Health and Safety Executive

South Lakeland District Council
South Lakeland Hous
Lowther Street
KENDAL
Cumbria LA9 4DL
ATTN: ALISTAIR MCNEILL – DEVELOPMENT PLANS MANAGER

Hazardous Installations Directorate

John Moran

CEM HD5E
2.2 Redgrave Court
Merton Road
BOOTLE
L20 7HS

[redacted]

[redacted]

http://www.hse.gov.uk/

Dr J Neilson – Head of Unit
Date:6 April 2017

Dear Sir/Madam

CONSULTATION ON YOUR LOCAL PLAN – REPRESENTATIONS BY HSE

PHASE 3A DRAFT BRIEF CONSULTATION – NORTH OF SYCAMORE CLOSE ENDMOOR AND GREEN DRAGON FARM BURTON IN KENDAL AND PHASE 3B ISSUES AND OPTIONS CONSULTATION – EAST OF MILNTHORPE ROAD, HOLME

Thank you for your request to provide a representation on the above consultation documents. 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.

We have concluded that we have no representation to make on this occasion. This is because the land allocated in your consultation document does not appear to encroach on the consultation zones of major hazard establishments or MAHPs. If there is no encroachment HSE does not need to be informed of the next stages in the adoption of the documents.

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+. Please see the advice note below for further information on the Web App including accessing the package.

Future Consultation with HSE on Local Plans

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, and that we may be able to provide advice on development compatibility as your plan progresses. Therefore, we

would like to be consulted further on local plan documents where detailed land allocations and use class proposals are made; e.g. site specific allocations of land in development planning documents. Please send any future request for consultation to:

The Administrator – Local Plans
HID CEM HD5
Health and Safety Executive
2.2 Redgrave Court
Merton Road
Bootle
Merseyside
L20 7HS

or by e-mail to: [redacted]

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

Yours faithfully

[redacted]

John Moran

HM Specialist Inspector of Health and Safety (Risk Assessment)

ADVICE NOTE: HSE LAND USE PLANNING POLICY AND LOCAL PLANS – SOURCES OF INFORMATION

HSE recognises 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[1] 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)[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

To assist you in meeting these duties, 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

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

[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

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.