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Johnston, Charles

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**From:** [REDACTED]  
**Sent:** 03 March 2014 16:19  
**To:** localplan  
**Subject:** Scottish Borders Local Development Plan: Proposed Plan  
**Attachments:** Scottish Borders Local Development Plan, Feb 2014.doc

Hi,

please find attached HSE's response to your consultation on the above Local Plan.

If you require any further information, let me know.

Regards,

Luke Frissung  
HSE, Edinburgh  
[REDACTED]

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HM Principal Specialist Inspector  
of Health and Safety  
Dr Peter Harper

FAO: Martin Wanless

Date: 3<sup>rd</sup> March 2014

Our Reference: Trim 2014/87959

Your Reference:

Dear Sir/Madam,

## CONSULTATION ON YOUR LOCAL PLAN – REPRESENTATIONS BY THE HSE

### SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN: PROPOSED PLAN

Thank you for your request to provide a representation on the Scottish Borders Local Development Plan: Proposed Plan consultation document. When consulted on land-use planning matters, the HSE where possible will make representations to ensure that compatible development within the consultation zones of major hazard installations and major accident hazard pipelines (MAHPs) is achieved.

The HSE acknowledges that early consultation can be an effective way of alleviating problems due to incompatible development at the later stages of the planning process. We also recognise that there is a requirement for you to meet the following duty in your plan, and that consultation with the HSE may contribute to achieving compliance:

- Regulations 3(2)(a) and 10(2)(a) of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008 (as amended) require that in strategic and local development plans regard be had for the objectives of preventing major accidents and limiting the consequences of such accidents. Regulations 3(2)(b) and 10(2)(b) require that regard also be had in strategic and local development plans for the need in the long term, to maintain appropriate distances between establishments and residential areas, buildings and areas of public use, major transport routes as far as possible and recreational areas, these being the objectives of Article 12 of Council Directive 96/82/EC (Seveso II) as amended<sup>1</sup>.

At this early stage the HSE can give a general opinion regarding development compatibility based only on the outline information contained in your plan. This opinion takes no account of any intention to

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<sup>1</sup> Article 12 provides that the objectives of preventing major accidents and limiting the consequences of such accidents are taken into account in land-use policies, and these objectives should be pursued through controls on the siting of new establishments, modifications to existing establishments, and new developments in the vicinity of existing establishments such as transport links, locations frequented by the public and residential areas where the siting or development is such as to increase the risk or consequences of a major accident.

modify, relinquish or revoke hazardous substances consents<sup>2</sup>. Planning authorities are advised to use HSE's *Planning Advice for Developments near Hazardous Installations Information Package* (PADHI+) to verify any advice given. Further information on PADHI+ is available on the HSE website: <http://www.hse.gov.uk/landuseplanning/padhi.htm>.

PADHI+ cannot be used for developments around nuclear sites, explosives sites or quarries. In these cases you must consult the appropriate HSE directorate for advice. Guidance on consulting the HSE about developments that could encroach on specialised major hazard sites is also available on the website: <http://www.hse.gov.uk/landuseplanning/padhi/faqs.htm#hazardous-substances-consent>

## **Encroachment of Local Plan Allocations on Consultations Zones**

We have concluded that there is the potential for land allocated in your plan to encroach on consultations zones. The land allocations that could be effected are:

- i) *Mixed-use allocation MCARD007 (South of Horsburgh Bridge, Cardrona) could encroach upon the consultation zone associated with the ICI Wilton / Grangemouth Ethylene MAHP operated by Ineos / Sabic Petrochemicals (HSE Ref. No: 6904).*
- ii) *Housing allocation AGALA017 (Coopersknowe Phase 4, Galashiels) could encroach upon the consultation zone associated with with the Dewarton / Selkirk (L02 & L03) MAHP operated by Scotland Gas Network Ltd (HSE Ref. No: 7969; Transco Index No: 2227).*
- iii) *Business and industrial allocation zEL38 (Easter Langlee Industrial Estate, Galashiels) could encroach upon the consultation zone associated with the Dewarton / Selkirk (L02 & L03) MAHP operated by Scotland Gas Network Ltd (HSE Ref. No: 7969; Transco Index No: 2227).*
- iv) *Mixed-use allocation MGALA002 (South of Coopersknowe, Galashiels) could encroach upon the consultation zone associated with the Dewarton / Selkirk (L02 & L03) MAHP operated by Scotland Gas Network Ltd (HSE Ref. No: 7969; Transco Index No: 2227).*
- v) *Mixed-use allocation MGALA003 (Winston Road, Galashiels) could encroach upon the consultation zone associated with the Dewarton / Selkirk (L02 & L03) MAHP operated by Scotland Gas Network Ltd (HSE Ref. No: 7969; Transco Index No: 2227).*
- vi) *Business and Industrial allocation BGALA002 (Galafoot, Galashiels) could encroach upon the consultation zone associated with the Dewarton / Selkirk (L02 & L03) MAHP operated by Scotland Gas Network Ltd (HSE Ref. No: 7969; Transco Index No: 2227).*
- vii) *Redevelopment allocation RGALA003 (Old Refuse Tip, Galashiels) could encroach upon the consultation zone associated with the Dewarton / Selkirk (L02 & L03) MAHP operated by Scotland Gas Network Ltd (HSE Ref. No: 7969; Transco Index No: 2227).*
- viii) *Greenspace allocation GSGALA006 (Tweed Road, Galashiels) could encroach upon the consultation zone associated with the Dewarton / Selkirk (L02 & L03) MAHP operated by Scotland Gas Network Ltd (HSE Ref. No: 7969; Transco Index No: 2227).*

