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**Health and Safety Executive****Proposals for revised policies for HSE advice on development control around large-scale petrol storage sites****Reply Form****Completing this Questionnaire**

You can move between questions by pressing the 'Tab' / 'Shift-Tab' or 'Page Up' / 'Page Down' keys or by clicking on the grey boxes with a mouse. Please type your replies within the rectangular grey boxes, or click on the square grey boxes to select an answer (e.g. 'Yes' or 'No').

**Part 1: Your details:**

|                        |  |
|------------------------|--|
| <b>Name:</b>           | N Macnaughton  |
| <b>Job title:</b>      | Process Safety Specialist  |
| <b>Organisation:</b>   | Ineos Manufacturing Scotland Ltd, on behalf of UK Onshore Pipelines Operators' Association (UKOPA) |
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**Are you a safety representative?**

Choose one option

Yes ☐No ☒

**Number of employees in your organisation:**

Choose one option:

|                |                                     |
|----------------|-------------------------------------|
| Not Applicable | <input type="checkbox"/>            |
| 1 to 9         | <input type="checkbox"/>            |
| 10 to 49       | <input checked="" type="checkbox"/> |
| 50 to 249      | <input type="checkbox"/>            |

|               |                          |
|---------------|--------------------------|
| 250 to 1000   | <input type="checkbox"/> |
| 1000+         | <input type="checkbox"/> |
| Self employed | <input type="checkbox"/> |

**Business sector:**

Choose one option:

|   |                                     |
|---|-------------------------------------|
| Agriculture Hunting and Forestry            | <input type="checkbox"/>            |
| Charity                                     | <input type="checkbox"/>            |
| Computer Software; Hardware and Consultancy | <input type="checkbox"/>            |
| Construction                                | <input type="checkbox"/>            |
| Education                                   | <input type="checkbox"/>            |
| Electricity, Gas and Water supply           | <input checked="" type="checkbox"/> |
| Finance                                     | <input type="checkbox"/>            |
| Fishing                                     | <input type="checkbox"/>            |
| Health and Social Work                      | <input type="checkbox"/>            |
| Hotels and Restaurants                      | <input type="checkbox"/>            |
| Manufacturing                               | <input checked="" type="checkbox"/> |
| Mining and Quarrying                        | <input type="checkbox"/>            |

|                                      |                          |
|--------------------------------------|--------------------------|
| Property                             | <input type="checkbox"/> |
| Public Administration and Defence    | <input type="checkbox"/> |
| Research and Development             | <input type="checkbox"/> |
| Refuse; Sewage and Sanitation        | <input type="checkbox"/> |
| Transport, Storage and Communication | <input type="checkbox"/> |
| Wholesale and Retail Trade           | <input type="checkbox"/> |
| Leisure Sport and Recreation         | <input type="checkbox"/> |
| Other Business Activities            | <input type="checkbox"/> |
| Other Service Activities             | <input type="checkbox"/> |
| Other                                | <input type="checkbox"/> |
| Not Applicable                       | <input type="checkbox"/> |

**Representation - Are you responding as:**

Choose one option:

|  |  |
|--|--|
| A member of the public <input type="checkbox"/>                  | A representative of an industry association <input checked="" type="checkbox"/>    |
| An employer <input type="checkbox"/>                             | A representative of a trade union <input type="checkbox"/>                         |
| A local authority employee / councillor <input type="checkbox"/> | A representative of a charitable / voluntary organisation <input type="checkbox"/> |
| Other (please specify) <input type="checkbox"/>                  |  |

**If you chose 'Other' please specify:****Confidentiality**

Please indicate below if you do not wish details of your comments to be available to the public. (NB if you do not put a cross in the box they will be made public. This takes precedence over any automatic notes on e-mails that indicate that the contents are confidential.) ☐

**Part 2: Your responses:**

**Q1** Do you think that in the light of the Buncefield incident, the Objectives and Principles (in Annex 1) remain a sound basis for HSE's land use planning advice to planning authorities?

