

[REDACTED]

Sent: 25 September 2019 14:58

To: Simon Davis <Simon.Davis@arun.gov.uk>

[REDACTED]

Subject: Notice of Intention to Approve Planning Application contrary to HSE Advice - planning application BE/46/19/PL - Removal of condition restricting the number of caravans at The Marigolds, Shripney Road, Bognor Regis

Dear Simon

Thank you for your email of 11 September 2019 notifying HSE that Arun District Council is minded to grant permission for planning application BE/46/19/PL against HSE's advice.

Please find HSE's response attached.

Regards

Gerard Adderley
Health and Safety Executive
Chemicals, Explosives and Microbiological Hazards Division
Statutory and Commercial Land Use Planning Advice
1.2 Redgrave Court
Merton Road
Bootle
Merseyside
L20 7HS

[REDACTED]

From: Simon Davis <Simon.Davis@arun.gov.uk>

Sent: 11 September 2019 15:54

To: LUP PADHI C15 [REDACTED]

Subject: Notice of Intention to Approve Planning Application contrary to HSE Advice

Dear Sir/Madam,

Your Ref: HSL-190405115222-186

Our Ref: BE/46/19/PL

Application: Removal of condition 1 following the grant of BE/79/77 relating to restriction of number of caravans.

Site: The Marigolds, Shripney Road, Bognor Regis, West Sussex, PO22 9PB.

I write to inform you that it is the intention of Arun District Council to grant planning permission for this application contrary to the stated position of HSE. I understand that we must allow the HSE 21 days to consider whether or not to request that the Secretary of State for Communities and Local Government call in the application for their own determination.

The reason for our decision to grant permission contrary to the HSE advice is that the application will not likely exceed the 10% population increase rule. Although the removal of the current 60 caravan condition could allow more than 66 (10 % more) caravans to be on the site, in practice the applicant is currently only looking to demolish an on-site bungalow and replace with 4 caravans. Thereafter, any further caravans could only be added by replacing twin unit caravans with single unit models – and this would then be subject to meeting the conditions of the site licence (which includes a requirement for a minimum size of gap between caravans). The submitted site layout also demonstrates that there is no other spare space within the application site.

Full details of the application can be viewed through the search function on our website here:

<https://www.arun.gov.uk/weekly-lists> (use reference BE/46/19/PL). I also enclose a copy of the draft officer recommendation report.

I would be grateful for your confirmation of receipt and of the commencement of the 21 day period.

Kind Regards

Simon J Davis MRTPI | Principal Planning Officer, Planning Department, Directorate of Place, Arun District Council |
Location: Planning, First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF
Internal: 37874 | External: +44 (0) 1903 737874 | E-mail: simon.davis@arun.gov.uk
Please note that I typically work from home on Thursdays when I am unreachable on my work phone

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www.hse.gov.uk

Chemicals, Explosives and
Microbiological Hazards Division

Gerard Adderley

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Use Planning Advice
1.2 Redgrave Court
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<http://www.hse.gov.uk/>

Head of Team
Stuart Reston

By e mail:

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Planning Department
Directorate of Place
First Floor
Arun Civic Centre
Maltravers Road
Littlehampton
BN17 5LF

Your ref. BE/46/19/PL

HSE Ref: 4.2.1.6645

Date: 25 September 2019

For the attention of Simon Davis

Dear Mr Davis,

Planning application BE/46/19/PL

Proposal: Removal of condition 1 following the grant of BE/79/77 relating to restriction of number of caravans

Location: The Marigolds, Shripney Road, Bognor Regis

1. Thank you for your email of 11 September 2019, advising HSE that Arun District Council is minded to grant planning permission for planning application BE/46/19/PL, which HSE advised against, giving HSE 21 days' notice in which to consider whether to request that the Secretary of State call-in the application for their own determination, in accordance with paragraph 072 of the Planning Practice Guidance on handling development proposals around hazardous installations.

2. HSE is a statutory consultee for developments in the vicinity of major hazard sites and major accident hazard pipelines by virtue of Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The proposed development lies within the HSE consultation distance of a major accident hazard pipeline currently operated by SGN Grid: ref. 2316: Manhood End/Shripney (PO17).

3. As explained in paragraph 072 of the Planning Practice Guidance on handling development proposals around hazardous installations, HSE normally considers its role to be discharged when it is satisfied that the planning authority is acting in full understanding of HSE's land use planning advice received and of the consequences to public safety that could follow. As also explained in that paragraph, HSE will consider recommending call-in only in cases of exceptional concern or where important policy or safety issues are at stake.

4. In view of this, having considered the intention of Arun District Council to grant planning permission in this case, and the offered opportunity to request that the application be called in for determination by the Secretary of State, HSE would not wish to pursue the matter further. **However, the HSE's land use planning advice remains that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission in this case, and HSE's decision does not mean that this advice is withdrawn.**

5. In coming to this conclusion HSE was mindful, among other factors, of the views expressed in Chapter 5 of the First Report of the Advisory Committee on Major Hazards (ACMH) and Chapter 4 of the Second Report of ACMH. In these reports it was stated that:

"... the siting of developments should remain a matter for planning authorities to determine, since the safety implications, however important, could not be divorced from other planning considerations." and

"... local authorities are well placed to take proper account of the full range of local factors, including safety issues, which are relevant to a planning decision."

6. HSE acknowledges that the final decision on whether to grant planning permission rests with Arun District Council. We are satisfied that if planning permission is granted the

Council will be acting in full understanding of HSE's advice and the consequences that could follow should a major accident occur involving the major hazard.

Yours sincerely

A black rectangular box redacting the signature of Gerard Adderley.

Gerard Adderley
Statutory and Commercial Land Use Planning Advice

cc. Mr J Birch, HSE CEMHD5C, Bootle
Mr M Wayland, HSE ED5.2, London