

Kirklees Council
Planning, Investment and Regeneration
PO Box B93
Civic Centre 3
Huddersfield HD1 2JR
[by email]

Date: 31 August 2023

Reference: CM9: 4.4.2.27587., 4.4.2.28391.
App Refs: 2023/91265,
2015/51/91504/W

FAO: Farzana Tabasum

Chemicals, Explosives and
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Head of Unit
Dr Jim Neilson

Dear Ms Tabasum,

THE PLANNING (HAZARDOUS SUBSTANCES) REGULATIONS 2015

Application Numbers: Kirklees Council ref ['Applications']

- (i) 2023/91265**
- (ii) 2015/51/91504/W**

Applicant: Syngenta Ltd ['Applicant']

Location: Leeds Rd, Huddersfield HD2 1FF

Proposals: (i) Application to Increase the Inventory of Flammable Liquid, Substances Classified as Hazardous to the Aquatic Environment, and a Potentially Self-Reactive Substance

(ii) Application for Express Consent

1. HSE is giving its Advice to Kirklees Council about two Hazardous Substances Consent (HSC) Applications – 2023/91265 and 2015/51/91504/W – together in the same letter. The Council informed the Applicant on 13 April 2023 that it would not be possible to consider Application 2023/91265 before HSE's statutory advice on Consolidated Application 2015/51/91504/W had been received. Since HSE's advice on both applications then results in the same Consultation Zone map, the advice is being given together.
2. HSE has assessed the risks to surrounding areas from the two HSC Applications specified above, made by the Applicant at Leeds Rd, Huddersfield HD2 1FF.

3. HSE has assessed the risk of harm from the proposals in 2015/51/91504/W on the basis of the approach and information, agreed between Kirklees Council and the Applicant, outlined in the letter forwarded to HSE by Kirklees Council on 4 September 2015, ref. GW/2015/91504.
4. HSE has assessed the risk of harm from the proposals in 2023/91265 on the basis of the information in the application form and hazardous substance location plan submitted by the Applicant to Kirklees Council on 28 April 2023, plus additional confidential information from the Applicant forwarded to HSE by Kirklees Council on 4 May 2023.
5. HSE has assessed the risk of harm on the basis described in the preceding paragraphs. Risks arising from substances not kept or used in accordance with the basis described have not been taken into account.
6. In considering the specified applications 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. This makes it clear that nothing in any Consent granted can require or allow the building or operation of an establishment in contravention of the relevant statutory provisions, and to the extent that any consent purports to require or allow any such thing it is void. On the basis of all of the above, ***HSE has concluded that risks to the surrounding population arising from the proposed operations are sufficiently small that there are no significant reasons for refusing Hazardous Substances Consent for either 2023/91265 or 2015/51/91504/W on safety grounds.***
7. Following Government advice that particulars in the application form do not automatically become conditions of consent, it would be beneficial to include a condition clarifying this in the decision notices for both Applications. In the case of both 2023/91265 and 2015/51/91504/W, the Applicant submitted documentation that was not placed in the public domain but which underpins HSE's assessment of the risks. Therefore it is suggested that a condition is applied to both 2023/91265 and 2015/51/91504/W along the lines of:

"The hazardous substance(s) shall not be kept or used other than in accordance with the particulars provided on the application form and associated documentation submitted to the hazardous substances authority, nor outside the area(s) marked for storage of the substance(s) on the plan which formed part of the application."

8. A 3 Zone Map (3ZM) defining consultation zones for the Applicant's site has been determined and is attached to the same email as this letter. The 3ZM represents the site's consolidated Consent 2015/51/91504/W (see letter GW/2015/91504 referred to above) and all subsequent Consent applications up to and including 2023/91265. As of the date of this letter, HSE is not aware of any outstanding Consent applications for the site. Unless we hear from you in the near future that this is incorrect, or that the application has been refused, this map will be placed on the HSE Planning Advice Web App; access is via the following link: <https://pa.hsl.gov.uk>.
9. ***As the revised 3ZM gives rise to a marked change in the position of the Consultation Zones, largely due to changes in methodology and the increased resolution provided by GW/2015/91504, the council may wish to discuss these changes with HSE at a later date.***

10. The updated 3ZM for the establishment will be uploaded to the Web App and should be used by your planning authority to obtain HSE's advice for developments in the consultation zones. The granting of this Consent may have implications for certain types of development in the future. More information can be found in 'An Introduction and Guide to HSE's Planning Advice Web App – A Local Authority Guide v1.0' located on the HSE website (<http://www.hse.gov.uk/landuseplanning/assets/docs/user-guide-lpa.pdf>).
11. When Consent is granted, please send a copy of the decision notice to this office via HazSubCon.CEMHD5@hse.gov.uk so that our records can be updated and future land use planning advice can be given on an accurate basis.

Yours sincerely,

Chris Brookes-Mann
HM Specialist Inspector
Major Accident Risk Assessment Unit
CC: Edmund Cowpe – CEMHD 5E, David Welsh – CEMHD 3A