Choose one option

Yes ☒

No ☐

**Q1A** Comments:

In general, the principles outlined in Annex 1 remain sound, though their application should be reviewed in light of the unexpected explosion at Buncefield.

We note that a number of the proposals for change represent a shift from a risk-based assessment to a protection-based assessment. Given the importance attached to consistency (Principle 5) and the implications of changing the methodologies for determining LUP zones, we believe that it is essential that the methods for assessing LUP zones and their justification are readily accessible.

We also consider that both the proposed revision to permitted developments in the Inner Zone in Option 3 and the introduction of the Development Proximity Zone represent a significant change in how Principle 9 is delivered.

**Q2** Is it right to extend the consultation distances to the area of damage observed in the Buncefield explosion?

Choose one option

Yes ☒

No ☐

**Q2A** Comments:

This issue does not directly concern our members. However, it seems inevitable that some change in LUP zones will be required to address public concerns even if the assumptions underlying the attempt to justify these changes on a risk basis are open to challenge (c.f. the report by W.S.Atkins, RR512). It is important that the basis for such an extension should be clearly understood and should be confined to areas where significant damage occurred.

**Q3** Should we change our assumptions about the vulnerability of individuals likely to be affected by such an incident?

Choose one option

Yes ☒

No ☐

**Q3A** Comments:

The consultation Document (p.48) cites several criteria for harm. It may be appropriate to review these given that modern building designs may differ substantially from those on which the criteria were based: for example, the use of considerably greater glazing areas and the use of timber-frame buildings, either of which may lead to a greater chance of harm.

**Q4** Which option best strikes the right balance between reducing the risk of harm to individuals and allowing economic and social development in the vicinity of these sites?

Choose one option:

Option 1 - No change to LUP advice ☐

Option 2 - Change size of CD and zones, based on hazard ☐

Option 3 - Change size of CD (as Option 2) and development sensitivity levels ☐

Option 4 - Change size of CD informed by risk, and adopt new Development Proximity Zone to give more restrictive advice ☒

**4A** Any additional comments on your choice of option:

Given the particular circumstances of the Buncefield explosion, adoption of Option 4 is probably the most acceptable solution. However, we do not consider that the derivation of event frequencies carried out by Atkins (RR512) is sound and therefore it is hard to see how the changes in CD proposed in Option 4 can be justified on a risk-basis. In our view, the proposals in Options 2, 3 and 4 are a shift to a protection-based approach.

It should be recognised that the adoption of a DPZ is effectively changing the current 3-zone model to a 4-zone model for land-use planning, and it is the acknowledged likelihood of this new approach being extended to other hazards that causes the greatest concern to our members.

- 5 We would particularly like views on Option 3, which gives the greatest level of protection to individuals and the greatest amount of land use control; and Option 4, which gives greater public safety protection than at present but allows more development than Option 3.**

We believe that there is little to choose between Options 3 and 4 on the basis of the costings developed in the RIA: Option 4 is slightly less onerous when compared with Option 3. However, the wider implications of adopting a 4-zone model (Option 4) need to be carefully considered as the consultation document recognises.

**Please provide any additional comments that you may have on these proposals**

The biggest issue of concern to UKOPA members is the one that is acknowledged in the Consultation document, but not resolved: namely, the extent to which adoption of a four-zone model and a move to a protection-based approach to setting zones represents a fundamental shift in policy for other hazardous installations. As the wider application of these approaches could have significant implications for our members, we would request that such changes are subject to detailed consultation as they are developed.

**Responses should be sent by 22 May 2007 to:**

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Health and Safety Executive  
Redgrave Court  
Merton Road  
Bootle  
Merseyside L20 7HS  
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e-mail: [sandra.ashcroft.lupqueries@hse.gsi.gov.uk](mailto:sandra.ashcroft.lupqueries@hse.gsi.gov.uk)