

Appendix B

Halton Borough Council

Planning & Risk

Supplementary Planning Document

Statement of Consultation

Environment & Regulatory Services
Halton Borough Council
Rutland House
Halton Lea
Runcorn
WA7 2GW

1 Introduction

- 1.1 Under the Planning and Compulsory Purchase Act 2004 it is a requirement to prepare and publish a Consultation Statement for a range of planning policy documents, including Supplementary Planning Documents (SPD's). This is a reflection of Government's desire to "strengthen community and stakeholder involvement in the development of local communities".
- 1.2 The Council adopted its Statement of Community Involvement (SCI) in July 2006. This sets out how the public and other stakeholders will be consulted and involved in the preparation of new planning policy documents and significant planning application. This Statement of Consultation has been prepared to meet the requirements of the SCI, and also aims to reflect the intentions of National Government planning guidance for reporting on community involvement in the plan making process.
- 1.3 This Statement of Consultation summarises the comments and representations made, and the responses to them, in respect of the Stakeholder Consultation Stage, the formal Public Participation Stage and the additional special consultation conducted by Halton Borough Council, in relation to the Planning for Risk SPD. This Statement of Consultation has been produced in accordance with Regulation 17 (1) and 18 (4) of the Town and Country Planning (Local Development) (England) Regulations 2004.

2 Stakeholder Consultation

SA Scoping Report consultation and Habitat Regulations Assessment screening report

- 2.1 The Sustainability Appraisal Scoping Report for the Planning for Risk SPD, incorporating a Strategic Environmental Assessment Screening Statement, was made available for consultation from Thursday 21st June to Thursday 26th July 2007.
- 2.2 Halton Borough Council in consultation with the statutory environmental consultation bodies (the Countryside Agency, English Heritage, English Nature and the Environment Agency) determined that the Planning for Risk SPD was not likely to have significant environmental effects and, accordingly, an environmental assessment was not required as part of the Sustainability Appraisal process. Natural England was consulted about the Habitat Regulations Screening Report (November 2008). This concerns the effect SPD policies may have on European sites of nature conservation importance (Natura 2000 sites). Natural England stated that they do not necessarily disagree with the outcome of the assessment but

where no significant impacts are predicted on European sites, the findings should clearly set out why the conclusion was drawn.

Stakeholder consultation

2.3 The stakeholder public consultation took place between 15th August 2008 and 26th September 2008. By the nature of the subject matter set out in this SPD it was considered desirable and appropriate to consult widely with organisations that might possibly have an interest in an unusual and relatively specialised subject for a Supplementary Planning Document. A wide range of organisations were consulted. These included bodies such as the Health & Safety Executive and the Environment Agency and all the current operators of hazardous installations and Liverpool Airport (Peel Holdings)

2.4 Comments received and the resulting responses are contained in the following table.

Consultee	Date & Method of response	Comments	Response
National Grid Gas (NGG)	26 Aug e-mail	All references to Transco should be deleted and replaced by NGG	Amendments made
Health & Safety Executive	27 Aug letter	1. Would prefer Halton to refer to “hazardous installations” rather than “COMAH sites”. 2. Recommended a definitive policy to remove inactive sites with hazardous substances consents 3. Reference to para 19 of Appendix B and request to remove reference to being “killed by an asteroid” 4. Reference to para 24 of Appendix B and “demolition of streets of houses” is not HSE policy	1. Relevant amendments made 2. New policy included. (Para. 4.16) 3. replace phrase with “are so low as to be wholly insignificant” 4. There is no implication that this is HSE policy. Impact of reference is, however, reduced by a simpler reference to demolition of houses rather than streets.
Sabic UK Petrochemicals	29 Aug letter	Ref on page 34 to Huntsman should be amended to Sabic UK Petrochemicals	Amendment made to list and to map
GO-NW	25 Sept letter	1. Sections 4 & 5 should be reformulated to concentrate on looking at where the SPD can add value to what	1. The refinements and additions to the established UDP policies is the best

