

## SLOUGH BOROUGH COUNCIL

**REPORT TO:** Planning Committee                      **DATE:** 5<sup>th</sup> December 2018  
**CONTACT OFFICER:** Howard Albertini (Special Projects Planner)  
**(For all Enquiries)** (01753) 875855  
**WARD(S):** Central

### PART I FOR DECISION

#### REVOCATION OF HAZARDOUS SUBSTANCES CONSENTS AT THE FORMER GAS WORKS SITES

1. **Purpose of Report**

To retake the 5<sup>th</sup> September 2018 decision in respect seeking agreement for a decision on revocation of hazardous substances consents to be delegated to the Planning Manager regarding the gas holder at the former gas works Uxbridge Road owned by National Grid. It is presented again to avoid any misunderstanding re National Grid's position and to deal with their objection to the order made.

2. **Recommendation(s)/Proposed Action**

The Committee is requested to resolve that a decision on making a revocation order for existing hazardous substances consents at the gasholder, Uxbridge Road (under ref H/3) be delegated to the Planning Manager.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

3a. **Slough Joint Wellbeing Strategy Priorities –**

No implications

3b. **Five Year Plan Outcomes**

No implications from the recommendation. Removal of the consent will limit the scope for hazard to be present in the town contributing to the towns attractiveness and removal of a restriction on new development.

- *Slough will be an attractive place where people choose to live, work and stay*
- *Slough will attract, retain and grow businesses and investment to provide opportunities for our residents*

4. **Other Implications**

(a) Financial There are no financial implications of the proposed action if the resolution is agreed. If not agreed risk of inquiry costs.

(b) Risk Management

Recommendation	Risks/Threats/Opportunities	Current Controls	Using the Risk Management Matrix Score the risk	Future Controls
The Committee is requested to resolve that a decision on making a revocation order for existing hazardous substance consents at the gasholder, Uxbridge Road (under ref H/3) be delegated to the Planning Manager.	No risks re delegation. Minor opportunity to speed up process for owners wanting to remove restrictions on their sites.  If retaking decision not agreed risk of challenge re authority to make an order.	Council needs to be sure storage of hazards has ceased.  Agree the resolution.		Statements from owners re removal of hazard and site visit by Council officers.

(c) Human Rights Act and Other Legal Implications

There are no Human Rights Act Implications. Legal implications referred to below.

5. **Supporting Information**

- 5.1 Subsequent to the Planning Committee agreeing the September 2018 report, inclusive of the amendment, at Appendix A a revocation order for Akzo Nobel ICI Paints site has been confirmed by the Secretary of State. But for the order covering the gasholder National Grid have objected. They have requested the Council withdraw it and, if not withdrawn, they have asked to be heard by the Secretary of State at an inquiry.
- 5.2 Legal advice indicates the reasons for the objection are either weak or finely balanced but conclude that the best option is to withdraw the order and make a new one to address the objections. This includes retaking the decision to delegate the making of an order re the gasholder. The alternative of defending the order at an inquiry would result in delay, expense and a risk of an order not being confirmed. National Grid will be approached again to discuss their objections.
- 5.3 One of the reasons for the objection relates to how the information presented to the Planning Committee was interpreted hence the advice to retake the decision. (But now referring only to the gas holder site the Akzo Nobel revocation not being in question.) This reason refers to the minutes of the meeting which are at Appendix B. In brief National Grid say "*National Grid's representation to the Council in respect of the Property appears to have been misrepresented within the*

*minutes". And in particular "...National Grid's letter .....did not state that: it "would not be used in the future" as is asserted in the minutes, but instead identified that (whilst gas holder demolition was estimated in the next 2-5 years), National Grid is currently reviewing the potential for the redevelopment of the Property and that National Grid's approach is to request revocation of an HSC upon completion of demolition".*

5.4 The minutes contain a summary of the information presented to Committee plus the resolution. The information used by Planning Committee to make the decision was that contained in the report in particular para 5.4 and 7 plus the letter from National Grid received after the report was written, but presented to Planning Committee as part of the meeting amendment sheet.

