

Reading Borough Council

Civic Centre

Bridge Street

Reading RG1 2LU

By e mail only

Date: 27 September 2018

HSE Ref.: 4.2.1.6486.

Your Ref.: 180698

Chemicals, Explosives and
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Head of Unit
Dr Jim Neilson

For the attention of Alison Amoah

Dear Ms Amoah

**Land Use Planning Consultation with Health and Safety Executive
Town and Country Planning (Development Management Procedure)
(England) Order 2015**

Planning application: 180698/FUL – 448A BASINGSTOKE ROAD

**Change of Use of 448a Basingstoke Road to a mixed B1 (a) (1735sqm
including 72sqm of new mezzanine) /A3 (128sqm) /D1 (724sqm) use, with
glazing to replace roller door (amended).**

1. Thank you for your email of 7 September 2018 advising HSE that Reading Borough Council is minded to grant planning permission for application 180698/FUL, which HSE advised against, and giving HSE 21 days' notice in which to consider whether or not to request that the Secretary of State call-in the application for his own determination, in accordance with paragraph 072 of the Planning Practice Guidance on handling development proposals around hazardous installations.

Summary

2. HSE has serious concerns in this case. The case potentially meets more than one of HSE's published criteria used in deciding to request that the Secretary of State call-in an application. See http://www.hse.gov.uk/foi/internalops/hid_circs/technical_general/spc-tech-gen-49.htm
3. We have reviewed the planning officer's report and the draft minutes of the planning committee and we are unconvinced that your planning committee members fully understood the seriousness of HSE's advice given the nature of the proposed development and the risks from a major accident at the neighbouring Gillette UK Ltd Site.
4. **We strongly advise you to remit this planning application back to your planning committee with the added benefit of HSE's additional advice and information contained in this letter. I or a colleague would be happy to attend the planning committee meeting to explain our advice in more detail.**
5. If your council was to subsequently refuse planning permission, HSE would provide the necessary support in the event of an appeal.

Introduction

6. HSE is a statutory consultee for developments in the vicinity of major hazard sites and major accident hazard pipelines by virtue of Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The proposed development lies within the HSE consultation distance of a major hazard establishment, Gillette (UK) Ltd.
7. HSE provides its land use planning (LUP) advice to enable your Planning Authority to comply with the objective of Article 13 of EC Directive 2012/18/EU, (the Seveso III Directive – see addendum). Its objective is to control proposed development around designated sites that would increase the risk or consequences of a major accident. As explained in paragraph 072 of the Planning Practice Guidance on handling development proposals around hazardous installations, HSE

normally considers its role to be discharged when it is satisfied that the Planning Authority is acting in full understanding of HSE's LUP advice received and of the consequences to public safety that could follow.

8. As also explained in that paragraph, HSE will consider recommending call-in only in cases of exceptional concern or where important policy or safety issues are at stake.

The Hazardous Installation

9. The proposed development is located wholly within HSE's inner zone, the most hazardous of the three zones that comprise HSE's consultation distance for Gillette UK Ltd. (Appendix 1) Gillette UK Ltd has Planning (Hazardous Substances) Consent (HSC) for 319te of liquefied petroleum gas (LPG) in large bulk tanks and aerosol storage in trailers. The site is subject to the Control of Major Accident Hazards Regulations 2015.

10. The site received deemed HSC in 1993 for 152te of LPG. Approximately 75te is stored in four tanks in total (2 x 28te and 2 x 10 te) all adjacent to 448a Basingstoke Road. In 2009 the HSC was increased to 319te, to accommodate aerosol storage in trailers. The risks from major accidents associated with aerosol storage are much lower than for bulk storage and consequently the increase in risk from the additional aerosol storage did not increase the off-site risk. HSE, therefore, did not advise against the increase in consent storage. Nevertheless, the risks from the bulk storage remained and the consultation zones were predominantly unchanged. The increase in the risk from the aerosol storage was small and away from the proposed development and does not contribute to the risk at the development. It does not follow that the existing risks from the bulk storage were small as that risk is associated with the deemed HSC granted in 1993.

11. The proposed development is immediately adjacent to four large tanks storing LPG and an LPG road tanker off-loading area. Should a major accident occur, HSE's assessment is that a major fire and subsequent explosion would most likely lead to occupants of the neighbouring premises (448a Basingstoke Road) being killed.

