

Medway Council Planning Service
Housing and Regeneration
Civic Headquarters
Gun Wharf, Dock Road
Chatham
Kent ME4 4TR

Date: 16 July 2014

HSE Ref.: 4.2.1.4185.

Your Ref.: MC/14/0913

For the attention of Paul Ives

Dear Mr Ives

**Land Use Planning Consultation with Health and Safety Executive
Town and Country Planning (Development Management Procedure) Order 2010**

Planning application: MC/14/0913

Location: Land South of Strand Leisure Complex Car Park, Approach Road, The Strand, Gillingham ME7 1TT

Proposal: Construction of a single storey extension to existing clubhouse and new modular classroom to replace existing workshop, together with creation of ramp and canopy to connect the two buildings (removal of existing porta-cabin)

1. I refer to the letter of 27th June 2014 informing HSE that Medway Council is minded to approve the above planning application, and giving HSE 21 days in which to consider whether to request that the Secretary of State call-in the application for his own determination.
2. In order to determine whether the case is of exceptional concern warranting a call-in request, the HSE has examined all aspects of the application, and after careful consideration has decided that it is not one for which it would request call in.
3. **However the HSE's LUP advice, for the purposes of Article 12 of the Seveso II Directive, remains that there are sufficient safety grounds for permission to be refused, and the Executive's decision in this case does not mean that this advice is withdrawn.** You may wish to note that this letter may be published on the HSE website in due course.
4. As you know HSE is a statutory consultee for developments in the vicinity of major hazard sites and major accident hazard pipelines by virtue of Article 16 of the Town

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and Country Planning (Development Management Procedure) (England) Order 2010. The proposed development lies within the HSE consultation distance of a major hazard site – Southern Gas Networks' (SGN) Gillingham Holder Station, Pier Road, Gillingham. The development site is located partly within the innermost of HSE's three land use planning consultation zones around that site.

5. HSE provides its land use planning 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 and pipelines that would increase the risk or consequences of a major accident. As stated in paragraph 071 of the Hazardous Substances section of the NPPG web-based guidance, any advice from HSE that planning permission should be refused for development near to a hazardous installation should not be overridden without the most careful consideration. As explained in paragraph 072 of the guidance, HSE will consider recommending call-in only in cases of exceptional concern or where important policy or safety issues are at stake.

6. In coming to a conclusion on this case, 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:

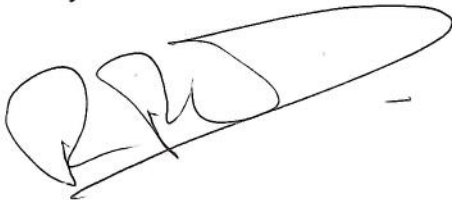
"... the siting of developments should remain a matter for planning authorities to determine, since the safety implications, however important, could not be divorced from other planning considerations." and

"... 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."

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

Please contact me, if you would like to discuss any of the issues raised in this letter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Rowlands', written over a horizontal line.

Ralph Rowlands
Major Accident Risk Assessment Unit

cc:

ADDENDUM

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."*