



Health and Safety Executive

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Dr J Neilson – Head of Unit
Date: 15 June 2017

Dear Sir/Madam

CONSULTATION ON NEIGHBOURHOOD PLANS – REPRESENTATIONS BY HSE
BAGINTON AND BUBBENHALL NEIGHBOURHOOD PLAN

Thank you for your request to provide a representation on the above consultation document. When consulted on land use planning matters, HSE where possible will make representations to ensure that compatible development within the consultation zones of major hazard establishments 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 (Planning Practice Guidance – Neighbourhood Planning – Para 065). Our advice therefore is given with consideration to the following.

1. The National Planning Policy Framework (Para. 172) 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(1)(b) of the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended¹ requires that in local plans and supplementary planning

¹ Amended by r.33 - Schedule 5 of The Planning (Hazardous Substances) Regulations 2015

documents, regard be had for the objectives of preventing major accidents and limiting the consequences of such accidents for human health and the environment by pursuing those objectives through the controls described in Article 13 of Council Directive 2012/18/EU (Seveso III)². Regulation 10(c)(i) requires that regard also be had to the need, in the long term, to maintain appropriate safety distances between establishments and residential areas, buildings and areas of public use, recreational areas, and, as far as possible, major transport routes

Scope of Advice

At this early stage HSE can give a general opinion regarding development compatibility based only on the outline information contained in your plan. This opinion takes no account of any intention to vary, relinquish or revoke hazardous substances consents³. Planning authorities are advised to use HSE's Planning Advice Web App to verify any advice given. The Web App is a software version of the methodology used in providing land use planning advice. It replaces PADHI+. Further information on the Web App is available on HSE's website: <http://www.hse.gov.uk/landuseplanning/padhi.htm>

Encroachment of Local Plan Allocations on Consultations Zones

We have concluded that there is the potential for land allocated in your plan to encroach on consultations zones, namely.

National Grid Gas Pipeline – HSE Ref: 7190 – Rugby/Hanbury

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. HSE would normally Advise Against 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.

² Article 13(1) provides that Member States shall ensure that the objectives of preventing major accidents and limiting the consequences of such accidents for human health and the environment are taken into account in land use policies or other relevant policies. They shall pursue those objectives through controls on: (a) the siting of new establishments; (b) modifications to establishments covered by Article 11; and (c) new developments including transport routes, locations of public use and residential areas in the vicinity of establishments, where the siting or developments may be the source of or increase the risk or consequences of a major accident

³ Hazardous substances consents are granted by the Hazardous Substances Authority (HSA), which is usually the planning authority. The consent process is regulated by the HSA under The Planning (Hazardous Substances) Regulations 2015. The HSA must consult 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

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 250m² 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 5000m² 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 (e.g. sheltered workshops) are only compatible with the outer zone. Retail developments with more than 5000m² 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 consultations zones can be found in the section on *Development Type Tables* of HSE's *Land Use Planning Methodology*, which is available at: <http://www.hse.gov.uk/landuseplanning/methodology.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 the Web App to determine HSE's advice regarding mixed-use developments.

Verification of Advice using the Web App

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 establishments and MAHPs can be found on HSE's extranet system along with advice on HSE's land use planning policy. Lists of all major hazard establishments and MAHPs, consultation zone maps for establishments, and consultation distances for MAHPs are included to aid planners. All planning authorities should have an authorised administrator who can access HSE's Planning Advice Web App; further information is available on HSE's website: <http://www.hse.gov.uk/landuseplanning/padhi.htm> . When sufficient information on the location and use class of sites becomes available at the pre-planning stages of your local plan, the use of the Web App could assist you in making informed planning decisions about development compatibility.

Identifying Consultation Zones in Local Plans

HSE recommends that where there are major hazard establishments and MAHPs within the area of your local 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 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.

Identifying Compatible Development in Local Plans

The guidance in HSE's Land Use Planning Methodology, available at <http://www.hse.gov.uk/landuseplanning/methodology.pdf> will allow you to identify compatible development within any consultation zone in the area of your local plan. HSE recommends that you include in your plan an analysis of compatible development type within the consultation zones of major hazard establishments and MAHPs based on the methodology. The sections on *Development Type Tables* and the *Decision Matrix* are particularly relevant, and contain sufficient information to provide a general assessment of compatible development by use class within the zones.

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

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)