



Report of the Chief Planning Officer

PLANS PANEL SOUTH & WEST

Date: 10th October 2013

Subject: Revocation of Hazardous Substance Consents at former Clariant site, Horsforth

APPLICANT
N/A

DATE VALID
N/A

TARGET DATE
N/A

Electoral Wards Affected:

Horsforth

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT AUTHORITY TO PURSUE A REVOCATION ORDER UNDER SECTION 14(1) OF THE PLANNING (HAZARDOUS SUBSTANCES) ACT 1990 (AS AMENDED) FOR ALL EXTANT HAZARDOUS SUBSTANCE CONSENTS AT THE FORMER CLARIANT SITE, HORSFORTH

1.0 INTRODUCTION:

- 1.1 This report is presented to Plans Panel as the Council's scheme of delegation does not grant the Chief Planning Officer authority to revoke hazardous substance consents.
- 1.2 The current owners of the site are supporting the Council in the revocation of the consents because, until the consents have been formally revoked, a significant Health and Safety Executive (HSE) consultation zone will remain which may result in any future development proposals within the zone receiving a formal objection from the HSE.

2.0 PROPOSAL:

- 2.1 The Council wishes to pursue a revocation of the extant hazardous substance consents associated with the former Clariant site in Horsforth. The ownership of the site has changed since the consents were issued and the use for which the consents were issued has ceased and the buildings have been demolished. The site is to be redeveloped following the grant of permission 10/04068/OT (granted on appeal in 2012) and 12/04929/RM (granted on 3 May 2013) for the construction of 331 dwellings and 2 retail units.
- 2.2 If Members are minded to approve the issuing of the draft Revocation Order, this will then be sent to the Secretary of State for formal determination. Assuming no objections are received, the hazardous substance consents will then be formally revoked. The Council will then advise the HSE of the revocation and the HSE will remove their consultation zones associated with the site.
- 2.3 A copy of the draft Revocation Order is provided with this report at appendix 1.

3.0 LEGAL AND FINANCIAL IMPLICATIONS:

- 3.1 The Planning (Hazardous Substances) Act 1990 sets out the ways in which hazardous substances consents may be revoked. Section 14 provides a general power to revoke consents by way of order to be confirmed by the Secretary of State. Compensation is generally payable but in this case a Section 106 obligation has been signed which provides that no claim for compensation may be made.
- 3.2 The current owners have agreed to assist the council with the legal fees incurred with the revocation process.

APPENDIX 1 – DRAFT REVOCATION ORDER

**THE LEEDS CITY COUNCIL REVOCATION OF HAZARDOUS
SUBSTANCES CONSENT ORDER (NO.1) 2013**

CALVERLEY LANE, HORSFORTH, LEEDS

Catherine Witham
City Solicitor
Leeds City Council
Civic Hall
Leeds,
LS1 1UR

THE LEEDS CITY COUNCIL REVOCATION OF HAZARDOUS SUBSTANCES CONSENT ORDER (NO.1) 2013

LAND AT CALVERLEY LANE, HORSFORTH, LEEDS

PLANNING (HAZARDOUS SUBSTANCES) ACT 1990, SECTION 14(1)

RECITALS

1. The hazardous substance consents (“the Consents” which definition includes the Deemed Consent) as listed below were granted or deemed to have been granted by Leeds City Council (“the Authority”) being the hazardous substances authority and in pursuance of their powers under the Planning (Hazardous Substances) Act 1990 (“the Act”) for the presence of hazardous substances in respect of the land described in Schedule 1 (the “Land”).

<u>Reference</u>	<u>Date Issued</u>
06/01747/HAZ	12 July 2007
06/01761/HAZ	11 July 2007
27/225/05/HZ	12 July 2007
27/177/03/HZ	24 May 2004
27/176/03/HZ	24 May 2004
27/14/00/HZ	29 September 2000
27/163/99/HZ	15 December 1999 (“Deemed Consent”)

2. The freehold interest in the Land has been transferred to a new owner who wishes to develop the Land for the construction of 331 dwellings and 2 retail units.
3. The revocation of the Consents means that the Health and Safety Executive is unlikely to continue to have any objection to future planning applications to develop the Land because the existing consultation zones would be removed.
4. The Council’s Plans Panel on xxx resolved that the Consents should be revoked.
5. It appears to the Authority, having regard to material considerations, that it is expedient to revoke the Consents.
6. The ground on which the Order is made is as follows:

The Council considers it expedient to revoke the Consents because planning permission was granted on appeal by the Secretary of State under reference 10/04068/OT on 19 March 2012 for the redevelopment of the Land for the construction of 331 dwellings and 2 retail units.

NOW THEREFORE the Authority as hazardous substances authority and in pursuance of section 14(1)) of the Act and of all other powers enabling hereby make the following order:-

1. The Consents are revoked in their entirety.
2. This Order shall be cited as the Leeds City Council Revocation of Hazardous Substances Consent Order (No.1) 2013.

SCHEDULE 1

The land at Calverley Lane, Horsforth, Leeds shown edged red on the plan attached to this Order.

