

HID CEMHD5C Head of Section: Dr P Harper

Dover District Council
Council Offices
White Cliffs Business Park
Whitfield
DOVER CT16 3PJ

Your ref. DOV/13/00952

Our ref. 4.2.1.4001.

FAO: Mr B Young, Senior Planner - Development Management

Date: 29 April 2014

Dear Mr Young

Statutory consultation with the Health and Safety Executive under Article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

Paragraph 072 of the Hazardous Substances section, CLG Planning Practice Guidance web-based resource - notification of resolution to grant planning permission against the Health and Safety Executive's land use planning advice.

Outline application for the erection of a 91 bedroom care home (Use Class C2) and associated development, 57 Coombe Valley Road, Dover, Kent (council ref DOV/13/00952).

1. I refer to the exchanges between Dover District Council and the Health and Safety Executive (HSE) on the proposed development of the former Powell Print site, 57 Coombe Valley Road, Dover and, in particular, the council's notification of resolution to grant outline planning permission for a 91 bedroom care home (ref DOV/13/00952) against HSE's advice. Thank you for agreeing to extend until the end of April 2014 the deadline for HSE to decide whether or not to request the Secretary of State to call in the application for his own determination.

2. As you are aware, under Article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, HSE is a statutory consultee for certain proposed development within our Consultation Zones (CZs) around major accident hazard installations and pipelines. HSE's role in the land use planning (LUP) system is to provide independent and impartial advice on the nature and severity of the risks presented by such major accident hazards so that local planning authorities (LPAs), such as the council, can:

- implement the land use planning recommendations of the government's Advisory Committee on Major Hazards; and
- manage proposed development that would increase the risk or consequences of a major accident at establishments covered by EU Directive 96/82/EC as amended by Directive 2003/105/EC (the Seveso II Directive).

Furthermore, in view of our acknowledged expertise in assessing the off-site risks presented by hazardous substances, LPAs are guided not to override HSE's LUP advice without the most careful consideration.

3. Paragraph 068 of the Hazardous Substances section, CLG Planning Practice Guidance web-based resource (HS PPG) confirms HSE as the provider of expert public safety advice and guides planning decision-makers to have particular regard to proposed development

involving vulnerable populations, including older and disable people. HSE has taken into account the vulnerable nature of the population at the proposed care home and the residual risk to people there from the Dover Gasholder Station, and I can confirm that our advice remains strongly that there are sufficient public safety grounds for permission to be refused. You may remember that, in 2013, HSE gave identical strong advice against a similar proposal for a care home on the same site (ref DOV/13/00266), although in that case the council decided follow that advice and refuse permission.

4. May I remind you that paragraph 069 HS PPG warns that LPAs should be alert to encroachment of development within HSE consultation zones and that such development can add costs for businesses to provide additional safety measures and risk increased consequences should a major accident occur. You may wish to discuss any implications of granting permission for the 91 bedroom care home with Southern Gas Networks (SGN), the current operator of the Dover Gasholder Station. I have previously provided you with a contact within SGN who deals with gasholder matters.

5. However, HSE's role in the planning process is an advisory one and, as noted in paragraph 072 HS PPG, we normally consider this role to be discharged when we are satisfied that an LPA is acting in full understanding of our advice and the consequences that could follow. May I also remind you that by email dated 11 March I drew your attention to the frequency of past accidents involving gasholders (eg <http://www.hse.gov.uk/press/record/2007/es201207.htm>) and the likely disastrous consequences of foreseeable major accidents to people at the proposed care home. For example, within HSE's Middle CZ most vulnerable people would be expected to be killed by the thermal radiation from a major fire at the gasholder, and buildings in this zone could catch fire over an entire elevation forcing rapid evacuation. I provided the council with similar information during exchanges on the earlier application that was refused (ref DOV/13/00266).

5. Normally HSE requests call-in only in cases of serious concern or where important policy or safety issues are at stake and, accordingly, we have set the criteria against which such decisions are made intentionally very high indeed to reflect this exceptional course of action. In the present case, following very careful consideration of the proposed development including the council's understanding of our advice and the consequences that could follow, I can inform you that HSE has decided not to request the Secretary of State to call-in for his own determination the application for the 91 bedroom care home (ref DOV/13/00952). However, the decision not to request call-in does not mean that HSE has withdrawn our strong advice against the proposal which remains that there are sufficient public safety grounds for permission to be refused. Furthermore, the decision in this case should not be seen as setting a precedent for any other proposal around major accident hazards in the council's area, and you may wish to note that, in due course, we will publish on our Internet website that the council has granted permission for the care home against the HSE's statutory advice.

Other matters

6. As I mentioned in my email of 11 March, major accidents, including those at gasholder stations, can occur in unpredictable ways and while both HSE and SGN consider that an explosion is possible, it is not the basis of HSE's LUP advice. Major fires are more likely events and these can develop very quickly, with little warning and result in a very intense 'pulse' (fireball) of thermal radiation lasting 10 seconds or more. However, I can confirm that HSE is not able to provide explosion blast overpressure or thermal radiation predictions for the purposes of 'hardening' the care home building against major accidents at Dover Gasholder Station. The design of buildings to protect occupants against such events is a highly specialised activity which HSE is also not able to undertake or comment upon.

7. However, you may also wish to note that, contrary to the suggestion in the PJ Fire Safety Risk Assessment Limited report, people evacuating the care home could still be severely injured by thermal radiation in the HSE's Outer CZ, although only a small proportion of deaths would be expected.

Your sincerely



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