

Cumberland Council  
**By email only**

Chemical Explosives and  
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<http://www.hse.gov.uk/>  
Manuela Godden – Team Leader

Date: 01 April 2026

Your ref: 4/26/2061/0B1  
Our ref: L2850

Dear Sir or Madam,

**THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)  
ORDER 2015**

**PROPOSAL: VARIATION OF PLANNING CONDITIONS 1 (APPROVED PLANS), 3 (CONSTRUCTION MANAGEMENT), 6 (CHILDREN'S PLAY SPACE DESIGN), 7 (BUS STOP LOCATIONS) AND 8 (LANDSCAPE MANAGEMENT) OF PLANNING PERMISSION REFERENCE 4/25/2181/0B1 (VARIATION OF CONDITION 2 (PLANS) FOR REVISED HOUSE TYPES & LAYOUT OF PLANNING APPROVAL 4/20/2474/0R1 - RESERVED MATTERS APPLICATION (ACCESS, APPEARANCE, LANDSCAPING, LAYOUT & SCALE) FOR ERECTION OF 335 DWELLINGS INCLUDING ASSOCIATED INFRASTRUCTURE)**

**LOCATION - PHASE 3, EDGEHILL PARK, WHITEHAVEN**

1. The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. The proposed development site identified in planning application 4/26/2061/0B1 lies within the outer, middle and inner consultation zones for two major accident hazard pipelines - Marchon No.3 Spur (WW11) pipeline operated by Northern Gas Networks and Derwent Park / Marchon (WW01) operated by Northern Gas Networks.

The details for the Major Accident Hazard Pipelines and their associated HSE zones are:

Name: Derwent Park / Marchon (WW01)

HSE Ref: 7899

Transco Ref: 2156

Operator: Northern Gas Networks

HSE Consultation Zones

Inner Zone (in metres): 15

Middle Zone (in metres): 37

Outer Zone (in metres): 48

Name: Marchon No.3 Spur (WW11)

HSE Ref: 7907

Transco Ref: 2164

Operator: Northern Gas Networks

HSE Consultation Zones

Inner Zone (in metres): 15

Middle Zone (in metres): 15

Outer Zone (in metres): 23

2. HSE has superimposed the consultation zones for the pipelines onto the map of landscaped character areas, taken from the 'landscape plan' in the planning application (Appendix 1).

3. From the landscape plan and planning application there is landscaping and an access road in the inner, middle and outer consultation zones. There is also a children's play area in the inner and middle consultation zones.

	HSE's response
1. Approved plans - widening of footpath and varying of footpath arrangement	Emergency Vehicle Access is not considered by HSE when providing planning advice (location of development population in relation to existing major accident hazards is considered) HSE does not advise against single carriageway roads and footpaths (without facilities for people to congregate) proposed in the inner, middle or outer zone.
Condition	
3. Construction Method Statement	Not considered by HSE when providing planning advice. Therefore no comment.
6. Children's play space – scheme detailing layout, design and implementation schedule	HSE Land Use Planning (LUP) methodology classes an outdoor children's play area as outdoor use by the public. HSE <b>advises against</b> facilities (such as play areas with benches) which encourage people to congregate outdoors, when proposed in the inner consultation zone. Such development is not advised against when proposed in the middle zone (it is assumed not more than 100 people would be present at one time).

7. Two bus stops – scheme detailing location and layout	Not considered – ancillary to development population. Therefore no comment.
8. Landscape management plan	Not considered - no comment.
14. Travel plan	Not considered - no comment.

5. HSE’s assessment, if there are no conditions addressing this aspect (for example no use of the children’s play space unless the high pressure major accident hazard pipeline Derwent Park/Marchon is decommissioned or diverted) indicates that the risk of harm to people at the proposed development site is such that HSE's advice is that there are sufficient reasons on safety grounds, for **advising against** the granting of planning permission in this case .

Major hazard pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at a pipeline and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the major accident hazard pipeline.

If you decide to refuse planning permission on the grounds of safety, HSE will provide the necessary support.

If, nevertheless, you are minded to grant permission, your attention is drawn to paragraph 072 of the online Planning Practice Guidance on Hazardous Substances – section on Handling development proposals around hazardous installations, published by the Ministry of Housing, Communities & Local Government. A local planning authority is required 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 Housing, Communities & Local Government call-in the application for their own determination. The advance notice to HSE should be sent to CEMHD5, HSE's Major Accidents Risk Assessment Unit by email to lupenquiries@hse.gov.uk. Please put "Minded to Grant" in the subject header. The advance notice should include full details of the planning application and the decision to go against HSE’s advice, to allow HSE to further consider its advice in this specific case.

6. HSE notes that Northern Gas Networks have been consulted as the operator of the pipeline.

Yours sincerely  
Ceri Hughes-Roberts  
Statutory and Commercial Land Use Planning Advice

**Appendix 1. Map of Landscaped Character Areas superimposed with the combined inner/middle consultation zones and outer consultation zones of the major accident hazard pipeline.**

