

Tower Hamlets Council
Development Control
Mulberry Place
PO Box 55739
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London E14 1BY

FAO: Mr N Farooq, Principal Planning Officer

Your reference PA/12/02332

Our reference TRIM 4.2.1.3390.

Date 7 August 2014

Dear Mr Farooq

Consultation with the Health and Safety Executive under Article 16, 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. Demolition of 152 residential units and replacement with 364 new dwellings; new landscaped public open space and public realm, surface vehicle and cycle parking; access and associated ancillary development Leopold Estate Phase 2, land bounded by Bow Common Lane, Ackroyd Drive and Burdett Road, St Pauls Way, London E3 (Council ref PA/12/02332)

1. I refer to the exchanges between the Health and Safety Executive (HSE) and the council on application ref PA/12/02332, and in particular:
 - HSE's land use planning (LUP) advice (letter dated 27 September 2012, delivered through the PADHI¹ system) that there are sufficient public safety grounds for the council to refuse permission for the proposed Leopold Estate Phase 2 development;
 - HSE's letters dated 18 February 2013 and 18 July 2013 which, amongst other matters, informed the council that HSE's advice was strongly against the proposed development; and
 - the council's letter, dated 17 July 2014, giving notice of your resolution to grant planning permission against HSE's LUP public safety advice.
2. Thank you for providing the additional information with the notice of resolution to grant: it has enabled HSE to reach its decision in the case within the requisite 21 day deadline.
3. Firstly, for the avoidance of doubt, I should confirm that, on review, HSE's LUP advice for the Leopold Estate Phase 2 application remains that there sufficient public safety grounds for permission to be refused and that our advice is strongly against the proposal. However, as stated in paragraph 072 of

¹ PADHI+ - Planning Advice for Developments near Hazardous Installations

Hazardous Installations Directorate

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the Hazardous Substances section of the CLG Planning Practice Guidance web-based resource (HS PPG), HSE will recommend call-in action only in cases of exceptional concern or where important policy or safety issues are at stake. Accordingly, and after very careful consideration, I can inform you that HSE has decided not to request call-in of application ref PA/12/02332. In reaching this decision HSE has taken into account, in particular, that our letter of 18 July 2013 explained in detail the public safety aspects of our advice and that, therefore, the council resolved to grant in full understanding of that advice and the consequences to future occupants that could follow. Furthermore, you may wish to note that neither the Gasholder Risk Assessment submitted by the applicant nor the Gasholder Risk Assessment Review commissioned by the council has influenced HSE's decision on this case.

4. However, HSE's decision not to request call-in should not be seen as setting a precedent for other proposals in the vicinity of Bow Common Gasholder Station or, indeed, near any other major accident hazard installation or pipeline within the borough.

5. While noting council officers' reasonable confidence that development of the gasholder station will come forward at some stage which will allow revocation of the hazardous substances consent (HSC) for the Bow Common gasholders and remove the existing substantial risk to the Phase 2 application site (paragraph 8.272, SDC report 18 July 2013), may I remind you that paragraphs 073 and 074 of HS PPG advise that local planning authorities should work with businesses that have HSC where there is potential conflict with planning priorities and, "be proactive about revoking consents that are no longer required."

6. Please do not hesitate to contact me if you require clarification of the above.

Yours sincerely



A.J. Williams
HM Specialist Inspector of Health and Safety
CEMHD5C