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<sup>2</sup> Hazardous substances consents are granted by the planning authority (PA). The consent process is regulated by the PA under the Planning (Hazardous Substances) (Scotland) Act 1997. The PA must consult the HSE on consent applications. In assessing the application for consent, HSE will produce a map, usually with three contours (or zones), representing defined levels of risk or harm which any individual would be subject to. Should the PA grant consent, this map defines the consultation distance within which HSE must be consulted over any relevant future planning applications.

- ix) *Housing allocation AKELSO022 (Hendersyde, Phase 1, Kelso) could encroach upon the consultation zone associated with the Kelso Branch P01) MAHP operated by Scotland Gas Network Ltd (HSE Ref. No: 7949; Transco Index No: 2206).*
- x) *Housing allocation SKELSO005 (Hendersyde, Longer Term, Kelso) could encroach upon the consultation zone associated with the Kelso Branch (P01) MAHP operated by Scotland Gas Network Ltd (HSE Ref. No: 7949; Transco Index No: 2206).*
- xi) *Housing allocation ALAUD001 (West Allanbank, Lauder) could encroach upon the consultation zone associated with the 10 Feeder Bathgate / Lennel Tweed (S) MAHP operated by National Grid Gas Plc (HSE Ref. No: 7926; Transco Index No: 2183).*
- xii) *Redevelopment allocation zR200 (Caberston Farm / Old Mill Site, Walkerburn) could encroach upon the inner, middle and outer consultation zones of Rathburn Chemicals, Caberston Road, Walkerburn EH43 6AU (HSE Ref. No: H3926).*
- xiii) *Greenspace allocation GSWALK001 (Walkerburn RFC, Walkerburn) could encroach upon the inner, middle and outer consultation zones of Rathburn Chemicals, Caberston Road, Walkerburn EH43 6AU (HSE Ref. No: H3926).*
- xiv) *Greenspace allocation GSWALK002 (Village Green, Walkerburn) could encroach upon the inner, middle and outer consultation zones of Rathburn Chemicals, Caberston Road, Walkerburn EH43 6AU (HSE Ref. No: H3926).*
- xv) *Selkirk Bypass road safeguarding route (Policy IS4) could encroach upon the consultation zone associated with the Dewarton / Selkirk (L02 & L03) MAHP operated by Scotland Gas Network Ltd (HSE Ref. No: 7969; Transco Index No: 2227).*
- xvi) *Borders Railway safeguarding route (Policy IS4) could encroach upon the consultation zone of one or more MAHP*

*HSE commends your inclusion of policies relating to Hazardous Developments (Policy IS11) and Development within Exclusion Zones (Policy IS12). However, not all the details on the 'Exclusion Zone' table (IS12, paragraph 1.3) are up to date. In particular, there are 2 MAHPs which are not included and some of the zone details are inaccurate. I would advise that the information contained within the table be obtained from the online Consultation Zone Library pages for Scottish Borders Council (the planning department should have access to this via HSE's Extranet).*

## **Compatibility of Development with Consultation Zones**

The compatibility issues raised by developing housing and workplaces within the inner, middle and outer zones are summarised below.

### **Housing Allocations**

Inner Zone – Housing is not compatible with development in the inner zone. PADHI+ would normally give an Advise Against decision for such development. The only exception is developments of 1 or 2 dwelling units where there is a minimal increase in people at risk.

Middle Zone – The middle zone is compatible with housing developments up to and including 30 dwelling units *and* at a density of no more than 40 per hectare.

Outer Zone – Housing is compatible with development in the outer zone including larger developments of more than 30 dwelling units and high-density developments of more than 40 dwelling units per hectare.