HSE's Land use planning advice

12. HSE's land use planning advice is delivered through its Web App (<https://pa.hsl.gov.uk/>) made available to all Local Planning Authorities and developers. It uses HSE's published methodology <http://www.hse.gov.uk/landuseplanning/methodology.pdf> which categorises development into one of four sensitivity level which combined with the output of a risk assessment of potential major accident hazards provides a set of zones which determines the advice.

13. The proposed development is wholly within the inner zone and at its closest is approximately 9m from the nearest tank.

14. HSE's methodology provides further detail on sensitivity level development. **HSE's policy is to advise against all development within an inner zone apart from sensitivity level 1 (SL1) development.** HSE is mindful of the need to use land for some purpose and so does not advise against the granting of planning permission for SL1 development which includes low density employment use defined as less than 100 persons at work in a building two stories or less in height.

15. HSE categorises this development as partly employment SL1 use, primarily indoor use by the public (SL2) and a significant element of SL3 for vulnerable and sensitive groups. There are distinctive elements of this development that the applicant has outlined in their supporting information and described within para 6.8 of the planning officer's report. HSE consider the activities reported in para 4.3 of the planning officer's report to be representative of sensitivity level 3 (SL3) development.

Para 4.3

The remainder of the proposed use would provide significant community benefits both through the provision of community facilities, including a place for Christian worship (proposed for 65 days of the year), but also the benefits generated from the wide range of outreach programmes offered by the church. These include:

- *Meetings to support adults with learning difficulties;*

- *Sure Start Christmas parties;*
- *Youth group;*
- *South Reading Churches annual funday*
- *Food bank with Readifood*
- *Community Toddler Group*
- *Parenting courses*
- *Preparation courses for couples wanting to get married*
- *Emotional/ spiritual support for couples and individuals*
- *Advocacy advice group*
- *Lunch time club for the elderly/ lonely*
- *After School Clubs*
- *Holiday Clubs*
- *Children's Saturday Club*
- *Schools work to assist in delivering religious education requirements*

Conclusion

16. HSE's advice is that the proposed development is highly incompatible with location within the inner zone of a major hazard installation. HSE strongly recommends that you remit the case back to your planning committee to reconsider their decision. HSE will, on request, attend the committee meeting and explain our advice.

17. HSE requests that you do not grant permission at this point but consider options available to you. We will continue to give our full consideration on whether to request for the case to be called-in which will be informed by your response to our letter and subsequent actions and decisions on this case.

18. Whilst HSE is mindful of the views expressed in Chapter 5 of the First Report of the Advisory Committee on Major Hazards (ACMH) and Chapter 4 of the Second Report of ACMH which stated that:

"... the siting of developments should remain a matter for planning authorities to determine, since the safety implications, however important, could not be divorced from other planning considerations." and

"... local authorities are well placed to take proper account of the full range of local factors, including safety issues, which are relevant to a planning decision."

HSE strongly requests that the decision to grant permission is re-considered by your council in the light of this additional advice.

19. If your council was to subsequently refuse planning permission HSE would provide the necessary support in the event of an appeal.

Yours sincerely

Stuart Reston

Head of Statutory and Commercial Land Use Planning Advice Team

cc: Mr J Birch, CEMHD 5C, Bootle
Mr D Bryant, CEMHD3D, Ashford
Mr Giorgio Framalico, Reading Borough Council

Land use planning requirements of the Seveso III Directive

Article 13 of the Directive requires land-use planning controls to apply to all establishments within the scope of the Directive; this includes major accident hazard pipelines:

1. "Member States shall ensure that the objectives of preventing major accidents and limiting the consequences of such accidents are taken into account in their land-use planning and/or other relevant policies. They shall pursue these objectives through controls on:

a. the siting of new establishments;

b. modifications to existing establishments covered by Article 11;

c. new developments such as transport links, locations frequented by the public and residential areas in the vicinity of existing establishments, where the siting or developments are such as to increase the risk or consequences of a major accident.

Member States shall ensure that their land use and/or other relevant policies and the procedures for implementing those policies take account of the need, in the long-term, to maintain appropriate distances between establishments covered by this Directive and residential areas, areas of public use and areas of particular natural sensitivity or interest, and, in the case of existing establishments, of the need for additional technical measures in accordance with Article 5 so as not to increase the risks to people.

2. Member States shall ensure that all competent authorities and planning authorities responsible for decisions in this area set up appropriate consultation procedures to facilitate implementation of the policies established under paragraph 1. The procedures shall be designed to ensure that technical advice is available, either on a case-by-case or on a generic basis, when decisions are taken."

Appendix 1 HSE Consultation Zones for Gillette UK Ltd.

