

City of Bradford Metropolitan District
Council
Department of Regeneration and Culture,
Planning, Transportation & Highways,
Development Management,
1st Floor, Jacobs Well
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Date: 28 January 2015

HSE Ref.: 4.2.1.4448
Your Ref.: 14/04912/FUL

For the attention of Julian Farrar

Dear Mr Farrar

**Town and Country Planning (Development Management Procedure) (England)
Order 2010**

Application No: 14/04912/FUL

**Proposal: Demolition of existing single storey community centre and
construction of five terraced homes (revised scheme) at Low Moor, Community
Centre, Terry Road, Bradford**

Thank you for your letter of 14 January 2015 advising HSE that the City of Bradford Metropolitan District Council is minded to grant planning permission for planning application 14/04912/FUL, 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 sites handling hazardous substances.

HSE is a statutory consultee for developments in the vicinity of major hazard sites by virtue of Article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010. The proposed development lies within the consultation distance of two major hazard sites – ref. H0119 BASF Performance Products plc and ref. H0430 NuFarm Ltd.

HSE provides its land use planning (LUP) advice to enable the Planning Authority to comply with the objective of Article 12 of EC Directive 96/82/EC, (the Seveso II 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 sites handling hazardous substances, HSE normally

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

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

It is noted that although the current proposal for five dwellings is an improvement on earlier proposals to provide an additional 12 dwellings on this site, it seeks an increase in the number of bedrooms for which planning permission was granted in 2013, and therefore has the potential to place more people at risk in the event of a major accident.

Having considered the intention of the City of Bradford Metropolitan District Council to grant planning permission in this case, and the offered opportunity to request that the application be called in for determination by the Secretary of State, HSE would not wish to pursue the matter further. **However the HSE's LUP advice, for the purposes of Article 12 of the Seveso II Directive, remains that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission in this case, and HSE's decision does not mean that this advice is withdrawn. You may wish to note that the HSE normally publishes such cases on its website.**

In coming to this conclusion HSE was mindful, among other factors, 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. In these reports it was 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."

The HSE acknowledges that the final decision on whether to grant planning permission rests with the City of Bradford Metropolitan District Council. We are satisfied that if planning permission is granted the Council will be acting in full understanding of the HSE's advice and the consequences that could follow should a major accident occur involving the major accident hazard site.

Yours sincerely



Gerard Adderley
Major Accident Risk Assessment Unit

cc. Mr D Green, HID CEMHD1d, Leeds

Land use planning requirements of the Seveso II Directive

Article 12 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 10;

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."*