## Workplace Allocations

Inner Zone – Workplaces (predominantly non-retail) providing for less than 100 occupants in each building *and* less than 3 occupied storeys are compatible with the inner zone. Retail developments with less than 250m<sup>2</sup> total floor space are compatible with the inner zone.

**Note:** Workplaces (predominantly non-retail) providing for 100 or more occupants in any building *or* 3 or more occupied storeys in height are compatible with the inner zone where the development is at the major hazard site itself and will be under the control of the site operator.

Middle Zone – The middle zone is compatible with workplaces (predominantly non-retail). Retail developments with total floor space up to 5000m<sup>2</sup> are compatible with the middle zone.

Outer Zone – Workplaces (predominantly non-retail) are compatible with the outer zone. Workplaces (predominantly non-retail) specifically of people with disabilities (e.g. sheltered workshops) are *only* compatible with the outer zone. Retail developments with more than 5000m<sup>2</sup> total floor space are compatible with the outer zone.

This is a general description of development compatibility. Detail of development types and their compatibility with consultations zones can be found in the section on *Development Type Tables* (pg.9) of *PADHI - HSE's Land Use Planning Methodology*, which is available at: <http://www.hse.gov.uk/landuseplanning/padhi.pdf>

## Mixed-Use Allocations

Because of the potential complexity when combination use classes are proposed, advice regarding mixed-use allocations is outside the scope of the general advice that can be given in this representation. Please refer to PADHI+ to determine HSE's advice regarding mixed-use developments.

## Verification of Advice using PADHI+

The potential for encroachment is being brought to your attention at an early stage so that you can assess the actual extent of any incompatibility on future developments. Information on the location and extent of the consultation zones associated with major hazard installations and MAHPs can be found on the HSE extranet system along with advice on HSE's land-use planning policy. Lists of all major hazard installations and MAHPs, consultation zone maps for installations, and consultation distances for MAHPs are included to aid planners. All planning authorities should have an authorised administrator who can access the HSE's *Planning Advice for Developments near Hazardous Installations Information Package* (PADHI+) on the extranet; further information is available on the HSE website: <http://www.hse.gov.uk/landuseplanning/padhi.htm>. When sufficient information on the location and use class of sites becomes available at the pre-planning stages of your local plan, the use of PADHI+ could assist you in making informed planning decisions about development compatibility. We recommend that for speculative testing of advice that the PADHI+ training database is used. This is accessed on the land-use planning extranet services screen.

## Identifying Consultation Zones in Local Plans

The HSE recommends that where there are major hazard installations and MAHPs within the area of your local plan, that you mark the associated consultation zones on a map. This is an effective way to identify the development proposals that could encroach on consultation zones, and the extent of any encroachment that could occur. The proposal maps in site allocation development planning documents may be suitable for presenting this information. We particularly recommend marking the zones associated with any MAHPs, and the HSE advises that you contact the pipeline operator for up-to-date information on pipeline location, as pipelines can be diverted by operators from notified routes. Most

incidents involving damage to buried pipelines occur because third parties are not aware of their presence<sup>3</sup>.

### **Identifying Compatible Development in Local Plans**

The guidance in *PADHI - HSE's Land Use Planning Methodology*, available at <http://www.hse.gov.uk/landuseplanning/padhi.pdf>, will allow you to identify compatible development within any consultation zone in the area of your local plan. The HSE recommends that you include in your plan an analysis of compatible development type within the consultation zones of major hazard installations and MAHPs based on the general advice contained in the PADHI guidance. The sections on *Development Type Tables* (pg.9) and the *Decision Matrix* (pg.17) are particularly relevant, and contain sufficient information to provide a general assessment of compatible development by use class within the zones.

There are a number of factors that can alter a PADHI+ decision, for example where a development straddles 2 zones. These factors are outside the scope of the general advice in this letter. HSE's final advice on development compatibility can only be determined through use of PADHI+.

### **Provision of Information to Interested Parties – Pipeline Operators**

The pipeline operator/s referred to will be sent a copy of this representation to make them aware of HSE's preliminary advice on this matter.

If you have any questions about the content of this letter, please contact me at the address given in the letterhead.

Yours faithfully,

**John Moran**  
**HM Inspector of Health and Safety**

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<sup>3</sup> The HSE does not possess a complete set of detailed and up-to-date pipeline maps. Therefore you are advised not to rely solely on the information contained in this representation as reflecting the current status of MAHPs that could effect your plan. Please refer to other sources of information, e.g. to local authority pipeline records, as pipeline operators have a duty to supply information on pipelines including location to local authorities for emergency planning purposes. To further assist planning authorities in identifying the location and ownership of MAHPs, the HSE has provided a source of pipeline information on the HSE extranet pages at: <https://extranet.hse.gov.uk/Land%20Use%20Planning/padhi/piplines.htm>.