

PADHI

HSE's land use planning methodology



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Introduction

1 HSE's advice on land use planning, in the majority of cases, is delivered through PADHI – planning advice for developments near hazardous installations (see Annex 1 for further information).

What can I use this guide for?

2 Where a site near to a major hazard chemical installation or pipeline is being developed the planning authority (PA) will have a statutory duty to refer the planning application to the Health and Safety Executive (HSE). When HSE is consulted by the PA we will respond that we 'Advise Against' or 'Don't Advise Against' the granting of planning permission on health and safety grounds that arise from the possible consequences of a major accident at the hazardous installation or pipeline. The PA takes this advice into account when it makes a decision on the planning application.

3 This guide is designed to help planners, developers and others who want to work out for themselves what the likely response of HSE will be if HSE were to be consulted about a planning proposal. In some cases it may be that working through the procedure in this guide will allow you to modify the size, layout or location of the proposed development such that HSE would not advise against the proposal. HSE uses this procedure to arrive at the advice we give to PAs.

4 Please note that use of the information in this guide in composing a planning proposal in no way assures a HSE response of Don't Advise Against. There is still a statutory requirement for the PA to formally consult HSE and, at the time it is formally consulted, HSE's advice will be based on:

- the proposal as submitted;
- current HSE methodology;
- the latest assessment of risks.

Please also note that PADHI is not used for developments in the vicinity of licensed explosive sites or nuclear sites, or for consulting HSE on applications for hazardous substances consent.

Background to HSE's involvement in land use planning

5 Major accidents at sites storing hazardous substances are rare, but when they do happen the effects on people living nearby can be devastating. This became apparent following the Flixborough incident in the UK in 1974, more recently at Buncefield in 2005, and across Europe for example at Enschede in The Netherlands in 2000. HSE first offered advice to planning authorities in 1972 and this was introduced across the EU in the 1996 Seveso II Directive (see Annex 1). The simple aim is to manage population growth close to such sites to mitigate the consequences of a major accident should one occur.

6 HSE sets a consultation distance (CD) around major hazard sites and pipelines after assessing the risks and likely effects of major accidents at the installation or pipeline. Major hazards comprise a wide range of chemical process sites, fuel and chemical storage sites, and pipelines. The CDs are based on available scientific knowledge using hazard/risk assessment models updated as new knowledge comes to light. Major accidents are also closely studied. The PA is notified of this

CD and has a statutory duty to consult HSE on certain proposed developments within it (see Annex 2). PAs have consulted HSE for many years on planning applications and enquiries within the CDs of hazardous installations.

7 During 2006/07, HSE provided PAs with direct online access to the PADHI software decision support tool (known as PADHI+), and they are now able to use this to consult HSE for advice on the majority of planning applications without having to send them to an HSE office.

8 Where HSE has previously advised against a development (particularly where there is a history of incremental development), or where there has already been a planning inquiry into a development, PADHI cannot take account of such matters and it is expected that PAs will take this additional information into account.

9 Very exceptionally, there may be cases of development where use of PADHI alone is inappropriate and HSE will take account of wider factors so that the usual criteria can be usefully complemented.

10 For more background information, see Annex 1.

What is PADHI?

11 PADHI (planning advice for developments near hazardous installations) is the name given to the methodology and software decision support tool developed and used in HSE. It is used to give land use planning (LUP) advice on proposed developments near hazardous installations. During 2006/07, the software decision-support tool, known as PADHI+, was provided to PAs to enable them to consult HSE for advice online.

12 PADHI uses two inputs to a decision matrix to generate the response:

- the zone in which the development is located of the three zones (that make up the CD) that HSE sets around the major hazard (see paragraphs 26–31);
- the ‘sensitivity level’ of the proposed development which is derived from an HSE categorisation system of ‘development types’ (see ‘Development type tables’).

13 The matrix will generate either an Advise Against or Don’t Advise Against response. When consulting HSE using PADHI+, the PA should produce a letter which confirms HSE’s advice.

14 Additionally there is guidance in the form of ‘rules’ on how to deal with the more complex cases where:

- the development is located in more than one zone;
- more than one major hazard is involved;
- the proposal is for more than one development type (using HSE’s categorisation method); or
- the development involves a small extension to an existing facility.

15 PADHI can be used to obtain HSE’s advice on pre-planning enquiries (PPEs) in a similar way as formal consultations on planning applications, provided sufficient information is available. Any decision on a PPE will be conditional on the assessment of the formal planning application which will be made using the information that is appropriate and relevant when HSE is consulted by the PA, through PADHI+. Using this guide could be regarded as doing your own PPE.

What PADHI does not deal with

16 There are a number of aspects of HSE's land use planning and major hazards work that PADHI, and hence this guide, does not deal with.

Developments within the development proximity zone (DPZ) of large-scale petrol storage sites

17 Following the Buncefield incident in 2005, HSE reviewed the CDs 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. PADHI cannot be used to determine HSE's advice on developments within the DPZ, and PAs must refer any planning applications or PPEs on developments within the DPZ to HSE.

Applications for hazardous substances consent

18 These require the specialist skills and knowledge of HSE risk assessors to determine the potential risks and consequences from the hazardous substances in the consent application. HSE advises the hazardous substances authority if they should grant consent. HSE will also set a CD and the three zones for LUP purposes for these sites.

Notification of hazardous pipelines by pipeline operators

19 These require the specialist skills and knowledge of HSE pipelines inspectors to determine if the potential consequences of the pipelines being approved are acceptable. HSE will then determine the sizes of the three zones to be used for LUP purposes, basing its assessment on the pipeline details notified to HSE by the pipeline operator.

Applications for licensed explosive sites

20 These require the specialist skills and knowledge of HSE's explosives inspectors to determine if the potential consequences of the explosives site being approved are acceptable. They will also determine the safeguarding zones and then advise on any planning consultations within those zones.

LUP consultations on applications for developments in the vicinity of nuclear installations or licensed explosives sites

21 PAs should forward such consultations to the Office for Nuclear Regulation or HM Explosives Inspectorate, as appropriate, for individual assessment and comment.

Developments near pipelines, where the pipelines have sections with additional protection measures

22 PADHI uses the three zones set by HSE that are based on the details given in the pipeline notification. This covers the whole length of the pipeline and is unable to accommodate isolated local variation. If subsequently advice for a planning application is Advise Against, then the option is given to you to check with the pipeline operator if the pipeline has additional protection (eg as thicker walled pipe) near the proposed development. If so, then HSE risk assessors are willing to reconsider the case using the details of the pipeline specification relevant to the pipeline near the development.

