



Health and Safety Executive

Birmingham City Council
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BIRMINGHAM
B4 7DJ

**ATTN: HAYLEY ANDERSTON – PLANNING
OBLIGATIONS CO-ORDINATOR CIL
MODIFICATIONS**

Hazardous Installations Directorate

CEMHD5
2.2 Redgrave Court
Merton Road
BOOTLE L20 7HS

Tel: [REDACTED]

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

13 February 2015



Dear Sir/Madam

CONSULTATION ON YOUR LOCAL PLAN – REPRESENTATIONS BY HSE

BIRMINGHAM CITY COUNCIL COMMUNITY INFRASTRUCTURE LEVY - SUBMISSION

Thank you for your request to provide a representation on the Birmingham City Council Community Infrastructure Levy Submission consultation document. 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 achieved¹.

We have concluded that we have no representation to make on this occasion. This is because your consultation request is not concerned with the potential encroachment of future development on the consultation zones of major hazard installations or MAHPs. As the request is not relevant for HSE's land-use planning policy, we do not need to be informed of the next stages in the adoption of the Birmingham City Council Community Infrastructure Levy Submission.

¹ Planning authorities are advised to use HSE's *Planning Advice for Developments Near Hazardous Installations Information Package (PADHI+)* to verify any advice given. Please see below for further information on PADHI+ including accessing the package.

Future Consultation with HSE on Local Plans

The 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 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]

NOTE: INCORPORATING PADHI ADVICE INTO LOCAL PLANS

The HSE recognises that there is a requirement for you to meet the following duties in your plan, and that consultation with the 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(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)². 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.

To assist you in meeting these duties, 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 HSE's 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's *Planning Advice for Developments near Hazardous Installations Information Package (PADHI+)* on the extranet;

² 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.

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 becomes available at the pre-planning stages of your local 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 can be accessed on the land-use planning extranet services screen.

PADHI+ cannot be used for developments around nuclear sites, explosives 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 specialised major hazard sites is also available on the website:

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

Identifying Consultation Zones in Local Plans

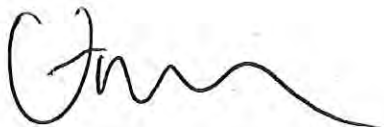
The HSE recommends that where there are major hazard installations and MAHPs within the area of your local plan, that you mark the associated consultation zones on a map. This is an effective way to identify the development proposals that could encroach on consultation zones, and the extent of any encroachment 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 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. Details of pipeline operators and their contact details are also found on the HSE extranet pages.

Identifying Compatible Development in Local Plans

The guidance in *PADHI - HSE's 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 your local plan. The HSE recommends that you include in your 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* (pg.9) and the *Decision Matrix* (pg.17) are particularly relevant, and contain sufficient information to provide a general assessment of compatible development by use class within the zones.

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

Yours faithfully



HM Specialist Inspector of Health and Safety (Risk Assessment)