

Development Management
Cumberland Council
The Market Hall, Market Place,
Whitehaven, CA28 7JG

By email only

Your ref: 4/21/2432/0F1
Our ref: L2656

Chemical Explosives and Microbiological
Hazards Division 5
1.2 Redgrave Court
Bootle L20 7HS

<http://www.hse.gov.uk/>

Manuela Godden – Team Leader

Date: 16 September 2025

For the attention of Nick Hayhurst
Dear Mr Hayhurst,

THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 - 4/21/2432/0F1 - HYBRID APPLICATION SEEKING FULL PLANNING PERMISSION FOR THE ERECTION OF 139 RESIDENTIAL DWELLINGS (C3), NEW VEHICULAR ACCESSES OFF HIGH ROAD, PUBLIC OPEN SPACE AND ANCILLARY INFRASTRUCTURE AND OUTLINE PLANNING PERMISSION FOR RESIDENTIAL DEVELOPMENT UNITS, RETAIL (E(A,B,C,E,F), F2(A) AND ANCILLARY INFRASTRUCTURE WITH ALL MATTERS RESERVED OTHER THAN ACCESS - FORMER MARCHON CHEMICAL FACTORY, HIGH ROAD, WHITEHAVEN.

1. Thank you for your letter of 29 August 2025 to HSE's Land Use Planning (LUP) advice team asking for comments on the mixed use development at the former Marchon chemical factory south of Whitehaven (Ref 4/21/2432/0F1). The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of major hazard sites and pipelines by virtue of the Town and Country Planning (Development Management Procedure) (England) Order 2015. HSE's role is to provide local planning authorities with advice on the risks to people at a proposed development from a major accident at a site or pipeline storing, using or transporting hazardous chemicals.

2. We have identified note that a part of the development site in the south east lies within the HSE consultation zones for a high pressure natural gas pipeline operated by Northern Gas Networks:

Pipeline route and reference	Inner consultation zone (m)	Middle consultation zone (m)	Outer consultation zone (m)
Derwent Park/Marchon pipeline 7899_2156	15	37	48

3. HSE understands from the supporting information, including the Design and Access Statement and Planning Statement, that the proposed development will include:

- housing (550 dwellings)

- a Local Centre,
- open space with children's play areas and an equipped play area
- landscaping and Sustainable Use Drainage Systems (SUDs), and
- access roads

Appendix 1 shows the proposed Masterplan dated August 2023 and Appendix 2 shows the plan of the southern part of the development (Masterplan MWH.MP01 Rev C dated 4/7/25) superimposed with the consultation zones for the high pressure gas pipeline.

4. HSE has developed a methodology to provide planning authorities and developers with HSE's Land Use Planning (LUP) advice for new developments. The methodology uses a decision matrix with a combination of the consultation zone of a major accident hazard pipeline and the sensitivity level of the development (<https://www.hse.gov.uk/landuseplanning/methodology.htm#matrix>) to determine its advice to the planning authority, which will be that HSE either "Advises Against" (AA) or "Doesn't Advise Against" (DAA) the granting of planning permission for the proposed development. The methodology takes account of the size and nature of the proposed development, the inherent vulnerability of the exposed population and the ease of evacuation or other emergency procedures for the type of development proposed. Some categories of development (eg schools and hospitals) are regarded as more sensitive than others (eg light industrial), and advice is weighed accordingly

5. HSE's LUP advice takes account of the following information in Appendix 1 and 2

Housing

- The area assigned to housing is located outside of the consultation zones altogether.

HSE does not advise against housing outside of consultation zones.

Facilities for indoor use by the public

- The area assigned to the local centre/retail use is in the inner, middle and outer consultation zones of the pipeline, with a small portion outside of the consultation zones altogether. It is as yet unclear exactly what facilities the local centre will include, although it may be expected to include facilities for indoor use by the public (shops, eating places and community facilities). The land assigned to the local centre has a total area of approximately 2,000m², and a facility for indoor use by the public of this total size would be classed as a sensitivity level 2 development.

HSE does not advise against a sensitivity level 2 development in a middle or outer consultation zone or outside of the consultation zones altogether, but advises against this use in an inner consultation zone

Facilities for outdoor use by the public

- It is as yet unclear where facilities for outdoor use by the public including children's play areas and an equipped play area landscaping will be located.

HSE does not advise against facilities for outdoor public use in a middle or outer consultation zone or outside of the consultation zones altogether, but advises against this use in an inner consultation zone.

Landscaping

- The area assigned to landscaping and SUDs is located outside of the consultation zones altogether.

HSE does not advise against this use either inside or outside of consultation zones.

Transport links

- Access roads will be located in the inner, middle and outer consultation zones and outside of the consultation zones altogether.

HSE does not advise against this use inside or outside of consultation zones.

HSE position on LUP advice for outline planning applications

In the case of an Outline Planning application where the proposed layout and the scale of the development may only be indicative it is strongly suggested that should any changes be proposed after the outline permission has been granted, that HSE's advice is obtained again before reserved matters are determined

6. In summary, applying its LUP methodology to the information currently provided in the planning application, there are sufficient reasons for advising against the granting of planning permission for application 4/21/2432/0F1. However HSE would **not advise against** planning permission if the following two planning conditions are applied to the planning permission:

- a) Facilities for indoor use by the public, such as shops, restaurants or for outdoor use by the public (such as play areas, playing fields and picnic areas) should not be located inside the inner consultation zone of the Derwent Park to Marchon high pressure gas pipeline as shown in Appendix 2 (i.e. within 15 m of the pipeline),
and
- b) If any changes be proposed after the outline permission has been granted, HSE's advice shall be obtained again before reserved matters are determined.

Reason: To protect people at the development from a major accident at the high pressure gas pipeline.

7. If the Council is minded to grant permission without these planning conditions, your attention is drawn to Section 9, paragraph 072 of the online Planning Practice Guidance on Hazardous Substances – Handling development proposals around hazardous installations, published by the Department for Levelling Up, Communities and Housing. This requires a local planning authority to **give HSE advance notice** when it is minded to grant planning permission against HSE's advice, and

allow 21 days from that notice for HSE to consider whether to request that the Secretary of State for Levelling Up, Communities and Housing calls in the application for his or her own determination. The advance notice should be sent by email to lupenquiries@hse.gov.uk with the words “MINDED TO GRANT” in the subject field.

8. HSE understands that the Council has already consulted with the operator of the major accident hazard pipelines, Northern Gas Networks on the planning application. We agree that this is appropriate as:

- The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.
- The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

Yours sincerely

Richard Lomax

Richard Lomax

Statutory and Commercial Land Use Planning Advice

Appendix 1. Masterplan of the proposed development (Phase 1 and 2) (August 2023)



Appendix 2. Masterplan of the southern part of the proposed development (MWH.MP01 Rev C dated 4/7/25) showing the boundary of the planning application, area subject to outline application (grey shaded area) and the inner, middle and outer consultation zones of the high pressure gas pipeline

