Head of HID CI5: Mr J Murray

ADUR D.C.
CHIEF EXECUTIVE'S
DEPARTMENT
22 NOV 2010

Adur District Council
Civic Centre
Ham Road
Shoreham-by-Sea
West Sussex **BN43 6PR**

Your ref. ADC/0277/10

FAO: Mr K Morgan, Planning Services Manager

Date: 5 November 2010

Dear Mr Morgan

Consultation with the HSE under Article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010
The Pilot Public House, Station Road, Southwick BN42 4AE: Planning application for redevelopment with 14 flats

I refer to your letter of 4 November 2010. I have attempted to address your key points below.

Major Hazards Regime:

The major hazards regime is built on three strands:

A. Notification; knowing where major hazard sites are located.

B. Prevention; ensuring all the measures necessary are in place to reduce the risks of a major accident as low as reasonably practicable through a permissioning regime.

C. Mitigation; recognising that major accidents are rare events but when they do happen the consequences can be significant, hence managing land use through controls on development and emergency planning to minimise the consequences should a major accident occur. These final elements are about managing the residual risks of a major accident.

This regime has been in place in the UK since the early 1970s and was largely shaped by the Advisory Committee on Major Hazards (ACMH) set up to advise government following the major accident at Flixborough in 1974. It became part of the European Seveso II Directive in 1996. ACMH recognised that total protection from major accidents was not possible, but described a regime which would give complete protection from more modest incidents and worthwhile protection from larger events. The UK regime has operated to this principle for over thirty years during which it has successfully balanced the risks with land use development.

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Hazardous Substances Consent:

When advising on a Hazardous Substances Consent (HSC) application, HSE assesses the residual risks to people in the existing built environment. In the case of ammonium nitrate these risks are dominated by a plume of toxic gas emanating from a fire in part of the warehouse, but also includes less significant explosion events. The plume of gas in this case is relatively narrow. Its dispersion is modelled using the nearest met office weather data. After a certain distance the gas will have diluted and will cease to present a risk of a person receiving a dangerous toxic load, even to the most vulnerable people. This outer distance is the basis of the HSE's Consultation Zones (CZs). However, the whole area within the CZs will not be affected by a major accident. Only a relatively narrow sector of land will potentially be affected by the gas cloud and this will depend upon the wind direction at the time.

The aggregation of the narrow plumes forms the HSE's CZs (the 'three zone map' in PADHI+) which are issued if the HSC is granted.

With the conditions on the HSC, as agreed by Shoreham Port, the level of residual risk was found to no longer exceed the national criteria at which HSE would have advised against the application.

HSE does not offer advice retrospectively on HSC already granted. But, I can confirm that since 2006 HSE has not changed its methodology nor the criteria for advising on ammonium nitrate HSC applications. HSE's advice is science based, so if new science indicates a need for change then HSE's advice may change.

Planning Applications:

Your authority uses the 'three zone map' to identify the zone within which an application lies along with the PADHI+ system to obtain HSE's land use planning advice. PADHI categorises developments into four sensitivity levels which reflect the type of development, its likely occupants, and its intensity.

In this case the proposal is for a significant number of residential units on a small plot of land. This increases the intensity of development, hence the numbers of people potentially exposed, so leads to HSE advising against this particular application.

The residual risk to individual people has not changed, but the proposed numbers of people in a relatively narrow area of land has increased. It is this factor that leads to HSE advising your authority that public safety for this development proposal is a significant material consideration when determining this planning application.

HSE has recently become aware of much misleading information being circulated on this case which clearly is unduly alarming the local community which cannot be helpful in you discharging your duties.

I trust that the above information I have provided is sufficient for your purposes. You will be aware that HSE has provided explanatory information to your authority on at least three occasions over the last four years. I doubt if there is anything more that

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we can usefully add. However, please get in touch if any detailed points require further clarification.

Yours sincerely,

[redacted]

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