		<p>is in the UDP by providing further detail and clarification.</p> <p>2. Paras 2.12/ 2.13 can be updated to simply refer to the new RSS.</p> <p>3. Para 6.2 makes reference to the SA report being consulted on at a later stage – must be at the same time as the draft SPD.</p> <p>4. Para 6.6 suggests another indicator could be “% of planning permissions granted within HSE consultation zones contrary to HSE advice”</p>	<p>method of providing further detail and clarification.</p> <p>2. The paragraphs have been updated.</p> <p>3. SA has been consulted on at same time as SPD.</p> <p>4. Indicator added.</p>
Halton & St Helens Primary Care Trust	25 Sept letter	No comments to make	Noted
Halton Council Emergency Planning	25 Sept e-mail	<p>1. Various comments made relating to accuracy of information in relation to Bayer Site, Shepherd Widnes Ltd, Tessengerlo, Ineos Enterprises, APPH Ltd Runcorn, Linde Gas, Inyx Pharma, TDG and Sabic UK Petrochemicals.</p> <p>2. Comment also made in relation to restricted nature of emergency planning zone maps.</p>	<p>1. Council staff met HSE in Bootle on 6th November 2008 and clarified all site specific matters raised. Appropriate amendments have been made to the draft SPD document.</p> <p>2. Emergency Planning Zone maps differ from HSE Planning Consultation zone maps in that the latter are fully in the public domain.</p>
Peel Holdings	26 Sept letter	<p>1. No specific comments from Peel Holdings (Land & Property).</p> <p>2. Peel Airports Group generally supports Airport PSZ policy. The Airport Master Plan to 2030 includes a proposal to extend the runway into Halton which would extend the PSZ further. There are</p>	<p>1. Noted.</p> <p>2. Because Peel Airports Group have no proposals to submit any planning application for a runway extension in Halton any future possible application would be dealt with in the normal way</p>

		no plans to submit a planning application.	including taking account of this SPD's policies
United Utilities	26 Sept letter	The photo of Norton Water Tower raises confusion as to its relationship to COMAH matters	Water Tower was shown as an example of a building within a pipeline consultation zone. Photo removed to avoid any confusion
4NW	26 Sept e-mail letter	Draws attention to current RSS position (now approved) in particular policy RT5 (Airports). This requires support for John Lennon Airport and its expansion requirements subject to its effects and the extent they can be mitigated	Policies 4.8, 5.5, and 5.5 in the SPD provide a proper and balanced detailed interpretation of the balance to be struck by RSS policy RT5 in respect of off site accidental risks from the airport.
Environment Agency	26 Sept – by letter	Support SPD purpose	Noted

3 Public Consultation

3.1 Public consultation took place between 9th January 2009 and 20th February 2009. By the nature of the subject matter set out in this SPD (and its Sustainability Appraisal) it was again considered desirable and appropriate to consult widely with organisations that might possibly have an interest in an unusual and relatively specialised subject for a Supplementary Planning Document. A wide range of organisations, ranging from Registered Social Landlords to Parish Councils and adjacent Local Authorities, were consulted. In addition bodies such as the Health & Safety Executive and the Environment Agency were also consulted as were all the current operators of hazardous installations and Liverpool Airport (Peel Holdings).

3.2 A summary list of all those consulted is given below:

Government Office North West	North West Regional Assembly	Cheshire County Council
Knowsley Metropolitan Borough Council	Liverpool City Council	St Helens Metropolitan Borough Council
Vale Royal Borough Council	Warrington Borough Council	Ellesmere Port & Neston Borough Council
Highways Agency	Natural England (North West Region) Regional	Environment Agency

