Science Division

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HSE Ref: HSL-190430133351-488
Your Ref: AWDM/0460/19

Date: 2 May 2019

For the attention of Marie O'Keeffe

Dear Ms O'Keeffe

Land Use Planning Consultation with Health and Safety Executive
Town and Country Planning (Development Management Procedure) (England) Order 2015

Planning application: AWDM/0460/19

Proposal: Change of use from office/light industrial to personal training studio (D2).

Location: Unit 6 Tungsten Building George Street Southwick Brighton West Sussex BN41 1RA.

Thank you for your email of 30 April 2019 seeking HSE's comments on this planning application AWDM/0460/19.

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance (CD) of major hazard installations/complexes and major accident hazard pipelines. This consultation is for such a development which lies within the consultation distance of a major hazard site – Local Fuels Ltd (HSE Ref: H3693) – which is also a large-scale petrol storage site.

As the proposed development for which permission is sought lies within the Development Proximity Zone (DPZ) of the Local Fuels Ltd site, this consultation has been considered using HSE's land use planning methodology

(see http://www.hse.gov.uk/landuseplanning/methodology.pdf) and HSE circular SPC/Tech/Gen/43 – 'Land use planning advice around large-scale petrol storage sites' (see - http://www.hse.gov.uk/foi/internalops/hid_circs/technical_general/spc_tech_gen_43/index.htm).

HSE's assessment indicates that the risk of harm to people at the proposed development is such that **HSE's advice is that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission in this case.**

This advice is based on the details submitted with the planning application, which seeks permission for a change of use from office/light industrial to a personal training studio. The application form indicates that 6 people will be employed within the building, offering personal training sessions, semi-private personal training sessions, small group training sessions and physio facilities.

Paragraph 11 of Circular SPC/Tech/Gen/43 explains that the only developments which HSE would not advise against within the DPZ are those which meet the criteria for a Sensitivity Level 0 development which is regarded as not normally occupied. This proposal involves a sensitivity level 2 'indoor use by public' development within HSE's methodology which does not meet the criteria for a 'not normally occupied' development as set out in the above Circular.

Major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation. Where hazardous substances consent has been granted (by the Hazardous Substances Authority), then the maximum quantity of hazardous substance that is permitted to be on site is used as the basis of HSE's assessment.

If you decide to refuse planning permission on grounds of safety, HSE will provide the necessary support in the event of an appeal.

If nevertheless, you are minded to grant permission, your attention is drawn to Section 9, paragraph 072 of the online Planning Practice Guidance on Hazardous Substances - Handling development proposals around hazardous installations, published by the Ministry for Housing, Communities & Local Government. This requires a local planning authority to give HSE advance notice when it is minded to grant planning permission against HSE's advice and allow 21 days from that notice for HSE to consider whether to request that the Secretary of State for Housing, Communities & Local Government call-in the application for their own determination.

The advance notice should be sent to HSE's Major Accidents Risk Assessment Unit, CEMHD5b, Redgrave Court, 1.2 Merton Road, Bootle, Merseyside L20 7HS or by email to luppadhici5@hse.gsi.gov.uk.

Yours sincerely

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