5.5 However to avoid any question of there being a misunderstanding Members are asked to retake the decision regarding the gasholder site based upon this report inclusive of the previous report with amendment at Appendix A. And the subsequent minutes will be expanded to avoid any misunderstanding by National Grid.

6.0 **Comments of Other Committees** Not applicable

## 7. **Appendices Attached**

'A' - Officer Report agenda item 11 5<sup>th</sup> September 2018 and extract of meeting amendment sheet.

'B' Planning Committee 5.09.18 Minute 49

## 8. **Background Papers**

'1' Hazardous Substances Consents for gas holder ref H3.

2 Letter 5<sup>th</sup> Nov 18 from CMS acting for National Grid to SBC.

3 Letter 5<sup>th</sup> November 2018 from CMS to Planning Casework Unit

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**WARD(S):** Central

**PART I****FOR DECISION****Revocation of Hazardous Substance Consent at the Akzo Nobel and the former gas works sites.****1. Purpose of Report**

To seek agreement for two decisions on revocation of hazardous substance consents to be delegated to the Planning Manager. The decisions relate to ICI paints Akzo Nobel site Wexham Rd and the gas holder at the former gas works Uxbridge Road owned by National Grid.

**2. Recommendation(s)/Proposed Action**

The Committee is requested to resolve that decisions on making revocation Orders for existing hazardous substance consents at Akzo Nobel (ref H/1) and the gasholder (ref H/3) sites be delegated to the Planning Manager.

**3. The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan****3a. Slough Joint Wellbeing Strategy Priorities –**

No implications

**3b. Five Year Plan Outcomes**

No implications from the recommendation. Removal of the consents will limit the scope for hazards to be present in the town contributing to the towns attractiveness and removal of a restriction on new development.

- *Slough will be an attractive place where people choose to live, work and stay*
- *Slough will attract, retain and grow businesses and investment to provide opportunities for our residents*

**4. Other Implications**

(d) Financial There are no financial implications of the proposed action.

(e) Risk Management

Recommendation from section 2 above	Risks/Threats/ Opportunities	Current Controls	Using the Risk Management Matrix Score the risk	Future Controls
Decisions on making revocation Orders for existing hazardous substance consents at Akzo Nobel and gasholder be delegated to the Planning Manager.	No risks. Minor opportunity to speed up process for owners wanting to remove restrictions on their sites.	Council needs to be sure storage of hazards has ceased.		Statements from owners re removal of hazard and site visit by Council officers.

(f) Human Rights Act and Other Legal Implications

There are no Human Rights Act Implications.

5. **Supporting Information**

- 5.1 Storage of certain quantities of hazardous materials need a specific Hazardous Substance Consent under the Planning (Hazardous Substances) Act 1990. Via the Health and Safety Executive (HSE) restrictions on development nearby apply whenever a Consent exists and irrespective of whether the hazard still exists. Where the substance is no longer stored there is a process for the Consent to be revoked to remove the restrictions. This can be the owner asking for revocation or there being evidence that a hazard has not been present for 5 years or more. The process involves the Council making a revocation Order that is then confirmed by the Secretary of State. The Council's decision, to which the recommendation relates, relates to making an Order to revoke.
- 5.2 The Consents process is not quite the same as a planning application and revocations are not at present covered by the scheme of delegation. Revocation is not a major issue provided the Council is confident the consented storage of substances has ceased. Revocation means a hazard is removed so it does not raise any land use problems. Consequently it is considered appropriate for decisions on revocations to be delegated to the Planning Manager to speed up the process for site owners etc. The scheme of delegation may be amended in the future to include revocations. There are very few Hazardous Substance Consents in the Borough.
- 5.3 Akzo Nobel's ICI Paints division have asked for a revocation of their Consent paint manufacture having ceased on their site (ref H/1). They also want the associated HSE restrictions removed to allow future redevelopment of the site. A site visit has

taken place to confirm that the identified locations for storage of the consented substances within the site are no longer used or no longer in place.

