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Reference **HSE Ref: 4.4.2.23926.**
LPA Ref: 19/01456/HSC

Date: 20th February 2020

Dear [redacted],

THE PLANNING (HAZARDOUS SUBSTANCES) REGULATIONS 2015

Proposal: Hazardous substances consent application for natural gas refuelling station at East Midland Gateway development

Applicant: Gasrec Limited

Location: Zone B, East Midlands Gateway, DE74 2DL

1. The Health and Safety Executive (HSE) has assessed the risks to the current population in existing development surrounding the likely activities, resulting from the granting of Hazardous Substances Consent at Gasrec Limited, Zone B, East Midlands Gateway, DE74 2DL. Application 19/01456/HSC is for 94 tonnes of Liquefied Natural Gas and 3 tonnes of Compressed Natural Gas (both Schedule 1 Part 2 – 18).
2. HSE's advice is on the basis of the amended application form and hazardous substances location plan (email received 13th February 2020).
3. Only the risks from hazardous substances for which Consent is being sought have been assessed, together with the risks from substances in vehicles which are being loaded or unloaded. HSE has assessed the risk of harm from the maximum quantity of hazardous substances for which Consent is being sought. Risks which may arise from the presence of other substances have not been taken into account in this assessment.
4. HSE has not been able to take account of any proposed developments in the surrounding areas that have been granted planning permission but are not yet built. This may also apply to existing developments that did not appear on the maps accompanying the consent application. Since this may affect our advice please consult the HSE again if there are any such developments within the consultation area proposed on the map referred to below. Also consult us again if there is any likely development in the zones that you wish us to take into account. We will require some detail, for example if housing the estimated number of dwelling units, if retail/leisure the indoor floor space and opening hours, so we can estimate what population might be present and for how long.
5. In considering this application for Consent, HSE has made the assumption that the requirements of the Health and Safety at Work etc. Act 1974, and all relevant statutory provisions, will be met at the establishment should Consent be granted. Accordingly, HSE advises that you should direct the applicant's attention to section 29 of the Planning (Hazardous Substances) Act 1990. On this basis, HSE

has concluded that the risks to the surrounding population arising from the proposed operation(s) are so small that **there are no significant reasons, on safety grounds, for refusing Hazardous Substances Consent**.

6. Following Government advice that particulars in the application form do not automatically become conditions of consent, it would be beneficial to include the following condition:

   "The hazardous substances shall not be kept or used other than in accordance with the particulars provided on the amended application form (email received 13th February 2020), nor outside the areas marked for storage of the substances on the plans which formed part of the application (including *'Substance Location Plan Phase 1 & 2'*, Drawing No. C131, Rev P3, Dated June 19, **and** *'Substance Location Plan Phase 3'*, Drawing No. C130, Rev P3, Dated June 19)."

7. A consultation area, made up of the set of zones marked on the attached map, has been determined. Unless we hear from you in the near future that the application has been refused, this map will be placed within the HSE's land use planning web app. This is available to the person in your Planning Authority nominated to be your 'Group administrator' and colleagues who that nominated person enables to have access. Access is via the web https://pa.hsl.gov.uk/.

8. This consultation area will be for relevant consultations under The Town and Country Planning (Development Management Procedure) (England) Order 2015. The consultation area is also relevant to The Town and Country Planning (General Permitted Development) (England) Order 2015 in which it is referred to as a 'safety hazard area'. The granting of consent will therefore have implications for certain types of development proposed in the zones. More information can be found in HSE's land use planning methodology http://www.hse.gov.uk/landuseplanning/methodology.pdf.

9. If Consent is granted, consult HSE on relevant development in the consultation area by using HSE's land use planning web app https://pa.hsl.gov.uk/.

10. Please email HazSubCon.CEMHD5@hse.gov.uk to let us know you have received our advice.

11. Please email HazSubCon.CEMHD5@hse.gov.uk to inform HSE of the determination decision, as soon as is practicable in accordance with Regulation 11(6)(a) of The Planning (Hazardous Substances) Regulations 2015, so that we can update our records for the purpose of providing accurate advice in the future.

12. If Consent is granted, please email a copy of the decision notice to HazSubCon.CEMHD5@hse.gov.uk so that our records can be updated. If multiple versions of particulars such as the substance location plan or application form were submitted during the application process, please include the reference number of the version to which granted consent relates. This will ensure that future land-use-planning advice to you can be provided on a proper basis, for example when you consult us using HSE's web app https://pa.hsl.gov.uk/.

Yours faithfully,

[redacted]

[redacted]
HM Specialist Inspector
Major Accidents Risk Assessment Unit

cc [redacted]