Notifications to HSE for other purposes, eg of construction work or the establishment of a factory/workplace etc

23 These are non-LUP related and are dealt with routinely by the local HSE office.

Getting started

Do you really need to use PADHI?

24 First check with the PA in the proposed development's locality that the development site falls at least partly within the CD of a major hazard. The PA has a list of major hazard sites and pipelines and the constraints imposed by the consultation zones set by HSE. Make sure you get details of all the major hazards that affect your development. Not all chemical plant, storage sites or pipelines are major hazards or have CDs set. HSE is not normally interested in proposed developments which are outside a CD. If it is a licensed explosive site or a nuclear installation then you cannot use PADHI; you will need to consult HM Explosives Inspectorate or the Office for Nuclear Regulation.

25 Secondly, check if your development is of a type that needs to be referred to HSE (Annex 2). This is based on the Town and Country Planning (Development Management Procedure) (England) Order 2010, the Town and Country Planning (General Development Procedure) Order 1995 (as amended) in Wales, and the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.

Do you have enough information?

26 To use PADHI you will need the following information:

- the location of the proposed development in relation to the major hazard;
- sufficient details of the proposed development to categorise it into one of HSE's development types to derive a sensitivity level.

27 You will need to check what development types are contained in the proposal. Different development types require different sorts of information (see Annex 3).

Location

28 If the proposed development is within a CD you will need to know which zone it is in. PADHI uses a 'three-zone' system. (There are normally three zones set by HSE: 'inner' (IZ), 'middle' (MZ) and 'outer' (OZ); but occasionally fewer.) The zones are normally determined by a detailed assessment of the risks and/or hazards of the installation or pipeline which takes into account the following factors: the hazard ranges and consequences of the toxic and/or flammable substances present; the volume of those substances for which the site has consent; and the method of storage. The risks and hazards from the major hazard are greatest in the inner zone so the restrictions on development are strictest. The CD is all the land enclosed by all the zones and the installation itself.

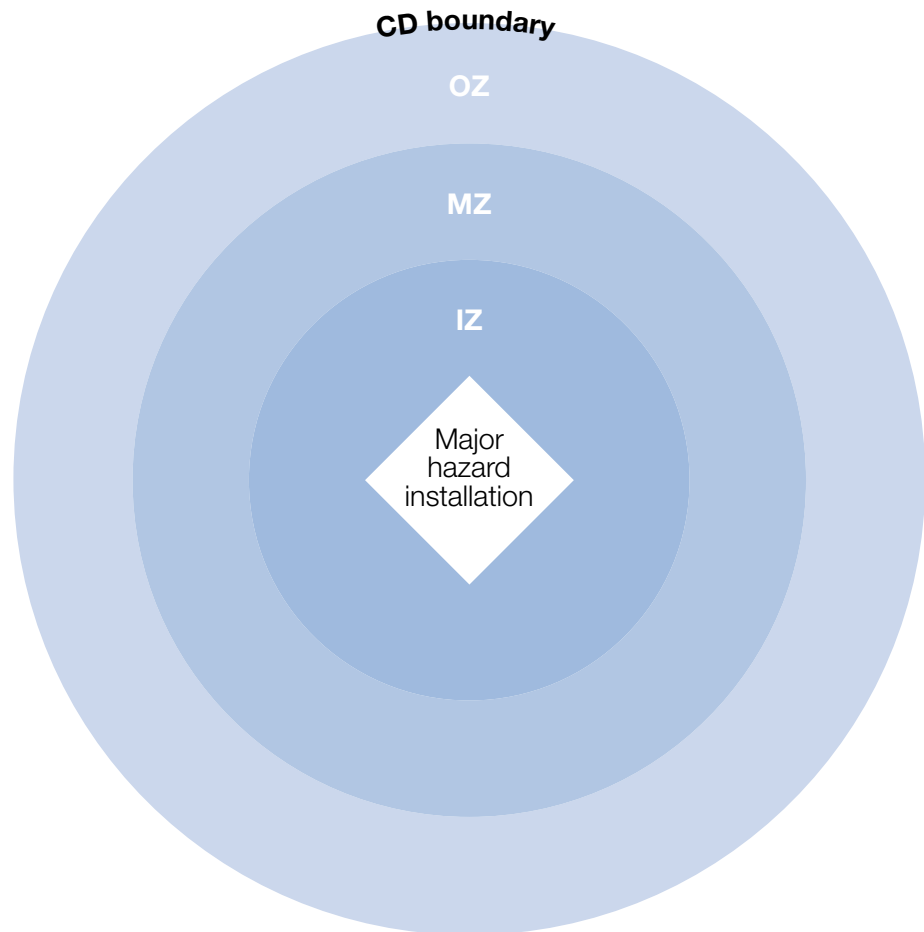


Figure 1 Three zone map

29 First check if the PA has a three-zone map for the installation(s), if not you will have to request them from the HSE office that deals with that PA (see Annex 4 for HSE office addresses) **but please note that at present HSE may not be able to provide certain maps.** HSE has to give priority to statutory consultations, and **is currently unable to produce three-zone maps purely in response to pre-planning enquiries.**

30 **HSE does not maintain a detailed record of the pipeline network.** If you require pipeline zone details, you should contact the PA which should have a record of the routes of all notified pipelines within its area and the pipeline's zone details (as measured from the centre line of the pipeline – see Figure 2).