- 5.4 The adjacent former gas works site (owned by National Grid and Cadent) is subject to a separate Consent (ref H/3) because of the gas holder. But the holder, owned by National Grid, has not been used for many years and it is understood that it will not be used in the future. Nationally storage of gas now takes place within the gas distribution pipe network and at strategic locations. Akzo Nobel and the Council are liaising with National Grid about revocation of the latter's Consent. They confirm that the holder is not in current use and that demolition is planned. The HSE restrictions around the holder overlap the Akzo Nobel site as well as the former gas works site and will hinder redevelopment of both sites if not removed via revocation of the current Consent.
- 5.5 The Akzo Nobel and the former gas works sites are both strategic housing sites. Both can contribute to the Council's future housing supply so removal of the restrictions on future residential development is in the Council's interest.
- 6.0 **Comments of Other Committees** Not applicable

## 7. **Conclusion**

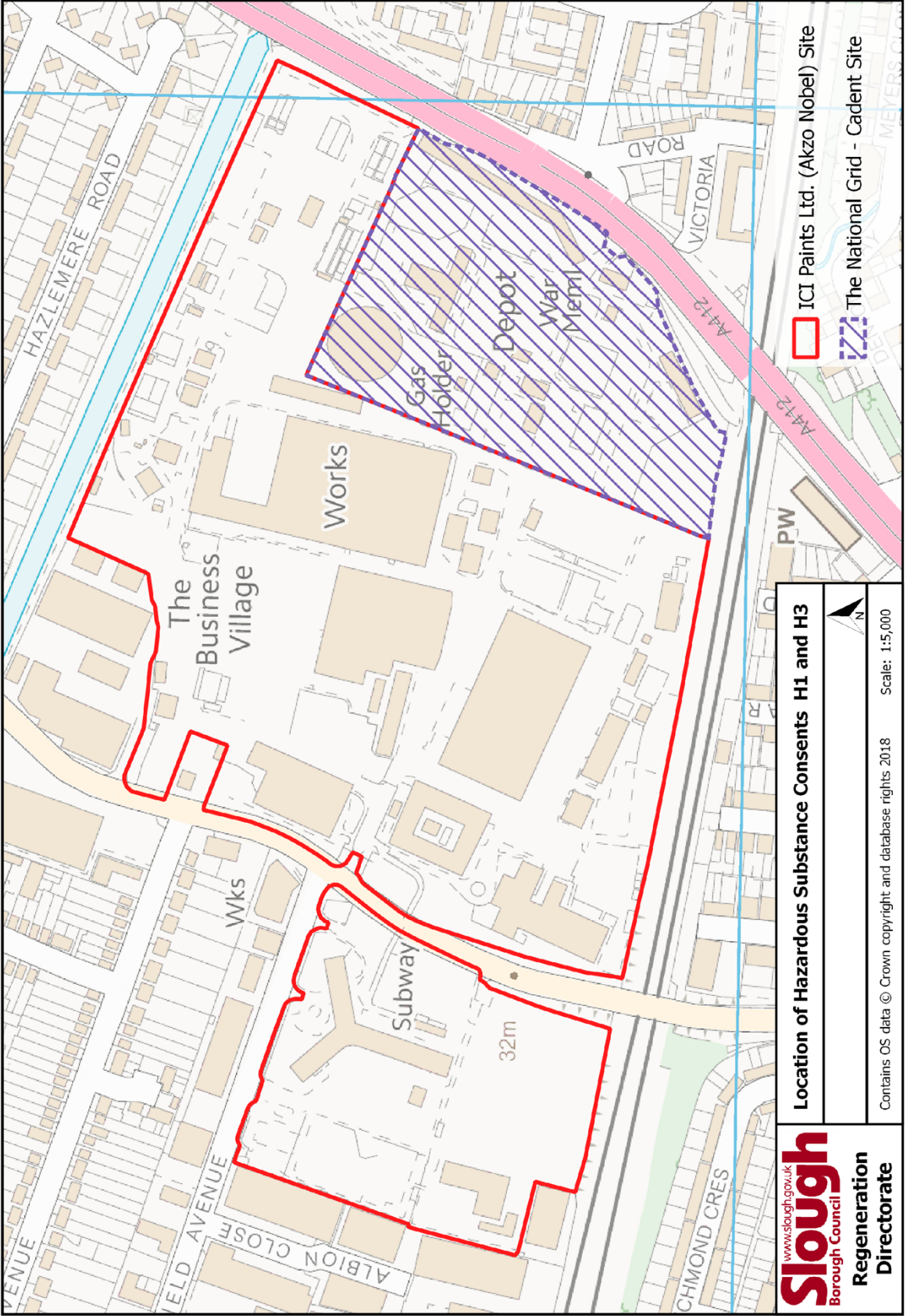
Akzo Nobel have said they no longer store hazardous substances. This has been confirmed on site so the existing Consent can be removed. The gasholder has not been used for many years and it is to be removed. Subject to this being confirmed the existing Consent can be revoked. As revocation is not a major issue where there is evidence of the permitted storage having been removed it is appropriate for the matter to be delegated to the Planning Manager i.e. that the Planning Manager make the decision to make a revocation Order for subsequent confirmation by the Secretary of State.

