



## Health and Safety Executive

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Stuart Reston – Head of Unit

5<sup>th</sup> June 2015

Dear Sir/Madam

### **CONSULTATION ON NEIGHBOURHOOD PLANS – REPRESENTATIONS BY HSE**

#### **OLD MILVERTON AND BLACKDOWN NEIGHBOURHOOD PLAN KENILWORTH NEIGHBOURHOOD PLAN**

Thank you for your request to provide a representations on the Old Milverton and Blackdown Neighbourhood Plan and Kenilworth Neighbourhood Plan consultation documents. When consulted on land-use planning matters, the HSE where possible will make representations to ensure that compatible development within the consultation zones of major hazard installations and major accident hazard pipelines (MAHPs) is achieved. HSE acknowledges that early consultation can be an effective way of alleviating problems due to incompatible development at the later stages of the planning process.

HSE gives advice on neighbourhood plans with reference to the condition that neighbourhood plans or Orders must be in general conformity with the strategic policies of the Local Plan, and that neighbourhood plans or Orders must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant (Planning Practice Guidance – Neighbourhood Planning – Para 065). Our advice therefore is given with consideration to the following.

1. Paragraph 172 of the National Planning Policy Framework (NPPF) requires that planning policies should be based on up to date information on the location of major accident hazards and on the mitigation of the consequences of major accidents.
2. Regulation 10(b) of the town and Country Planning (Local Planning)(England)Regulations 2012 requires that in local plans and supplementary planning documents, regard be had for the objectives of preventing major accidents

and limiting the consequences of such accidents by pursuing those objectives through the controls described in Article 12 of Council Directive 96/82/EC(Seveso II)<sup>1</sup>. Regulation 10(c)(i) requires that regard also be had to the need in the long term, to maintain appropriate distances between installations and residential areas, buildings and areas of public use, major transport routes as far as possible and recreational areas.

### **Scope of Advice**

At this early stage HSE can give a general opinion regarding development compatibility based only on the outline information contained in the plan. This opinion takes no account of any intention to modify, relinquish or revoke hazardous substances consents<sup>2</sup>. Planning authorities are advised to use HSE's Planning Advice for Developments near Hazardous Installations Information Package (PADHI+) to verify any advice given. Further information on PADHI+ is available on the HSE website:

<http://www.hse.gov.uk/landuseplanning/padhi.htm>

PADHI+ cannot be used for developments around nuclear sites, explosive sites or quarries. In these cases you must consult the appropriate HSE directorate for advice. Guidance on consulting the HSE about developments that could encroach on specialist major hazard sites is also available on the website:

<http://www.hse.gov.uk/landuseplanning/padhi/faqs.htm#hazardous-substances-consent>.

### **Encroachment of Plan Boundaries and Consultation Zones**

The following consultation zones are within **both of** the proposed neighbourhood plan boundaries:

- i) *Both neighbourhood plan boundaries encroaches upon consultation zones associated with a MAHP*

*HSE Reference No: 7190 (National Grid Reference No: 1460) - Rugby-Hanbury National Grid Pipeline*

### **Compatibility of Development with Consultation Zones**

The compatibility issues raised by developing housing and workplaces within the inner middle and outer zones are summarised below.

#### **Housing Allocations**

Inner Zone – Housing is not compatible with development in the inner zone. PADHI+ would normally give an Advise Against decision for such development. The only exception is developments of 1 or 2 dwelling units where there is a minimal increase in people at risk.

Middle Zone – The middle zone is compatible with housing developments up to and including 30 dwelling units *and* at a density of no more than 40 per hectare.

Outer Zone – Housing is compatible with development in the outer zone including larger developments of more than 30 dwelling units and high-density developments of more than 40 dwelling units per hectare.

## Workplace Allocations

Inner Zone – Workplaces (predominantly non-retail) providing for less than 100 occupants in each building *and* less than 3 occupied storeys are compatible with the inner zone. Retail developments with less than 250 m<sup>2</sup> total floor space are compatible with the inner zone.

**Note** Workplaces (predominantly non-retail) providing for 100 or more occupants in any building *or* 3 or more occupied storeys in height are compatible with the inner zone where the development is at the major hazard site itself and will be under the control of the site operator.

Middle Zone – The middle zone is compatible with workplaces (predominantly non-retail). Retail developments with total floor space up to 5000 m<sup>2</sup> are compatible with the middle zone.

Outer Zone – Workplaces (predominantly non-retail) are compatible with the outer zone. Workplaces (predominantly non-retail) specifically for people with disabilities (eg sheltered workshops) are *only* compatible with the outer zone. Retail developments with more than 5000 m<sup>2</sup> total floor space are compatible with the outer zone.