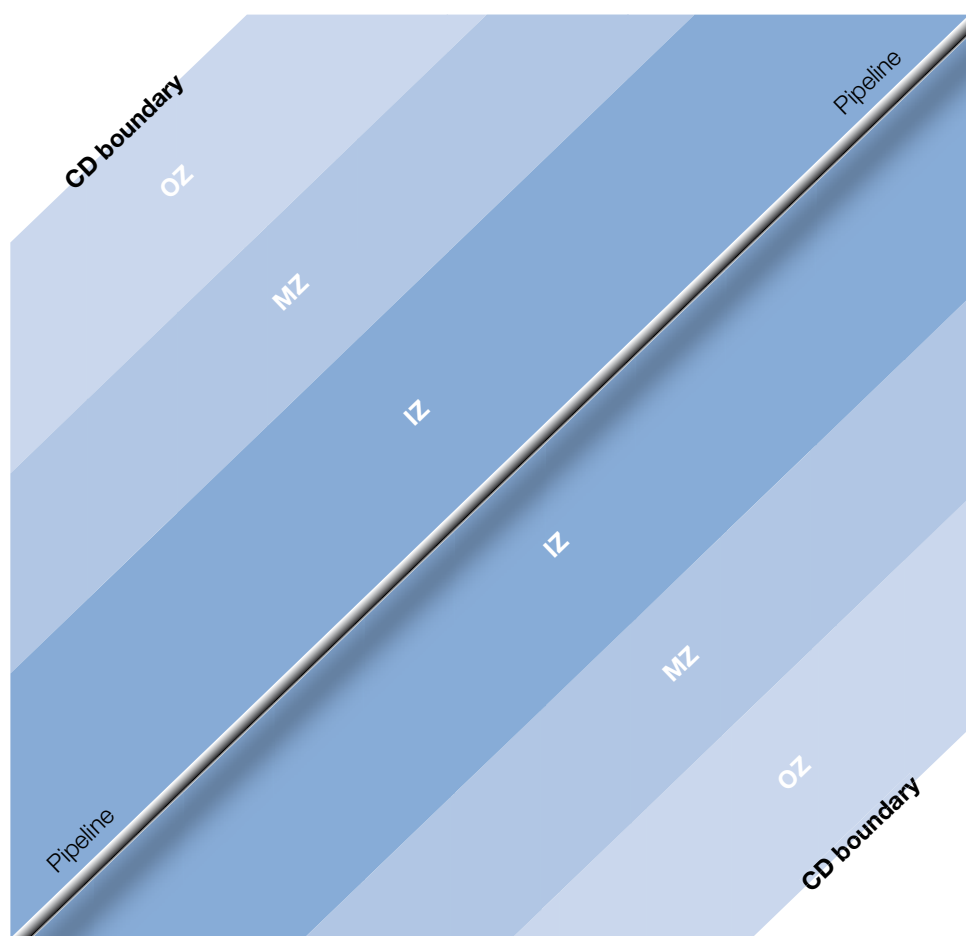


Figure 2 Pipeline zones

Development details

31 The details of the development will determine the development type and subsequently its sensitivity level. This is dealt with in detail in 'Processing a planning enquiry'.

The decision process

32 The decision for HSE to Advise Against or Don't Advise Against a proposed development is arrived at in PADHI using a decision matrix. Without the use of the software tool, the decision-making process will have to be worked through manually. The decision depends on the sensitivity level and the zone.

33 A single consultation may consist of a number of different development types and may lie within more than one zone of one or more hazardous installations or pipelines. In this case each combination of zone and sensitivity level needs to be considered. If any combination of zone and sensitivity level leads to an Advise Against decision **then the overall decision for the whole proposal will be Advise Against.**

34 If it is possible for you to revise the details of the development proposal or remove the aspect of the development that leads to the Advise Against decision, then this may result in a change to the overall decision for the proposal.

35 An Advise Against decision may be changed to Don't Advise Against in some cases where the development is a small extension to an existing development. The PADHI rules set out the details.

Processing a planning enquiry

What is a development in PADHI?

36 Many consultations are straightforward and consist of, say, ten detached houses being built on a 'green field' site. However, some can be more complex, for example, a large development with a sports centre, a fast-food restaurant, two DIY superstores and a nursery, to be built on land that is within the CDs of three major hazard sites.

37 So, how is this dealt with? The first step for all consultations is to **check if it is:**

- appropriate (see Annex 2);
- includes enough information (see Annex 3);
- within the CD of a pipeline and/or a hazardous installation (as opposed to just a licensed explosive site and/or nuclear installation which PADHI does not deal with). (CDs are defined and information is provided on obtaining CD details in paragraphs 26–31.)

38 In cases which involve at least one hazardous installation and/or pipeline, the next stage is to determine how many different 'development types' occur in the consultation. Each different development type is treated as a separate development related to the overall consultation. Remember that to arrive at a decision using PADHI, a consultation requires at least one 'development', and in reality, most consultations will only have one. However, some consultations will have more (in theory they could have ten or more; but in practice two or three will usually be the maximum).

Identifying developments

39 The identification of the number and type of developments is a very important stage. You must consider the whole of the proposal and decide how many different development types there are. Take account of all proposed new buildings (or extension, change of use of land etc). Use the development type (eg DT2.1 – Housing, or DT2.5 – Outdoor use by the public) set out in the development type tables as the criteria to divide up the plot of land that is being consulted upon. On a consultation for a large plot of land there may be buildings etc of the same PADHI development type, but which are physically separated from each other – these need to be regarded as being grouped together as one, to determine the sensitivity level and subsequently to determine the advice.

40 Where there is more than one development and a particular development type only occupies one part of the consultation site, remember to later check which of the three zones it is in; it could be different to other developments if a zone boundary crosses the consultation site!

Assessing developments

41 Each development needs to be assessed using the PADHI methodology. You will need to:

- identify the development type;
- identify the zone(s) the development is located in (see 'Rule 2 Multiple major hazards' below)

- use the decision matrix;
- apply any zoning or modification rules if they are appropriate to arrive at a decision. This decision for the development will be Advise Against or Don't Advise Against.

42 This process is repeated for all the developments you identified. An Advise Against decision for any single development will dominate the final PADHI advice for the overall consultation and lead to the whole consultation being advised against. It is at this point that you might identify ways of changing your proposed development to make it acceptable.

Development type tables

Introduction to sensitivity levels

43 The sensitivity levels are based on a clear rationale to allow progressively more severe restrictions to be imposed as the sensitivity of the proposed development increases. There are four sensitivity levels:

- Level 1 – Based on normal working population.
- Level 2 – Based on the general public – at home and involved in normal activities.
- Level 3 – Based on vulnerable members of the public (children, those with mobility difficulties or those unable to recognise physical danger).
- Level 4 – Large examples of Level 3 and very large outdoor examples of Level 2.

44 Development types are used as a direct indicator of the sensitivity level of the population at the proposed development. Exceptions are made for some very large or very small developments by assigning them a higher or lower sensitivity level than normal for their development type.

45 The tables below expand on the four basic development types:

- 1 – People at work, parking.
- 2 – Developments for use by the general public.
- 3 – Developments for use by vulnerable people.
- 4 – Very large and sensitive developments.

