



Health and Safety
Executive

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1 March 2023

Dear Michele

Thank you for your email dated 3 February 2023 in relation to the application by Sunnica Ltd for an Order Granting Development Consent for the Sunnica Energy Farm

The HSE response to your questions is attached. I hope that it is helpful to you.

Yours sincerely,

Gill Smart

Head of Chemicals & Land Use

Planning Policy Team

HSE response to questions from the Examining Authority in relation to an Application by Sunnica Ltd for an Order Granting Development Consent for the Sunnica Energy Farm

Q3.1.5 & 3.1.6

There is no statutory requirement to consult HSE in relation to a Battery Safety Management Plan (BSMP) and HSE does not provide comment on them. HSE ask that Requirement 7 and any other references to HSE consultation/approval of the BSMP are removed from the Development Consent Order.

HSE has contacted the Planning Inspectorate to make them aware of this and will also contact the Developer and the Department for Levelling up, Housing and Communities in due course.

HSE is a consultation body, for the purposes of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and section 42 of the Planning Act 2008 (PA2008), providing public safety advice in respect of proposed NSIPs. HSE's role as a statutory consultee in the planning process is set out on the [Planning Inspectorate](#) website. HSE has agreed with the Planning Inspectorate that Advice Note 11 annex G will be amended to further clarify the position regarding BSMP.

When offering advice, the two main considerations for HSE are:

1. does the Proposed Development have the potential to cause a major accident ¹or could the development impact on a site with major accident potential and
2. is the Proposed Development vulnerable to potential major accidents due to its proximity within a consultation zone of a major hazard site or pipeline).

When preparing statutory advice on NSIPs, as well as providing views on the above considerations, HSE will also highlight as appropriate:

- If the Proposed Development is on an existing major hazard site, where such a new development could have significant consequences for major accident hazards.
- The need to consider if an application should be made to the Hazardous Substances Authority (HSA) for a new hazardous substances consent (HSC) and/or whether extant hazardous substances consent(s) need to be varied.
- If there is a facility near to the Proposed Development where a licence exists under either Explosives Regulations 2014 or Dangerous Goods in Harbour Areas Regulations 2016.

HSE has provided statutory advice on this basis in relation to this development at Environmental Impact Assessment, Section 42 and Section 56 stages. How HSE deals with each aspect of the process is explained on [HSE's](#) website.

¹ As defined by criteria set out in the Control of Major Accident Hazard Regulations

Q3.1.10

Many areas of Health and Safety law do not require consents depending on the detail of the design and operation and therefore consents may not be required. HSE would expect compliance with all aspects of Health and Safety legislation at the stage it becomes applicable.