

Wrexham County Borough Council
Community Wellbeing and
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This file note is produced by PADHI+ for Wrexham County Borough Council

Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order 2010, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008]

This file note refers to the proposed development REDEVELOPMENT OF LAND FOR MIXED USE DEVELOPMENT OF UP TO 300 DWELLINGS, BUSINESS, INDUSTRIAL, STORAGE AND DISTRIBUTION, RETAIL, ECOLOGY, LANDSCAPE, OPEN SPACE, HIGHWAY IMPROVEMENT AND ASSOCIATED WORKS. at LAND AT FORMER SITE OFHAFOD TILIERIESHAFOD ROAD AND BANGOR ROADJOHNSTOWNWREXHAM, input into PADHI+ on 21 Feb 2014 consultation input by Wrexham County Borough Council.

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/pipelines. This consultation, which is for such a development and also within at least one Consultation Distance, has been considered using PADHI+, HSE's planning advice software tool, based on the details input by Wrexham County Borough Council. The assessment indicates that the risk of harm to people at the proposed development is such that **HSE's advice is that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission in this case.**

Major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major

accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation. Where hazardous substances consent has been granted (by the Hazardous Substances Authority), then the maximum quantity of hazardous substance that is permitted to be on site is used as the basis of HSE's assessment.

If you decide to refuse planning permission on grounds of safety, HSE will provide the necessary support in the event of an appeal.

If, nevertheless, you are minded to grant permission, your attention is drawn to paragraph A5 of the National Assembly for Wales Circular 20/01, or paragraph A5 of the DETR Circular 04/2000. These state that:

“...Where a local planning or hazardous substances authority is minded to grant planning permission or hazardous substances consent against HSE's advice, it should give HSE advance notice of that intention, and allow 21 days from that notice for HSE to give further consideration to the matter. During that period, HSE will consider whether or not to request the [Assembly / *Secretary of State for the Environment, Transport and the Regions] to call-in the application for [its / his] own determination” (* Now 'Communities and Local Government' in England.)

The advance notice to HSE should be sent to HSE's Major Accidents Risk Assessment Unit, CI5b, Redgrave Court, 2.2 Merton Road, Bootle, Merseyside L20 7HS or by email to luppadhici5@hse.gsi.gov.uk. The advance notice should include full details of the planning application, to allow HSE to further consider its advice in this specific case.

As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:

- The operator may have a legal interest (easement, wayleave, etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.
- The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

HSE's advice is based on our assessment of the risks from the pipeline as originally notified to us. It may be that in the vicinity of the proposed development the operator has modified the pipeline to reduce risks by, for example, laying thick-walled pipe. If you wish to contact the operator for this information then HSE is willing to reassess the risks from the pipeline, relative to the proposed development, if all the following details are supplied to HSE

by you:

- pipeline diameter, wall thickness and grade of steel.
- start and finish points of thick-walled sections (not required if it is confirmed that they are more than 750m from all parts of the development site).

These details to be clearly marked on a pipeline strip map, or other appropriate scale map, then included with the full consultation and submitted to HSE's Major Accidents Risk Assessment Unit, CI5, at Redgrave Court, 2.2, Merton Road, Bootle, Merseyside L20 7HS to allow it to be individually assessed (not run through PADHI+). Please clearly identify on your covering letter that it is a resubmission with additional details of the major hazard pipeline.

This advice is produced on behalf of the Head of the Hazardous Installations Directorate, HSE.