46 They show the development types (first column) with examples of each type of development given in column 2 (these are a guide – they are not exhaustive). Fuller details that are needed to determine the sensitivity level of any particular development proposal are given in column 3. As a general principle the sensitivity level is decreased by one for small examples of a type of development and increased for large and very large examples of a type of development or where particular features of the development increase the risk to the population. These exceptions are identified in the tables under the 'Exclusions' for each type of development (and identified as x1, x2 etc). The 'Justification' column shows the rationale for the allocation of sensitivity level to each development type.

Table 1 Development type: People at work, parking
DT1.1 – Workplaces
DT1.2 – Parking area

Development type	Examples	Development detail and size	Justification
DT1.1 – Workplaces	Offices, factories, warehouses, haulage depots, farm buildings, non-retail markets, builder's yards	Workplaces (predominantly non-retail), providing for less than 100 occupants in each building and less than 3 occupied storeys – Level 1	Places where the occupants will be fit and healthy, and could be organised easily for emergency action. Members of the public will not be present or will be present in very small numbers and for a short time
	Exclusions		
		DT1.1 x1 Workplaces (predominantly non-retail) providing for 100 or more occupants in any building or 3 or more occupied storeys in height – Level 2 (except where the development is at the major hazard site itself, where it remains Level 1)	Substantial increase in numbers at risk with no direct benefit from exposure to the risk
	Sheltered workshops, Remploy	DT1.1 x2 Workplaces (predominantly non-retail) specifically for people with disabilities – Level 3	Those at risk may be especially vulnerable to injury from hazardous events and/or they may not be able to be organised easily for emergency action
DT1.2 – Parking areas	Car parks, truck parks, lock-up garages	Parking areas with no other associated facilities (other than toilets) – Level 1	
	Exclusions		
	Car parks with picnic areas, or at a retail or leisure development, or serving a park and ride interchange	DT1.2 x1 Where parking areas are associated with other facilities and developments the sensitivity level and the decision will be based on the facility or development	

Table 2 Development type: Developments for use by the general public

DT2.1 – Housing

DT2.2 – Hotel/hostel/holiday accommodation

DT2.3 – Transport links

DT2.4 – Indoor use by public

DT2.5 – Outdoor use by public

Development type	Examples	Development detail and size	Justification
DT2.1 – Housing	Houses, flats, retirement flats/ bungalows, residential caravans, mobile homes	Developments up to and including 30 dwelling units and at a density of no more than 40 per hectare – Level 2	Development where people live or are temporarily resident. It may be difficult to organise people in the event of an emergency
	Exclusions		
	Infill, backland development	DT2.1 x1 Developments of 1 or 2 dwelling units – Level 1	Minimal increase in numbers at risk
	Larger housing developments	DT2.1 x2 Larger developments for more than 30 dwelling units – Level 3	Substantial increase in numbers at risk
		DT2.1 x3 Any developments (for more than 2 dwelling units) at a density of more than 40 dwelling units per hectare – Level 3	High-density developments
DT2.2 – Hotel/ hostel/holiday accommodation	Hotels, motels, guest houses, hostels, youth hostels, holiday camps, holiday homes, halls of residence, dormitories, accommodation centres, holiday caravan sites, camping sites	Accommodation up to 100 beds or 33 caravan/ tent pitches – Level 2	Development where people are temporarily resident. It may be difficult to organise people in the event of an emergency

Table 2 Development type: Developments for use by the general public (continued)

DT2.2 – Hotel/ hostel/holiday accommodation	Exclusions		
	Smaller – guest houses, hostels, youth hostels, holiday homes, halls of residence, dormitories, holiday caravan sites, camping sites	DT2.2 x1 Accommodation of less than 10 beds or 3 caravan/tent pitches – Level 1	Minimal increase in numbers at risk
	Larger – hotels, motels, hostels youth hostels, holiday camps, holiday homes, halls of residence, dormitories, holiday caravan sites, camping sites	DT2.2 x2 Accommodation of more than 100 beds or 33 caravan/tent pitches – Level 3	Substantial increase in numbers at risk
DT2.3 – Transport links	Motorway, dual carriageway	Major transport links in their own right, ie not as an integral part of other developments – Level 2	Prime purpose is as a transport link. Potentially large numbers exposed to risk, but exposure of an individual is only for a short period
	Exclusions		
	Estate roads, access roads	DT2.3 x1 Single carriageway roads – Level 1	Minimal numbers present and mostly a small period of time exposed to risk. Associated with other development
	Any railway or tram track	DT2.3 x2 Railways – Level 1	Transient population, small period of time exposed to risk. Periods of time with no population present

Table 2 Development type: Developments for use by the general public (continued)

<p>DT2.4 – Indoor use by public</p>	<p>Food & drink: Restaurants, cafes, drive-through fast food, pubs</p> <p>Retail: Shops, petrol filling station (total floor space based on shop area not forecourt), vehicle dealers (total floor space based on showroom/sales building not outside display areas), retail warehouses, super-stores, small shopping centres, markets, financial and professional services to the public</p> <p>Community & adult education: Libraries, art galleries, museums, exhibition halls, day surgeries, health centres, religious buildings, community centres. Adult education, 6th-form college, college of FE</p> <p>Assembly & leisure: Coach/bus/railway stations, ferry terminals, airports. Cinemas, concert/bingo/dance halls. Conference centres. Sports/leisure centres, sports halls. Facilities associated with golf courses, flying clubs (eg changing rooms, club house), indoor go-kart tracks</p>	<p>Developments for use by the general public where total floor space is from 250 m² up to 5000 m² – Level 2</p>	<p>Developments where members of the public will be present (but not resident). Emergency action may be difficult to co-ordinate</p>
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Table 2 Development type: Developments for use by the general public (continued)

DT2.4 – Indoor use by public	Exclusions		
		DT2.4 x1 Development with less than 250 m ² total floor space – Level 1	Minimal increase in numbers at risk
		DT2.4 x2 Development with more than 5000 m ² total floor space – Level 3	Substantial increase in numbers at risk
DT2.5 – Outdoor use by public	<p>Food & drink: Food festivals, picnic areas</p> <p>Retail: Outdoor markets, car boot sales</p> <p>Community & adult education: Open-air theatres and exhibitions</p> <p>Assembly & leisure: Coach/bus/railway stations, park & ride interchange, ferry terminals. Sports stadia, sports fields/pitches, funfairs, theme parks, viewing stands. Marinas, playing fields, children’s play areas, BMX/go-kart tracks. Country parks, nature reserves, picnic sites, marquees</p>	Principally an outdoor development for use by the general public, ie developments where people will predominantly be outdoors and not more than 100 people will gather at the facility at any one time – Level 2	Developments where members of the public will be present (but not resident) either indoors or outdoors. Emergency action may be difficult to co-ordinate
	Exclusions		
	Outdoor markets, car boot sales, funfairs. Picnic area, park & ride interchange, viewing stands, marquees	DT2.5 x1 Predominantly open-air developments likely to attract the general public in numbers greater than 100 people but up to 1000 at any one time – Level 3	Substantial increase in numbers at risk and more vulnerable due to being outside

