Hinckley & Bosworth Borough Council

*A Borough to be proud of*

**Planning (Hazardous Substances) Act 1990**
**Planning (Hazardous Substances) Regulations 1992**

**Name and Address of Applicant**
Abbey Metal Finishing Co Ltd
2 Dodwells Road
Hinckley
Leicestershire
LE10 3BZ

**Name and Address of Agent (if any)**
Graham Vaughan
Abbey Metal Finishing Co Ltd
2 Dodwells Road
Hinckley
Leicestershire
LE10 3BZ

**Part I - Particulars of Application**

| **Date of Application** | **Application No.** |
|---|---|
| 4 October 2011 | 11/00776/HAZARD |

**Particulars and location of development :**

HAZARDOUS SUBSTANCES CONSENT.

**2 Dodwells Road Hinckley Leicestershire LE10 3BZ**

**Part II - Particulars of decision**

**Summary of Reasons for Recommendation and Relevant Development Plan Policies :**

Having regard to the representations received and relevant provisions of the development plan, it is considered that subject to compliance with the conditions attached to this permission, that Hazardous Substances Consent be granted as the proposed works would not be to the detriment of safety.

Hinckley & Bosworth Local Plan (2001):- Policy NE16.

**In pursuance of its powers under the Planning (Hazardous Substances) Act 1990 and Planning (Hazardous Substances) Regulations 1992 Hinckley and Bosworth Borough Council grants Hazardous Substances Consent for the carrying out of the development referred to in Part I hereof in accordance with the application form and plans submitted, subject to the following conditions :-**

1. The Consent of 53.948 tonnes of B2 Toxic and 9.629 tonnes of B1 Very Toxic substances shall be restricted to solids or aqueous solutions containing substances that are solids at ambient temperature and pressure.

   Operating procedures shall require that cyanide substances will be added to solutions in aliquot sizes not greater than 50 kg.

   The airspace above cyanide mixing tanks shall be ventilated and exhausted externally via a stack at least 11 metres above ground.

2. 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.

The reasons for the conditions are :-

**IMPORTANT - PLEASE READ THE NOTES AT THE END OF THIS DOCUMENT**

1. In the interests of safety.

2. For the avoidance of doubt and to define the scope of this consent.

Date : 8 May 2012

**SIMON WOOD**
HEAD OF PLANNING

## NOTES

1. It will be most helpful if the application number shown overleaf is quoted in all correspondence.

2. If you consider that this decision has been made invalidly through the Council failing to follow a procedure correctly, not having the legal power to make the decision in the way it did or through its decision being so unreasonable as no reasonable local authority would make the same decision based on the same facts, then you may enter a claim for judicial review to quash the decision. In order to proceed with a claim for judicial review an initial application for permission will need to be made to the Administrative Court, this application is required to be made "promptly and in any event within three months of the decision". The initial permission application will decide if you have an arguable case, whether you are sufficiently materially affected by the decision to bring the claim. If you are granted permission to bring the claim it will proceed to a full hearing at the Administrative Court. Although there is no requirement for you to do so it is highly recommended that you seek independent legal advice before bringing forward a claim for Judicial Review.

3. If the applicant is aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990 within six months (see para 2a below) of the date of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Room 305(K), Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, by telephoning 0117 372 6372 or online at www.planningportal.gov.uk/planning/appeals/). You must use a Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that the permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements as set out in Section 78 of the Town and Country Planning Act 1990, to the provisions of the development order, and to the directions given under the order. He does not in practice refuse to entertain appeals solely because the decision by the Local Planning Authority was based on a direction given by him. Appeals- new time rules. Appeals relating to applications made to the Local Planning Authority on, or after, 5th September 2003 must be made within six months of the date of this notice.

4. If permission to develop land is granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

5. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

6. This permission covers only consent under the Town and Country Planning Acts and does not give permission to demolish a Listed Building, for which separate consent is required. Amongst other things the consent of the Council of the district in which the land is situated may be required under the Building Regulations and if the proposals affect land within the limits of the highway (that is between the highway fences or hedges) the separate consent of the Highway Authority may also be required. Steps to obtain the necessary further consents should be taken before proceeding with the development.

### SHOPS, OFFICES, FACTORIES, EDUCATIONAL BUILDINGS & BUILDINGS TO WHICH THE PUBLIC ARE TO BE ADMITTED : ACCESS AND PROVISION FOR THE DISABLED PERSONS

1 The Local Planning Authority is required to bring to your attention the requirements of the Disabled Persons 1981, Building Regulations 1991 "Access and facilities for Disabled People" document M and the Chronically Sick & Disabled Act 1970 (as amended 1976) (Sections 4.7.8 and 8A) requiring the provision of access facilities, car parking and toilets for the disabled and the provision of signing indicating what provision has been made for disabled persons within the building. Your attention is also drawn to the Code of Practice B.S 5619 "Design of Housing for the convenience of Disabled People", 1978 and Code of Practice, B.S. 5810 : 1979, "Access for the Disabled to buildings" available from the British Standards Institution, 2 Park Street, London W1A 2BS. (Tel 071-629-9000) and (in so far as educational buildings are concerned), to Design Note 18 "Access for the Physically Disabled to Educational Buildings."

2 The buildings to which these requirements apply are :-

a) Buildings to which the public are to be admitted to which Section 4 of the Chronically Sick & Disabled Act 1970 (as amended 1976) applies.

b) Offices, Shops & Railway Premises as defined in the Offices, Shops & Railway Premises Act 1963 or premises deemed to fall within the Act.

c) Factories as defined by Section 175 of the Factories Act 1961.
Educational Buildings as defined by Section 29B of the Disabled Persons Act 1981.

**PPNOTES – V2.1**