

# Planning through Negotiation Issues and case studies

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# HSE's role in Land Use Planning

- Seveso II Directive
- Control of Major Accident Hazard Regulations 1999
- Planning Legislation
- HSE's advisory role

## Issues and Drivers for change

- Pressure to develop on brown-field land
- Some developments are at or near major hazard (MH) sites
- Operators selling-off parts of major hazard sites
- Central government guidance/targets for development density
- Changing land use - many old industrial uses have gone leaving MH sites “marooned”

## Case studies: negotiated solutions (1)

- Yorkshire Chemicals, Leeds
- Planned Armouries Museum – constrained by LUP zones
- S 106 agreement involving all parties
- Consent changed and improvements on site – reduced LUP zones
- Part-funded by developer

## Case studies: negotiated solutions (2)



- Hickson & Welch, Castleford
- LUP zones prevented development of Allerton Bywater Millennium village
- Agreed changes to consent and new storage areas
- Reduced LUP zones allowed development to proceed

# Case studies: negotiated solutions (3)



- McDermid Canning, Birmingham
- LUP zones constrained the re-development of East Birmingham
- Compensation package funded by developers and LA
- Changes to consent reduced zones
- McDermids moved to a new location

# HSE encourages negotiation



## Examples

- Change layout to increase separation
- Put less dense population near to major hazard
- Use of conditions to allow planning process to proceed but only if hazardous substances consent is varied or revoked
- Vary consents eg gasholders, chemical plants

## Key Messages (1)

- Encourage planners/LPAs to consult early
- Understand your role (eg UK has an advisory role)
- All parties need to understand the role of hazardous substances consent



## Key Messages (2)

- Ensure the decision maker understands your advice
- Negotiate if necessary and where possible
- Look for areas that can aid development to go ahead eg vary/revoke consents, flexibility of development layout