Exclusions (continued)			
DT2.5 – Outdoor use by public	Theme parks, funfairs, large sports stadia and events, open-air markets, outdoor concerts, pop festivals	DT2.5 x2 Predominantly open-air developments likely to attract the general public in numbers greater than 1000 people at any one time – Level 4	Very substantial increase in numbers at risk, more vulnerable due to being outside and emergency action may be difficult to co-ordinate

Table 3 Development type: Developments for use by vulnerable people
DT3.1 – Institutional accommodation and education
DT3.2 – Prisons

Development type	Examples	Development detail and size	Justification
DT3.1 – Institutional accommodation and education	Hospitals, convalescent homes, nursing homes. Old people's homes with warden on site or 'on call', sheltered housing. Nurseries, crèches. Schools and academies for children up to school leaving age	Institutional, educational and special accommodation for vulnerable people, or that provides a protective environment – Level 3	Places providing an element of care or protection. Because of age, infirmity or state of health the occupants may be especially vulnerable to injury from hazardous events. Emergency action and evacuation may be very difficult
	Exclusions		
	Hospitals, convalescent homes, nursing homes, old people's homes, sheltered housing	DT3.1 x1 24-hour care where the site on the planning application being developed is larger than 0.25 hectares – Level 4	Substantial increase in numbers of vulnerable people at risk
	Nurseries, crèches, schools for children up to school leaving age	DT3.1 x2 Day care where the site on the planning application being developed is larger than 1.4 hectares – Level 4	Substantial increase in numbers of vulnerable people at risk
DT3.2 – Prisons	Prisons, remand centres	Secure accommodation for those sentenced by court, or awaiting trial etc – Level 3	Places providing detention. Emergency action and evacuation may be very difficult

Table 4 Development type: Very large and sensitive developments
DT4.1 – Institutional accommodation
DT4.2 – Very large outdoor use by public

(Note: All Level 4 developments are by exception from Level 2 or 3. They are reproduced in this table for convenient reference)

Development type	Examples	Development detail and size	Justification
DT4.1 – Institutional accommodation	Hospitals, convalescent homes, nursing homes, old people's homes, sheltered housing	Large developments of institutional and special accommodation for vulnerable people (or that provide a protective environment) where 24-hour care is provided and where the site on the planning application being developed is larger than 0.25 hectare – Level 4	Places providing an element of care or protection. Because of age or state of health, occupants may be especially vulnerable to injury from hazardous events. Emergency action and evacuation may be very difficult. The risk to an individual may be small but there is a larger societal concern
	Nurseries, crèches. Schools for children up to school leaving age	Large developments of institutional and special accommodation for vulnerable people (or that provide a protective environment) where day care (not 24-hour care) is provided and where the site on the planning application being developed is larger than 1.4 hectare – Level 4	Places providing an element of care or protection. Because of age the occupants may be especially vulnerable to injury from hazardous events. Emergency action and evacuation may be very difficult. The risk to an individual may be small but there is a larger societal concern
DT4.2 – Very large outdoor use by public	Theme parks, large sports stadia and events, open air markets, outdoor concerts, and pop festivals	Predominantly open air developments where there could be more than 1000 people present at any one time – Level 4	People in the open air may be more exposed to toxic fumes and thermal radiation than if they were in buildings. Large numbers make emergency action and evacuation difficult. The risk to an individual may be small but there is a larger societal concern

Decision matrix

47 Having determined which zone the development falls into and also the sensitivity level of the development, the following matrix is used to decide the type of advice.

Level of sensitivity	Development in inner zone	Development in middle zone	Development in outer zone
1	DAA	DAA	DAA
2	AA	DAA	DAA
3	AA	AA	DAA
4	AA	AA	AA

DAA = Don't Advise Against development
AA = Advise Against development

48 If all developments result in DAA then DAA is the final HSE advice.

49 If any one development gives an AA result then the interim result for the consultation is AA. Each AA result is always subjected to an additional rule check (Rule 4) to determine if it will remain AA or change to a DAA. If any one development is still AA after application of this rule then the final advice will be AA.

How the rules are applied

Overview of the rules

50 The rules have been developed to allow consideration of the more complex planning consultations. More detail on each of the rules is given after this overview.

51 There are five main rules to consider for each development:

- **Rule 1 – Straddling developments.** When the site area of the proposed development lies across a zone boundary you need to use this rule to decide which zone will be used in the decision matrix. The CD is considered a zone boundary in this context.
- **Rule 2 – Multiple major hazards.** For each major hazard, you need to determine which zone the development is in, after applying the straddling rule if necessary. The final advice is decided on the basis of the most onerous of the zones that the development is in.
- **Rule 3 – Multiple-use developments.** You need to use this rule when the planning consultation is for a multiple use development (eg a mix of housing, indoor use by the public and a workplace). You need to identify the separate parts of the proposal according to the development types. You then need to group together all facilities of the same development type before proceeding (for example before going on to use the straddling rule – Rule 1).
- **Rule 4 – Developments which involve a small extension to an existing facility.** This rule is concerned with Advise Against responses and taking any

existing development on the site into account, if the proposed development is a **small** extension to the existing development, before deciding on the final advice. It is only concerned with 'extensions' to existing developments, not to new developments, or change of use, on sites which may have an existing use.

■ **Rule 5 – Temporary/time-limited planning permissions.**

The rules in detail

Rule 1 – Straddling developments

52 Use this rule set (1a, then 1b if applicable) when the site area of the proposed development lies across a zone boundary.

53 Rule 1a: Developments that 'straddle' zone boundaries will normally be considered as being in the innermost zone to the major hazard unless either of the two following conditions applies. The development is in the **outermost** of the zones if:

- less than 10% of the site area marked on the application for that development type is inside that boundary; or
- it is only car parking, landscaping (including gardens of housing), parks and open spaces, golf greens and fairways, or access roads etc, associated with the development that are in the inner of the zones.