	Advocacy and Partnerships Team, Planning & Advocacy	
English Heritage North West Region	National Trust	North West Development Agency
Mercury Personal Communications	Network Rail	Orange PCS Ltd
Airwave MMO2 Ltd	T-Mobile Ltd	3 UK Ltd
National Grid Transco	O2 UK Ltd	United Utilities
Daresbury Parish Council	United Utilities Properties Solutions	Preston Brook Parish Council
Moore Parish Council	Hale Parish Council	Halebank Parish Council
Mobile Operators Association	Sandymoor Parish Council	Dutton Parish Council
Frodsham Town Council	Aston Parish Council	English Partnerships
Anchor Housing Trust	Halton & St Helens Primary Care Trust	Carr Gomm
CDS (Liverpool) Ltd	Arena Housing Association	English Churches
Guinness Trust	Cosmopolitan Housing Association	Housing 21
Optima Housing Consultants	Halton Housing Trust	Riverside Housing Association
Liverpool Housing Trust	North British Housing Association	PEEL Holdings
William Sutton Trust	Health & Safety Executive	Risk Management
DNV Consulting	HSE	Bayer Crop Science
HBC Legal	Innospec	GE Water & Process Technologies
Transco plc	Univar	Linde Gas Ltd
Inyx Pharma Ltd	Ineos Chlor	Syntor Fine Chemicals
Ineos Vinyls	Ineos Fluor Ltd	Liverpool Airport
Webbs & Halton bottled gas	Manchester Ship Canal Company	Transco's High Pressure gas network
Pentagon Fine Chemicals	TDG European Chemicals Ltd	The Stobart Group
Sabic UK Petrochemicals	Shell's Grangemouth to Stanlow ethylene pipeline	Thermphos UK Ltd
St Modwen Properties PLC		

3.3 Covering letters with the SPD were sent out by post or electronically. Replies were received between 2nd and 20th February 2009.

3.4 Comments received and the resulting responses are contained in the following table.

Consultee	Date & Method of response	Comments	Response
Environment Agency	2 nd Feb 2009 letter	Support the purposes of the SPD in complementing and expanding upon UDP policies regarding significant off-site accidental risks. No comment on the draft SPD	Noted
Highways Agency	4 th Feb 2009 email letter	No comments	Noted
National Trust	17 th Feb email letter	Does not wish to object. No detailed comments	Noted
Natural England	18 th Feb 2009 email letter	<p>Welcomes SPD but is disappointed protection of natural environment given little consideration. Recommend references to various natural environment protection legislation, policies and principles. Concern is expressed about the meaning of “surrounding land users” in policies 4.3 and 4.11 not including all risk receptors.</p> <p>Advise additional text clarifying that planning applications are subject to compliance with policies and legislation under the jurisdiction of other organisations.</p>	<p>Issues associated with natural environment protection and enhancement already dealt with adequately in other UDP policies and documents. Including references would lengthen the SPD and introduce confusion when UDP already covers such matters. The Environment Agency, as co-competent authority on COMAH matters support the SPD and have no detailed comment to make on the content. No text alterations are therefore considered desirable.</p>
	19 th	1. Concerns expressed on	1. All concerns were

GO-NW	Feb 2009 letter	<p>earlier draft still stand.</p> <p>2. Acronyms should be explained at outset.</p> <p>3. Links to other SPD's should be provided.</p> <p>4. Annual Monitoring Report processes should be identified.</p> <p>5. Links to section 2 for national policy statements should be in an appendix</p> <p>6. No comments on SA Report</p>	<p>addressed in revising stakeholder draft.</p> <p>2. All acronyms are explained each time they first appear in text. Additional refs also included in text.</p> <p>3. Explaining links to all other SPD's is impractical and inappropriate because these links will vary depending on the type of development proposal under consideration.</p> <p>4. Paragraph 6.5 already refers to AMR</p> <p>5. Appendix F makes reference to national policy. Explicit reference added at end of paragraph 2.1</p>
United Utilities	19 th Feb email letter	No comments. HBC thanked for taking note of previous comments and addressing them	Noted
S E Gill Business (previously Optima Housing Consultants) - for ICI Chemicals & Polymers Ltd	19 th Feb 2009 letter	<p>1. Copy of a consultant report by DNV attached relating to accidental risk contours and Weston Village and request that Council consider revising proposed 10 cpm policy contour area to exclude further areas of Weston Village</p> <p>2. Optima have notified Ineos and HSE as interested stakeholders of consultant report to assist consideration</p> <p>3. Optima consider a policy revision would help consideration of development proposals</p>	<p>1. Council accept value of DNV report but consider literature review insufficient to justify further policy area change. Should a future quantitative risk assessment demonstrate policy boundary in Weston Village is incorrect then individual proposals would be considered on merits – paragraph 5.9 inserted. SPD adjusted to reflect this valid</p>

