

The Scottish Government  
The Directorate for Local Government and  
Communities  
Planning and Architecture Division  
Planning Decisions South  
Victoria Quay  
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Hazardous Installations  
Directorate

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Head of Unit  
Stuart Reston

Date: 4 July 2014

HSE Ref.: 4.2.1.4186  
Your Ref.: NA-RFS-031

For the attention of Rhona Reid

Dear Ms Reid

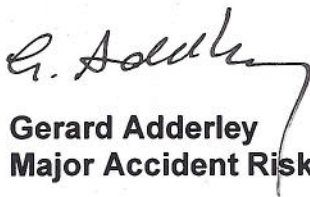
**Town and Country Planning (Scotland) Act 1997  
The Town and Country Planning (Notification of Applications) (Scotland)  
Direction 2009**

**Renfrewshire Council planning application ref. 14/0181/PP  
Erection of Football Ground and Associated Facilities at Land at  
Inchinnan Road and Argyll Avenue, West Lodge Road, Renfrew**

- 1 I refer to your letter of 26 June 2014, regarding Renfrewshire Council's proposal to grant planning permission for the above development contrary to the HSE's advice. As requested the HSE has considered whether to recommend to Scottish Ministers that they should determine the application themselves and the following gives the HSE's view on that issue.
- 2 The HSE is a statutory consultee for certain proposed developments within its consultation zones around major accident hazard installations by virtue of Article 15 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- 3 The 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), 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 16 of Annex B of Circular 5/1993, the HSE normally 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.

- 4 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.
- 5 In order to determine whether the case is of exceptional concern the HSE has examined all aspects of the application and, after careful consideration, has decided that it is not one which it would recommend Scottish Ministers to call in.
- 6 However the HSE's LUP advice, for the purposes of Article 12 of the Seveso II Directive, remains that there are sufficient public safety grounds for permission to be refused, and the HSE's decision in this case does not mean that this advice is withdrawn. You may wish to note that the HSE normally publishes such cases on its Internet website.
- 7 The HSE notes that the current application sees the repositioning of a previously approved football pitch with associated facilities (application ref. 12/0215/PP) about which HSE wrote to the Scottish Government on 13 June 2012 (your ref. NA/RFS/027) recommending a change in layout to reduce the potential for risk to health and safety. The current application (ref. 14/0181/PP) has implemented the main aspects of HSE's recommendation in that the proposed layout locates car parking on the north and east sides of the proposed site, adjacent to West Lodge Road and Argyll Avenue, with the pitch and spectator stand placed to the south and west of the site, further away from the major hazard, Diageo Scotland Ltd, Argyll Avenue, Renfrew.
- 8 The HSE acknowledges that the final decision on whether to grant planning permission rests with the 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 at Diageo Scotland Ltd.

Yours sincerely



**Gerard Adderley**  
**Major Accident Risk Assessment Unit**

cc. Mr L Frissung, HSE HID CEMHD1A/B, Edinburgh



## 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."*