54 Rule 1b: For the special case where the development straddles the CD boundary, follow the rule above, then:

- If, after using the rules, the development is 'considered' to be outside the CD, then there is no need to categorise further; a DAA response is appropriate.
- If, after using the rules, the development is 'considered' to be within the CD then look at all the facilities that make up the development proposal. Any that are **entirely outside** the CD should be discounted when coming to a decision about the sensitivity level. All the facilities that are **completely and/or partly inside** the CD are then considered together for the purpose of determining the sensitivity level. (If appropriate, apply the 'multiple-use developments' rule – Rule 3.)

(NB: Rules 1a and 1b do not apply where the development type is a [sensitivity level 2] transport link. Even though this type of development is likely to 'straddle' zone boundaries, it must always be considered as being in the innermost of the zones to the major hazard that it straddles.)

Rule 2 – Multiple major hazards

55 Where the development is in the CD of more than one hazardous installation and/or pipeline, it is necessary to determine which zone the development is in for each major hazard (after applying the straddling rule (Rule 1) if necessary). The overall advice is decided on the basis of the most onerous of any of the zones the development is in (inner zone more onerous than middle zone, middle zone more onerous than outer zone).

56 In some cases HSE has provided a composite three-zone map for complexes of adjacent major hazards and has merged the zones. In this case the assessment is simplified, as only the one three-zone map needs to be considered.

Rule 3 – Multiple-use developments

57 This rule set is used when the planning consultation is for multiple-use developments (eg a mix of housing, indoor use by the public and a workplace).

- First identify the separate parts of the proposal according to the development types, as in column 1 of Tables 1–4. Group together all facilities of the same development type and determine the sensitivity level of each of the groups. The only exception, where facilities are not grouped together, are sensitivity level 4 examples of ‘Outdoor use by the public’ and ‘Institutional accommodation and education’ development types. These should be considered separately to other (sensitivity level 3 and below) facilities of the same development type, but as part of the same consultation record.
- Determine which zone each development is in, if necessary using the straddling rule (Rule 1) for each development type.
- Determine the appropriate AA or DAA response from the decision matrix for each development.
- Apply Rule 4a.

Rule 4 – Developments which involve a small extension to an existing facility

58 Many proposed developments are not on ‘green field’ sites. They may involve extension to an existing development.

59 Rule 4a. First **consider the development in the application on its own merit** according to the normal procedure and rules. There are two outcome options:

- a DAA outcome, in which case there is no need to apply Rule 4b. (For ‘multiple-use developments’, if the application of Rule 3 results in all outcomes from the matrix being DAA, then that is the final advice. In which case there is no need to apply Rule 4b); or
- an AA outcome, then Rule 4b should be applied if appropriate. (For ‘multiple-use developments’, if the application of Rule 3 results in one or more AA outcomes from the matrix, then apply Rule 4b individually to every one of the development type groups resulting in these AA outcomes.)

NB only the details supplied with the planning application or pre-planning enquiry are used to determine if, and how, Rule 4b applies.

56 Rule 4b. Extensions (**including minor modifications, alterations, or additions**):

If...	Then...
<p>the proposal is for an extension to an existing development, and the proposed extension is of the same development type as the existing development that is going to be extended.</p> <p>And the population at the development will not increase by more than 10% (or, if the population data is not readily available, the total floor area will not increase by more than 10%).</p>	<p>the consultation should be treated as though the proposed extension had a sensitivity level one less than the sensitivity level of the existing (ie not that of the proposed) development.</p> <p>If this reduced sensitivity level, combined with the zone that the extension is in, produces a DAA response, then this will replace the initial AA response.</p>
<p>For ‘multiple-use developments’, if the application of Rule 4b changes ALL of the AA outcomes to DAA.</p>	<p>this will replace the initial AA response. If at least one outcome remains AA, then an AA response is the final advice. Any remaining AA from 4b dominates for ‘multiple-use developments’ and an AA response is the final advice.</p>

Rule 5 – Temporary/time-limited planning permissions

57 HSE treats proposals for these the same way as any other planning permission consultations; no allowance is given for the time restriction. Existing temporary/time limited permissions are not taken into account when applying Rule 4, however.

Glossary

beds the number of residents/visits for which sleeping accommodation is provided.

consultation the enquiry that comes to HSE (normally from a PA) for HSE's comment on a proposed change to land usage within a CD. The consultation will consist of at least one 'development'.

development to consider any planning proposal using the PADHI system, all proposed new buildings (or extension, change of use of land etc) need to be categorised into a PADHI 'development type'. A proportion of planning proposals will consist of more than one development type. Having identified all development types, each is subsequently assessed using the decision matrix. An Advise Against decision for any single development will dominate the final PADHI advice for the proposal.

development type (see the first column in the development type tables) term used to group together developments (and/or facilities) that are considered to be of the same sensitivity level.

DPZ development proximity zone.

dwelling units mean the smallest individual unit of accommodation, eg house, apartment, caravan.

extension clarification on what constitutes an extension is provided on the relevant PADHI+ Help screen, which can be accessed by clicking on the 'Help' button on the screen which asks if the proposed development is an extension to an existing development. If you do not have access to PADHI+, then contact the PA or HSE if you need further information.

facilities buildings and other provisions (eg picnic area, children's play area, park-and-ride bus stop) where people may congregate.

'green field' site site to be developed where the current use generally involves minimal buildings and also does not attract people to it in significant numbers. Typically agricultural land, but can also be parkland or other open spaces of a similar nature.

hectare unit of area equal to 10 000 square metres (m²) in any shape (eg rectangles 10 m x 1000 m or 25 m x 400 m; square 100 m x 100 m; or other regular and irregular shapes).

LUP land use planning.

multiple-use development see 'development'.

PA planning authority.

PADHI planning advice for developments near hazardous installations.

pre-planning enquiry (PPE) an informal, non-statutory LUP consultation made by a developer (or a PA) to determine what HSE's advice is likely to be before submitting a formal planning permission application to the PA.

protective environment there is provision of some element of supervision or care, eg by a warden being available on site or on call.

school leaving age the minimum age at which a young person can leave school – currently 16.

sensitivity level the scale used in the PADHI system to define the vulnerability of a development population to major accident hazards. It is based on pragmatic criteria; the type of development, likely numbers present and whether any vulnerable people will be present. The scale ascends from Level 1 to Level 4: the more vulnerable the population, the higher the sensitivity level.

total floor space – the area of buildings enclosed by the exterior walls multiplied by the number of floors (units are m²).

use class – the way different types of development are described by planners. They are not identical to HSE's development types or sensitivity levels.

vulnerable people – people who by virtue of age (children and elderly) and/or ill health may be particularly susceptible to the effects of a major accident.

