by the Local Planning Authority on 20th September 2023

Application for Hazardous Substances Consent form received by the Local Planning Authority on 20th September 2023

Reason: For the avoidance of doubt and to ensure storage of hazardous substances occurs in accordance with the details in the approved plans and documents in the interests of minimising risk to the surrounding population, land and the environment in accordance with the requirements of the Planning (Hazardous Substances) Regulations 2015.

2. The quantities of hazardous substances stored on the site shall not exceed those detailed in the approved application form Ref: Application for Hazardous Substances Consent form, received by the Local Planning Authority on 20th September 2023

Reason: For the avoidance of doubt and to ensure storage of hazardous substances occurs in accordance with the submitted details in the interests of minimising risk to the surrounding population, land and the environment in accordance with the requirements of the Planning (Hazardous Substances) Regulations 2015.

Informatives

The applicant is advised that should this application be implemented then it supersedes any previous permissions and the planning permission shall be implemented only in accordance with the implemented scheme.

The applicant is advised to be aware of section 29 of the Planning (Hazardous Substances) Act 1990.

Cadent Gas

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588

The applicant is advised that the HSE and HSE – Control of Major Accident Hazards (COMAH) authorities have been sent a copy of this decision notice.

Report Author Claire Ringwood