## 8. **Appendices Attached**

'A' - Plan to show location of ICI (Akzo Nobel) and the former gas works sites (National Grid / Cadent).

## 9. **Background Papers**

- '1' Letter from Akzo Nobel 29<sup>th</sup> May 2018
- 2 Hazardous Substance Consent ICI Paints ref H1.
- 3 Hazardous Substance Consent gas holder ref H3.



ICI Paints Ltd. (Akzo Nobel) Site

The National Grid - Cadent Site

Location of Hazardous Substance Consents H1 and H3



Scale: 1:5,000

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**Slough**  
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**Regeneration**  
**Directorate**

**Revocation of Hazardous Substances Consent**

**Agenda Item 11**

1. Regarding para 5.4 and what National Grid have said the source of this information is in a letter dated 20<sup>th</sup> August 2018 which is attached.

**nationalgrid**

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[www.nationalgrid.com](http://www.nationalgrid.com)

Date 20/08/18

Your Reference: H/00003/001

Dear Howard

**Re: Former Slough Gasworks and Gas Holder Site, Uxbridge Road, Slough  
Hazardous Substance Consent (H/00003/002) (HSE HID C15 No, H1784)**

Many thanks for your query which has been passed to me.

I can confirm that the gas holder at Slough is not currently in operational use.

Gas holder demolition at this site is estimated in the next 2 - 5 years. As you may be aware there are some constraints associated with the demolition of the gas holder which we are currently working through with various stakeholders before gas holder demolition can commence.

It is the approach of National Grid Property to request Hazardous Substance Consent revocation upon completion of demolition.

We are currently reviewing the potential for redevelopment of the site.

Please do not hesitate to contact me if you have any more queries.

Yours sincerely



Laura McDermott  
Real Estate Development Manager

National Grid is a trading name for:  
National Grid Property Ltd  
Registered Office: 1-3 Strand, London WC2N 5EH  
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**49. Revocation of Hazardous Substance Consent at the Akzo Nobel and the former gas works sites**

The Special Projects Planner Officer outlined details of the report seeking agreement for the revocation of hazardous substance consents. The consents were in relation to the former ICI paints Akzo Nobel site, Wexham Road and the gas holder at the former gas works, Uxbridge Road which was owned by National Grid.

It was confirmed that the ICI site had closed down and hazardous substances were no longer stored there. The adjacent former gas works site had not been used for a number of years and the owner, national Grid, confirmed that it would not be used in the future, given that storage of gas nationally now took place within the gas distribution pipe network and at strategic locations.

**Resolved** – That Revocation Orders for existing hazardous substance consents at Akzo Nobel (ref H/1) and the gasholder (ref H/3) sites be delegated to the Planning Manager.