Annex 1

HSE's land use planning advice provision

1 HSE's land use planning (LUP) advice is based on the recommendations of the Advisory Committee on Major Hazards (ACMH) enshrined in Government-agreed principles and framework; see for example Planning Circular 04/2000. These principles remain valid today. A failure to adopt them can only lead to non-compliance with Article 12 of the Seveso Directive. Indeed the principles and objectives HSE uses in giving its advice received strong support in a public consultation in 2007 (*CD211 Proposals for revised policies for HSE advice on development control around large-scale petrol storage sites*).

2 It is currently delivered promptly and transparently through the PADHI (planning advice for developments near hazardous installations) scheme, which is a codification of that given by HSE over the last 30 years or more. Pre-PADHI, HSE staff in local offices used a codified matrix from which the majority of consultations could be quickly turned around with either an 'allow' or 'refuse' decision. However, the system still required a significant number of consultations to be forwarded to a central HSE team of specialist risk assessors. The need for this risk assessment work resulted in a lengthy turnaround time on these consultations and was extremely resource intensive for HSE. Following a review of its position on land use planning around hazardous installations HSE developed a comprehensive, codified methodology, PADHI, which allowed all consultations to be dealt with at a local level, significantly speeding up the provision of advice to PAs.

3 Under Section 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (the 'DMPO'), Article 10 of the Town and Country Planning (General Development Procedure) Order 1995 as

amended (the 'GDPO') in Wales, and section 25 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, decision-makers are required to consult HSE on certain planning proposals around major hazard establishments and major hazard pipelines and to take into account HSE's representations when determining associated applications. This is to ensure that the UK complies with Article 12 of the Seveso II Directive which has the specific objective of controlling certain new development to maintain adequate separation, including residential areas, buildings and areas of public use around major hazards when the development is such as to increase the risk or consequences of a major accident. In essence, decision-makers should ensure that new development does not significantly worsen the situation should a major accident occur.

4 In some instances there may already be existing development which is closer to a potentially hazardous installation. In these cases HSE has recognised the views of the ACMH as expressed in paragraphs 108 and 109 of their Second Report which read as follows:

'108... The HSE is also frequently asked to comment on proposals to develop or to redevelop land in the neighbourhood of an existing hazardous undertaking where there may already be other land users which are closer and possibly incompatible. In these cases, HSE tells us that it takes the view, which we fully endorse, that the existence of intervening developments should not in any way affect the advice that it gives about the possible effects of that activity on proposed developments which may appear to be less at risk than the existing ones.'

'109... The overall objective should always be to reduce the number of people at risk, and in the case of people who unavoidably remain at risk, to reduce the likelihood and the extent of harm if loss of containment occurs...'

5 HSE's approach balances the principle of stabilising and not increasing the numbers at risk with a pragmatic awareness of the limited land available for development in the UK. An HSE discussion document in 1989 (*Risk criteria for land-use planning in the vicinity of major industrial hazards* ISBN 978 0 1188 5491 7, available from HSE Books) sets out the basis of HSE's approach at that time.

6 The Government committee of experts, ACMH, which originally proposed HSE's role in the LUP system, did recognise *'the remote possibility that in some instances a local planning authority may not feel inclined, for a variety of reasons, to follow the advice of the Executive on particular applications for potentially hazardous developments or other developments in their vicinity.'* As a consequence, arrangements were set up so that in this rare circumstance, a planning authority is required by Planning Circular 04/2000 (England and Wales) or Circular 3/2009 (Scotland) to formally notify HSE of its intention to grant against HSE's advice. This is so that HSE can decide whether or not to request the Secretary of State to call-in the application for his own determination. There have been recent changes to procedures in Scotland. Part 3 of the Planning etc. (Scotland) Act 2006 introduced changes to the way in which the planning system will operate in Scotland. See Scottish planning circular 6/2009 *Planning Appeals*, and planning circular 7/2009 *Schemes of Delegation and Local Reviews*. These circulars accompany the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

7 HSE's consideration of call-in should not be confused with its LUP advice delivered through PADHI; it is the latter which is provided to enable LUP decision-makers to comply with the objectives of Seveso II, Article 12. In line with Government policy, HSE normally requests call-in only in cases of exceptional concern (there have been only four such requests over the last 30 years in England

and Wales). However if HSE decides not to make such a request this does not mean that it has withdrawn its advice against permission, which remains on file and is likely to be published on the HSE website. **A decision not to request call-in does not disregard HSE's LUP advice.**

8 HSE's role in the LUP process is to provide independent advice on the residual risks from major accidents to people at certain proposed new developments. This is delivered through PADHI+ and planning authorities must 'seriously consider' it in accordance with Planning Circular 04/2000, which advises decision-makers that:

'A5. In view of their acknowledged expertise in assessing the off-site risks presented by the use of hazardous substances, any advice from HSE that planning permission should be refused for development for, at or near a hazardous installation or pipeline, ..., should not be overridden without the most careful consideration.'

Furthermore the Courts (Regina v Tandridge District Council, Ex parte Al Fayed, Times Law Report 28 January 1999) have decided that on technical issues, local authorities, while not bound to follow the advice of statutory bodies such as HSE, 'should nevertheless give great weight to their advice' when determining planning applications.

A published external review, *Analysis of planning appeal decision reports CRR262/2000*, concluded 'It is clear the HSE's risk policies have largely been upheld at planning appeals. It is viewed as a competent and expert body, and its advice provides considerable support to PA decisions.'

Annex 2

Types of development on which to consult HSE under the Town and Country Planning (Development Management Procedure) (England) Order 2010, the Town and Country Planning (General Development Procedure) Order 1995 (as amended) in Wales, and the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

The following circulars provide further guidance on when HSE is a statutory consultee:

DCLG Circular 04/2000
SOEnD Circular 5/1993 (This document is not available on the internet)
National Assembly for Wales Circular 20/01

They identify the following developments:

1 Within the Consultation Distance (CD) of major hazard installations/complexes and pipelines, HSE should only be consulted on developments involving:

- residential accommodation;
- more than 250 square metres of retail floor space;
- more than 500 square metres of office floor space;
- more than 750 square metres of floor space to be used for an industrial process;
- transport links (railways, major roads etc);
- a material increase in the number of persons working within, or visiting, a CD;
- and then only if the development is within the CD.