This is a general description of the compatibility for housing and workplaces. Detail of other development types for example institutional accommodation and education and their compatibility with consultation zones can be found in the section on *Development Type tables* (page 9) of *PADHI – HSEs Land Use Planning Methodology*, which is available at :

<http://www.hse.gov.uk/landuseplanning/padhi.pdf>

## Mixed use Allocations

Because of the potential complexity when combination use classes are proposed, advice regarding mixed-use allocations is outside the scope of the general advice that can be given in this representation. Please refer to PADHI+ to determine HSEs advice regarding mixed-use developments.

## Verification of Advice using PADHI+

The potential for encroachment is being brought to your attention at an early stage so that you can assess the actual extent of any incompatibility on future developments. Information on the location and extent of the consultation zones associated with major hazard installations and MAHPs can be found on the HSE extranet system along with advice on HSEs land-use planning policy. Lists of all major hazard installations and MAHPs, consultation zone maps for installations, and consultation distances for MAHPs are included to aid planners. All planning authorities should have an authorised administrator who can access the HSE *Planning Advice for Developments near Hazardous Installations Information Package* (PADHI+) on the extranet, further information is available on the HSE website: <http://www.hse.gov.uk/landuseplanning/padhi/htm>. When sufficient information on the location and use class of sites comes available at the pre-planning stages of the neighbourhood plan, the use of PADHI+ could assist you in making informed planning decisions about development compatibility. We recommend that for speculative testing of advice that the PADHI+ training database is used. This is accessed on the land-use planning extranet services screen.

## Identifying Consultation Zones in Neighbourhood Plans

The HSE recommends that where there are major hazard installations and MAHPs within the area of the neighbourhood plan, that you mark the associated consultation zones on a

map. This is an effective way to identify the development proposals that could encroach on consultation zones and the extent of any encroachment that could occur. The proposal maps in site allocation development planning documents may be suitable for presenting this information. We particularly recommend marking the zones associated with any MAHPs and the HSE advises that you contact the pipeline operator for up to date information on pipeline location, as pipelines can be diverted by operators from notified routes. Most incidents involving damage to buried pipelines occur because third parties are not aware of their presence<sup>3</sup>.

### **Identifying Compatible Development in Neighbourhood Plans**

The guidance in *PADHI – HSEs Land Use Planning Methodology* available at <http://www.hse.gov.uk/landuseplanning/padhi.pdf> will allow you to identify compatible development within any consultation zone in the area of the neighbourhood plan. The HSE recommends that you include in the plan an analysis of compatible development type within the consultation zones of major hazard installations and MAHPs based on the general advice contained in the PADHI guidance. The sections on *Development Type Tables* (page 9) and the *Decision Matrix* (page 17) are particularly relevant and contain sufficient information to provide a general assessment of compatible development by class within the zones.

There are a number of factors that can alter a PADHI+ decision, for example where a development straddles 2 zones. These factors are outside the scope of the general advice in this letter. HSEs final advice on development compatibility can only be determined through use of PADHI+

### **Provision of Information to Interested Parties – Pipeline Operators**

The pipeline operator/s referred to will be send a copy of this representation to make them aware of HSE's preliminary advice on this matter.

If you have any questions about the content of this letter, please contact me at the address given in the letterhead.

Yours faithfully



John Moran

HM Specialist Inspector of Health and Safety (Risk Assessment)

<sup>1</sup> Article 12 provides that the objectives of preventing major accidents and limiting the consequences of such accidents are taken into account in land-use policies and these objectives should be pursued through controls on the siting of new establishments, modifications to existing establishments, and new developments in the vicinity of existing establishments such as transport links, locations frequented by the public and residential areas where the siting or development is such as to increase the risk or consequences of a major accident.

<sup>2</sup> Hazardous substances consents are granted by the Hazardous Substances Authority (HSA) which is the planning authority. The consent process is regulated by the HSA under the Planning (Hazardous Substances) Regulations 1992 (as amended). The HSA must consult the HSE on consent applications. In assessing the application for consent, HSE will produce a map with risk

contours (or zones), representing the risk to a hypothetical house resident. Should the HSA grant consent this map defines the consultation distance within which HSE must be consulted over any relevant future planning applications

<sup>3</sup> The HSE does not hold detailed versions of pipeline maps. Therefore you are advised not to rely solely on the information contained in this representation as reflecting the current status of MAHPs that could affect the plan. Please refer to the sources of information eg to local authority pipeline records, as pipeline operators have a duty to supply information on pipelines including location to local authorities for emergency planning purposes. To further assist planning authorities in identifying the location and ownership of MAHPs the HSE has provided a source of pipeline information on the HSE extranet pages at: @ <http://extranet.hse.gov.uk/Land%20Use%20Planning/padhi/pipelines.htm>