



## Health and Safety Executive

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Date	10 February 2016	

Dear Sir/Madam

## CONSULTATION ON YOUR LOCAL PLAN – REPRESENTATIONS BY HSE

### NOTTINGHAM CITY LOCAL PLAN PART 2 – LAND AND PLANNING POLICIES DOCUMENT

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. We also recognise that there is a requirement for you to meet the following duties in your plan, and that consultation with HSE may contribute to achieving compliance:

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 amended<sup>1</sup> 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 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)<sup>2</sup>. Regulation 10(c)(i) requires that regard also be had to the

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

<sup>2</sup> 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

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

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 consents<sup>3</sup>. 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. The land allocations that could be effected can be seen in the Attached Annex to this letter.

### **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.

**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 250m<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.

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<sup>3</sup> 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

4281 , 4282 ,  
4283 , 4284 ,  
4285 , 4286 ,  
4287 , 4288 ,  
4289 , 4290

**Middle Zone** – The middle zone is compatible with workplaces (predominantly non-retail). Retail developments with total floor space up to 5000m<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 (e.g. sheltered workshops) are only compatible with the outer zone. Retail developments with more than 5000m<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 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>

*Include the paragraph below on mixed-use allocations where encroachment has been identified.*

4165

#### 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.

4280

#### 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.

### Development Proximity Zone (DPZ)

Following the Buncefield incident in 2005, HSE reviewed the consultation distances of all sites which met the criteria for large-scale petrol storage sites, and an additional zone (DPZ) was introduced 150 metres from the boundary of the relevant storage tank bunds. The Web App cannot be used to determine HSE's advice on developments within the DPZ, and LPAs must refer any planning applications or pre-planning enquires on developments within the DPZ to HSE. Further guidance is available on HSE's website: [http://www.hse.gov.uk/foi/internalops/hid\\_circs/technical\\_general/spc\\_tech\\_gen\\_43/index.htm](http://www.hse.gov.uk/foi/internalops/hid_circs/technical_general/spc_tech_gen_43/index.htm)

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

The pipeline operator/s referred to will be sent 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)

ANNEX 1

**YOUR SITES – ENCROACHMENT ON MAJOR ACCIDENT HAZARD PIPELINES**

Your REF	SITE ADDRESS	HSE REF	TRANSCO REF	PIPELINE NAME	ENCROACHMENT ON ZONE	
4285	1 PA19	Lortas Road	6879	1156	National Grid Plc, Papplewick/Basford	Outer
4282	29 PA6	Beckhampton Road – Former Padstow School Detached Playing Field	6879	1156	National Grid Plc Papplewick/Basford	Outer
4281	30 PA5	Ridgeway – Former Padstow School Detached Playing Field	6879	1156	National Grid Plc Papplewick/Basford	Outer
4287	33 PA23	Radford Road – Former Basford Gasworks	6879	1156	National Grid Plc, Papplewick/Basford	Outer
4290	46 PA54	Boots	12725	2735	National Grid Plc Thulston/Thane Road	Inner
	46 PA54	Boots	12725	2735	National Grid Plc Thulston/Thane Road	Outer
	46 PA54	Boots	12725	2735	National Grid Plc Thulston/Thane Road	Middle
	46 PA54	Boots	6892	1169	Boots Beeston Tee/Boots Beeston	Inner
	46 PA54	Boots	6892	1169	Boots Beeston Tee/Boots Beeston	Outer
	4283	76 PA7	Hucknall Road/Southglade Road – Southglade Food Park	6879	1156	Papplewick/Basford
76 PA7		Hucknall Road/Southglade Road – Southglade Food Park	6879	1156	Papplewick/Basford	Inner

**ENCROACHMENT ON MAJOR ACCIDENT HAZARD SITES**

Your REF	SITE ADDRESS	HSE REF	HAZARDOUS SITE NAME AND ADDRESS	ENCROACHMENT ON ZONE	
4289	10 PA43	Salisbury Street	H1490	Transco Plc, Triumph Road, Nottingham. NG8 1FF	Outer
	10 PA43	Salisbury Street	H1490	Transco Plc, Triumph Road, Nottingham. NG8 1FF	Middle
4284	24 PA18	Vernon Road – Former Johnsons Dyeworks	H0949	Flogas, Nottingham Road, Nottingham. NG6 0FU	Middle

	Your REF	SITE ADDRESS	HSE REF	HAZARDOUS SITE NAME AND ADDRESS	ENCROACHMENT ON ZONE
4284	24 PA18	Vernon Road – Former Johnsons Dyeworks	H0949	Flogas, Nottingham Road, Nottingham. NG6 0FU	Outer
	24 PA18	Vernon Road – Former Johnsons Dyeworks	H0949	Flogas, Nottingham Road, Nottingham. NG6 0FU	Inner
4286	25 PA22	Western Boulevard	H1489	Transco Plc, Radford Road, Nottingham NG7 7EF	Outer
4287	33 PA23	Radford road – Former Basford gasworks	H1489	Transco Plc, Radford Road, Nottingham. NF7 7EF	Middle
	33 PA23	Radford road – Former Basford gasworks	H1489	Transco Plc, Radford Road, Nottingham. NF7 7EF	Outer
	33 PA23	Radford road – Former Basford gasworks	H1489	Transco Plc, Radford Road, Nottingham. NF7 7EF	Inner
4290	46 PA54	Boots	H3727	Boots Co Plc, Thane Road, Nottingham. NG7 2SD	Outer
4288	54 PA27	Wilkinson Street – Former PZ Cussons	H3335	Cussons (International) Ltd, Wilkinson Street, Nottingham. NG7 7NU	Outer
	54 PA27	Wilkinson Street – Former PZ Cussons	H3335	Cussons (International) Ltd, Wilkinson Street, Nottingham. NG7 7NU	Middle
	54 PA27	Wilkinson Street – Former PZ Cussons	H3335	Cussons (International) Ltd, Wilkinson Street, Nottingham. NG7 7NU	Inner