		which may help future of Weston	<p>representation.</p> <p>2. See paragraph 3.5 of this report and table below.</p> <p>3. The Council understands the issue relating to the future of Weston but must balance the public interest issues summarised in paragraph 3.5 of this report and the table below.</p>
4NW	20 Feb 2009 letter	Suggests that paragraph 2.12 should simply reference RSS rather than also referring to previous RPG 13	Appropriate amendments made
Peel Holdings	20 th Feb 2009 letter	<p>1. No specific comments from Peel Holdings (Land & Property).</p> <p>2. Peel Airports Group generally supports Airport PSZ policy. The Airport Master Plan to 2030 includes a proposal to extend the runway into Halton which would extend the PSZ further. There are no plans to submit a planning application.</p>	<p>1. Noted.</p> <p>2. Because Peel Airports Group have no proposals to submit any planning application for a runway extension in Halton any future possible application would be dealt with in the normal way including taking account of this SPD's policies</p>
Health & Safety Executive	2nd August 2006 by letter	<p>1. In 2006 HSE were consulted on the Council's Public Open Space SPD – the full summary of HSE's comments made are contained in pages 64 to 66 of the Council's Statement of Consultation dated October 2007 and published as an appendix to the Executive Board agenda item for 18th October 2007.</p> <p>2. In essence the HSE comments were concerned to see the proper identification of potential problems, the potential for</p>	<p>1. Comments were noted in the October 2007 statement of consultation report.</p> <p>2. The Council commented that these and other related issues will be dealt with in the Planning for Risk Supplementary Planning Document. Virtually all these matters are fully covered in the text of the SPD.</p> <p>3. However the</p>

		<p>conflict between development policies and the presence of any dangerous substance establishments or major accident hazard pipelines and the need for consultation with operators.</p> <p>3. HSE also specifically suggested that the proposals maps be marked to show the locations of the dangerous substance establishments and hazardous pipelines.</p> <p>4. HSE also suggested general statement on dangerous substance establishments</p>	<p>suggestion regarding identification of sites on the UDP proposals map is not now central government planning policy advice (in revised PPS12) and is adequately covered in the maps in the SPD.</p> <p>4. These matters are already adequately covered in the text of the SPD.</p>
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3.5 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 as interested stakeholders.

3.6 As a result of this representation and 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. This is because there is insufficient quantitative evidence to justify the necessary re-consultation that would need to take place to consider changing the proposed boundary again.

3.7 Comments from Ineos and HSE are summarised in the table below.

Consultee	Date & Method of response	Comments	Response
Ineos ChlorVinyls	4 th March 2009 letter	<p>1. The DNV report is a thorough review of literature</p> <p>2. Ineos believe hills and buildings are likely to affect gas dispersion at low wind speeds</p> <p>3. Ineos note that a quantitative judgement on the effects on safety cannot</p>	<p>1 & 2. In view of Ineos' pertinent and detailed comments it would be inadvisable for the Council, to amend the policy boundary in Weston Village</p> <p>3. The Council would</p>

		<p>be reached without more detailed investigation.</p> <p>4. Ineos believe it would be unwise to move the 10 cpm boundary when housing might be constructed that might later prove to be within the calculated 10 cpm zone.</p> <p>5. Variability in predictions mean that Ineos is uncertain that there would be reductions in the 10 cpm boundary which they would be confident are genuine and robust</p> <p>6. HSE may wish to challenge/test the robustness of Halton's policies particularly if HSE change their advice based upon current work relating to Societal Risk matters</p>	<p>need to carry out detailed investigation work to reach a judgement. But this is not considered necessary for the preparation of this SPD.</p> <p>4 & 5 & 6. Should a future quantitative risk assessment demonstrate the proposed policy boundary in Weston Village is incorrect then individual proposals would be considered on their merits in the light of Para 5.9 of the final SPD now states that 'Where planning applicants submit additional expert information demonstrating to the Council's satisfaction that calculated risk levels are less than those shown on policy 5.7 then such applications will be considered to comply with the policy.</p>
Health & Safety Executive	18 th May 2009 letter	<p>1. HSE considers there is not enough data in the Optima assessment to place any confidence in their conclusions and the examples are all for fairly small releases [of chlorine].</p> <p>2. HSE will continue to advise Halton to use the PADHI+ tool and 3 Zone Maps to generate HSE advice.</p>	<p>1. The Council accepts the comments of the HSE.</p> <p>2. The Council continues to consult fully with the HSE using the PADHI+ tool.</p>