SCHEDULE 2

Category of chemicals for which Deemed Consent was given:

Very Toxic: Part B, 1

Toxic: Part B, 2

Any person wishing to object to this Order must do so by writing to the Secretary of State for Communities and Local Government ("Secretary of State") before xxxx 2013 at the following address:

National Planning Casework Unit
5 St Philips Place
Colmore Row
Birmingham
B3 2PW

Any such objector to this Order may require an opportunity of appearing before and being heard by a person appointed by the Secretary of State for that purpose

Notice of this Order is to be served on:

Bridgemere Land PLC
Bridgemere House
Chester Road
Preston Brook
Runcorn
Cheshire
WA7 3BD

Harrow Estates PLC
Bridgemere House
Chester Road
Preston Brook
Runcorn
Cheshire
WA7 3BD

Redrow Homes Limited
Redrow House
St Davids Park
Flintshire
CH55 3RX

Horsforth Riverside Nominee Limited and Horsforth
Riverside Second Nominee Limited
Whittington Hall
Whittington Road
Worcester
WR5 2ZX

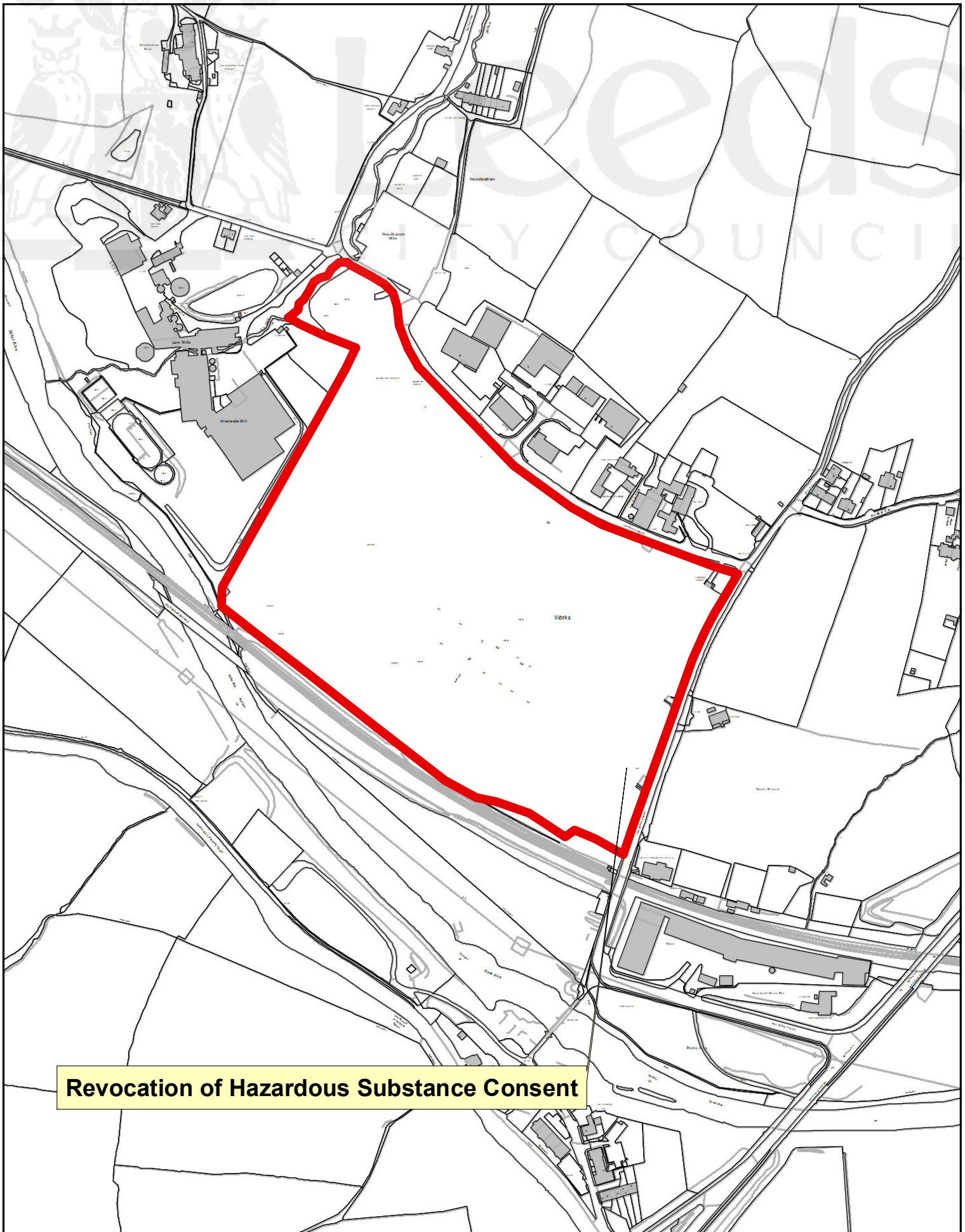
This Order shall not take effect until it has been confirmed by the Secretary of State.

GIVEN under the Corporate Common Seal of Leeds City Council this xx day of two thousand and thirteen

THE CORPORATE COMMON SEAL of)
LEEDS CITY COUNCIL was hereunto affixed)
in the presence of:-)

Authorised Signatory

Dated XX 2013



Revocation of Hazardous Substance Consent

SOUTH AND WEST PLANS PANEL