2 For licensed explosive sites the criteria are the same as above, but only if within the explosive site's safeguarding zone.

3 The Office for Nuclear Regulation (ONR) is a non-statutory consultee for certain developments near licensed nuclear sites. The criteria are:

- any development involving more than 50 people (or 20 people if previously advised of this figure by ONR) within the detailed emergency planning zone;
- any development of more than 500 people within the outer zone (only applies on sites which have an outer zone).

4 HSE will also:

- advise hazardous substances authorities prior to them determining a hazardous substances consent application;
- comment on planning developments involving quarries.

5 HSE does not give retrospective advice on planning applications where the decision has already been made by the planning authority.

Annex 3

Information needed when using PADHI

To properly apply the PADHI methodology to a planning proposal you will require the following information:

1 Sufficient details of the location of the proposed development to relate it to the consultation distance and the zones of all the relevant hazardous installations, complexes and pipelines.

2 Sufficient details of the proposed development, and those people likely to be there, to enable you to categorise the development within its 'sensitivity levels'. (If the proposal involves the extension of an existing facility then, to be able to take account of that when formulating the final advice, it is necessary to have similar information for that existing use.) These details should include:

- Principal purpose of the proposed development.
- The area (hectare or m²) of the development site.
- Certain building sizes:

Development type	Indication
predominantly workplaces (ie not retail, community, leisure, accommodation etc) – the number of normally occupied storeys. Or at the very least an indication that:	<ul style="list-style-type: none"> ■ all buildings have less than 3 occupied storeys; or ■ at least one building has at least 3 occupied storeys.
for retail, community, assembly or leisure etc use – the total floor area (m ²). Or at the very least an indication if this total is:	<ul style="list-style-type: none"> ■ less than 250 m²; or ■ between 250 m² and 5000 m²; or ■ more than 5000 m².

Development type	Indication
institutional accommodation and educational facilities where day-care is provided – the total site area (hectares). Or at the very least an indication if this is:	<ul style="list-style-type: none"> ■ 1.4 hectares or less; or ■ more than 1.4 hectares.
institutional accommodation and educational facilities where 24-hour care is provided – the total site area (hectares). Or at the very least an indication if this is:	<ul style="list-style-type: none"> ■ 0.25 hectares or less; or ■ more than 0.25 hectares.

- For certain developments it is essential that there is an indication of the maximum number of people likely to be at the development at any one time. These may be actual numbers or best estimates/guesses. This can be in the form of:

Development type	Indication
predominantly workplaces (ie not retail, community, leisure, accommodation etc) – the number of people and the number of normally occupied buildings. Or at the very least an indication:	<ul style="list-style-type: none"> ■ that no building is likely to contain more than 100 people; or ■ if any building is likely to contain more than 100 people.
for houses, flats, residential caravans etc – the actual number of 'dwelling units'. Or at the very least an indication if it is for:	<ul style="list-style-type: none"> ■ less than 3 dwelling units; or ■ between 3 and 30 dwelling units; or ■ more than 30 dwelling units.
for hotels, hostels, campsites, caravan sites etc – the actual number of beds. Or at the very least an indication if it is for:	<ul style="list-style-type: none"> ■ less than 10 beds, or less than 3 caravan/tent pitches; or ■ between 10 and 100 beds, or between 3 and 33 caravan/tent pitches; or ■ more than 100 beds, or more than 33 caravan/tent pitches.
for predominantly outdoor events and outdoor facilities – the number of people anticipated. Or at the very least an indication if the event will attract a peak attendance of:	<ul style="list-style-type: none"> ■ less than 100 people; or ■ between 100 and 1000 people; or ■ more than 1000 people.

Annex 4

HSE office addresses

Only HSE offices that deal with land-use planning are listed. Please address any correspondence to Health and Safety Executive, Hazardous Installations Directorate, Chemical Industries Division at the addresses below.

Offices	Geographical coverage
SCOTLAND AND NORTH EAST	
Belford House 59 Belford Road Edinburgh EH4 3UE	Scotland
BP6301 Benton Park View Newcastle-upon-Tyne NE98 1YX	Cleveland, Durham, Tyne & Wear, Northumberland, North Yorkshire (except Selby District Council)
Marshall House Ringway Preston PR1 2HS	Cumbria, Greater Manchester, Lancashire
WALES & WESTERN ENGLAND	
Redgrave Court (HID C12) Merton Road Bootle Merseyside L20 7HS	Merseyside, Conwy, Gwynedd, Isle of Anglesey, Denbighshire, Flintshire, Wrexham, Shropshire, Staffordshire, Cheshire
1 Hagley Road Birmingham B16 8HS	West Midlands, Powys, Worcestershire, Gloucestershire, South Gloucestershire, Bristol
Government Buildings Ty Glas Llanishen Cardiff CF14 5SH	Cardiganshire, Pembrokeshire, Carmarthenshire, Swansea, Neath and Port Talbot, Bridgend, Rhondda Cynon, Taff, Blaeuau Gwent, Merthyr Tydfil, Vale of Glamorgan, Cardiff, Caerphilly, Torfaen, Newport, Monmouthshire, North West Somerset, Bath and North East Somerset, Somerset, Devon, Cornwall, Isle of Scilly

SOUTH & EAST ENGLAND	
Foundry House 3 Millsands Riverside Exchange Sheffield S3 8NH	South Yorkshire, Humberside, Derbyshire, Nottinghamshire, Lincolnshire
The Lateral 8 City Walk Leeds LS11 9AT	West Yorkshire, Selby District Council
Wren House Hedgerows Business Park Colchester Road Springfield Chelmsford Essex CM2 5PF	Essex, Norfolk, Suffolk
900 Pavilion Drive Northampton Business Park Northampton NN4 7RG	Leicestershire, Northamptonshire, Oxfordshire, Bedfordshire, Buckinghamshire, Cambridgeshire, Warwickshire, Hertfordshire, London boroughs north of the Thames
Priestley House Priestley Road Basingstoke RG24 9NS	Berkshire, Dorset, Hampshire, Wiltshire, Isle of Wight, East & West Sussex, London boroughs south of the Thames, Surrey
Phoenix House 23–25 Cantelupe Road East Grinstead West Sussex RH19 3BE	Kent