

REPORT TO: Executive Board

DATE: 16th July 2009

REPORTING OFFICER: Strategic Director, Environment

SUBJECT: Approval of the formal adoption of the
Planning for Risk Supplementary
Planning Document

WARDS: Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to seek approval for the formal adoption of Supplementary Planning Document (SPD): Planning for Risk as part of the Halton Local Development Framework.
- 1.2 A copy of the Planning for Risk SPD is attached to this report as Appendix A.

2.0 RECOMMENDATION: That

- (1) The Supplementary Planning Document (SPD): Planning for Risk be formally adopted as a Supplementary Planning Document and part of the Halton Local Development Framework;**
- (2) The responses to the representations received at the public participation stages, as set out in the statement of consultation are agreed; and**
- (3) Further editorial and technical changes that do not affect the content or intended purpose of the SPD be agreed by the Operational Director – Environmental and Regulatory Services in consultation with the Executive Board Member for Planning, Transportation, Regeneration and Renewal, if necessary, before the document is published.**

3.0 SUPPORTING INFORMATION

- 3.1 Control of Major Accident Hazard (COMAH) sites
There are two special types of development which the Council's UDP defines as providing the potential for significant off site accidental risks and therefore require the production of a Supplementary Planning Document.

3.2 The first special type of development is sites (and pipelines) which hold or handle sufficient quantities of potentially dangerous chemicals as defined by the Planning (Control of Major Accident Hazard) Regulations (COMAH) and associated legislation and which therefore justify special steps to be taken to control their development and developments around them. Appendix C of the SPD lists the active hazardous installations within Halton. This includes Bayer Crop Science at Gorse Lane, Widnes that has recently ceased operation and has been bought by the Council. It is intended to revoke its hazardous substances consent together with others that have ceased operation.

Liverpool Airport

3.3 The second special type of development is airports, which present the same sort of potential for significant off site accidental risks as COMAH and similar hazardous installations.

3.4 Halton is affected by the Public Safety Zone (and wider flight path) from Liverpool John Lennon Airport. It is also affected by a significant number of hazardous installations and pipelines and their planning consultation zones.

Consultation processes

3.5 As required by statutory procedures this SPD has been subject to a number of consultation stages both with internal and external stakeholders and the public. Attached at Appendix B is a summary of the representations received during consultation periods, the comments made, and how they have been taken into account in completing this SPD.

Sustainability appraisal and related matters

3.6 This SPD has been subject to a Sustainability Appraisal (SA). The purpose of the SA was to independently assess the contribution that the Planning for Risk SPD would make to achieve the social, economic and environmental objectives of sustainable development. The conclusions of the Sustainability Appraisal were positive and were not challenged during the consultation process and therefore no additional changes will need to be made to the SPD. A copy of the SA is available as a background document

3.7 All planning documents produced, after May 2006, are also required to be subject to a Habitats Regulations Assessment (HRA). A HRA screening report is used to assess the potential effect of plans and projects on sites of European importance. A copy of the screening report is available as a background document.

3.8 The purpose of this SPD is therefore to complement the Halton Unitary Development Plan (and other corporate policy documents) in recognising the importance of striking a sustainable balance between economic prosperity and community safety within the Borough.

4.0 POLICY IMPLICATIONS

Policy context

- 4.1 Halton has, as members will know, a special history in respect of the chemical industry. It also has lengthy experience, unusual expertise and a wide ranging track record of taking a measured and expert approach to the examination and planning of developments in and around hazardous installations that could create or increase the special risks to the community, if not handled carefully.
- 4.2 The need to strike the right sustainable balance between economic prosperity and individual safety has been a very important principle in the process first started by councillors in the run up to Halton's inception in April 1974. The result has been a unique set of risk based Development Plan policies (first formalised in 1996) not followed by other local planning authorities who have therefore had to rely solely upon the advice of the Health & Safety Executive on these matters. The SPD explains in more detail how the UDP's policies should be interpreted and implemented.
- 4.3 As with most other local planning authorities, Halton has always taken full account of the advice from the Health & Safety Executive. However, because of the Council's long standing use of independent expert consultants to help in the Council's decision making processes, and the special nature of the Borough, policies significantly different from HSE advice have been developed since the 1980's.
- 4.4 The HSE has always been consulted both on relevant planning applications, Hazardous Substance Consent applications and the various stages in the development of Halton's own Development Plan policies. This started in the mid-1990's with Halton's Local Plan policies and continued through the various statutory steps which lead to the Council's adoption of the current UDP policies.
- 4.5 In many ways the risk based planning policies contained within this SPD are not really unusual, as other planning policies and advice is often risk based, for example highway safety advice and flood risk advice, on planning applications.
- 4.7 The unique importance to Halton of achieving the right balance between its special history and its future sustainable prosperity is shown by the example of Widnes Town Centre's revitalisation. Had the Council followed HSE advice in relation to the initial redevelopment of Widnes Town Centre no retail redevelopment would have taken place.

and the Morrison's redevelopment scheme and other subsequent developments may not have occurred.

- 4.8 This SPD when adopted will form part of the Local Planning Framework for Halton and will be a material consideration in the consideration of any relevant planning applications. It will provide an easier to understand and more detailed policy framework than the UDP itself.
- 4.9 The SPD has been produced to ensure that through its function as a Local Planning Authority, the Council: -
- a) Is in accordance with national and regional planning policy and advice.
 - b) Wherever possible meets the priorities of the community it serves, as set out in the Halton Community Strategy and Corporate Plan.

Weston Village representations

- 4.10 As a result of the representation received from Steve Gill Business (formerly Optima Housing consultants) on behalf of ICI Chemicals & Polymers (Akzo Nobel) in relation to the potential effect of topography in reducing accidental risks levels in Weston Village, further consultation took place with Ineos and the Health & Safety Executive.
- 4.11 As a result of this representation and this further specific consultation no change is proposed to the map showing the extent of the 10 cpm policy area identified around the Ineos complex in western Runcorn.
- 4.12 There is insufficient quantitative evidence to justify the necessary re-consultation that would need to take place to consider changing the proposed boundary again.

5.0 OTHER IMPLICATIONS

- 5.1 No other known implications.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

Children and Young People in Halton:

- 6.1 No other implications

Employment, Learning and Skills in Halton:

- 6.2 No other implications

A Healthy Halton:

- 6.3 No other implications

A Safer Halton:

- 6.4 A guiding principle of the SPD is to impose pressure on those responsible for the sources of major accident risks, and improve levels of safety where appropriate

Halton's Urban Renewal:

- 6.5 The SPD provides a positive influence in striking the right sustainable balance between economic prosperity and individual safety.

7.0 RISK ANALYSIS

- 7.1 These proposals are not so significant as to require a full risk assessment.

8.0 EQUALITY AND DIVERSITY ISSUES

- 8.1 The adoption of the draft SPD does will not have any identifiable equality and diversity implications.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Halton Unitary Development Plan	Rutland House	Andrew Pannell
Sustainability Appraisal	Rutland House	Andrew Pannell
Habitat Regulations Screening Report	Rutland House	Andrew Pannell