Adran yr Economi a'r Seilwaith Department for Economy and Infrastructure



Llywodraeth Cymru Welsh Government

## Appendices to Scheme Evidence Update

Andy Clifton – BSc (Hons) MSc CEng FGS CEnv CSci

Welsh Government, Land Contamination

**Document Reference: WG 1.11.5** 

Appendix 1A:

From: Sent:	Harvey.Tucker@hse.gsi.gov.uk 19 January 2016 15:30
То:	Amy Powell
Cc:	Paul.Snook@costain.com; Andy Clifton; John.Birch@hse.gsi.gov.uk
Subject:	RE: M4CaN Telecon Update: HSC Consultation Zones
Attachments:	decision notice.pdf

Importance:

High

Hi Amy,

As promised we have carried out a review of the assumptions underpinning the deemed consent assessment and so it is now appropriate to respond to your original email. Please see my comments/typos below ,

Kind regards

Harvey

Harvey Tucker HSE HID CEM HD5 Principal Specialist Inspector Major Hazards Risk Assessment Unit Tel 0151 951 3858

From: Amy Powell [mailto:Amy.Powell@rpsgroup.com]
Sent: 12 January 2016 18:53
To: Harvey Tucker
Cc: 'Paul Snook'; Andy Clifton
Subject: M4CaN Telecon Update: HSC Consultation Zones

Evening Harvey,

Thank you once again for taking the time to discuss Hazardous Substance Consents within close proximity to the M4 Corridor around Newport Motorway alignment. As agreed this email is to confirm our understanding of the conversation, please let me know if I have misunderstood our discussion.

On the call we reviewed each of the Hazardous Substance Consents Consultation Zones which lie within close proximity to the M4 Corridor around Newport Motorway alignment using drawing M4CaN-DJV-EGT-ZG-GEN-DR-EN-005 P1.04 (attached) as reference.

Where the alignment passes through an Inner Consultation Zone, the HSE will advise against the proposed development. Where the alignment passes through Middle and Outer Consultation Zones, the HSE consultation response will follow PADHI guidance and respond with a "Do Not Advice Against" the proposed development.

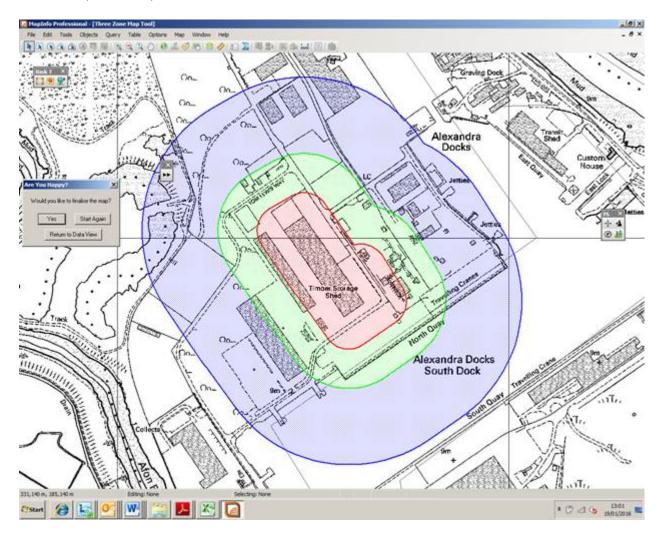
The route alignment passes through both HSC1 (Corus Strip Products) and HSC2 (ABP) Inner Consultation Zone. A large proportion of HSC1 Inner Zone is currently under development as a housing scheme. It was suggested the consent may be partially surrendered or revoked by Newport HSA, for the housing development to go ahead. If the consent licence is partially surrender or revoked the HSE will be prompted to review the existing consultation zones active on site. M4CaN team will confirm the consent status with Newport HSA.

ABP operate under two consents at HSC2 (Deemed claim HSC 96/0240 and Express consent granted HSC 15/1109 – Decision notice attached). The deemed consent provides little restrictions in terms of tonnage or materials stored on site, co-storage of materials such as ammonia nitrate and urea increases the likelihood of an event. Imposing

conditions on the consent, may reduce the size of the consultation zones, without a negative impact on the site's operations. Conditions include;

- Prevention of co-storage (ammonia nitrate and urea).
- Limit on total throughput.

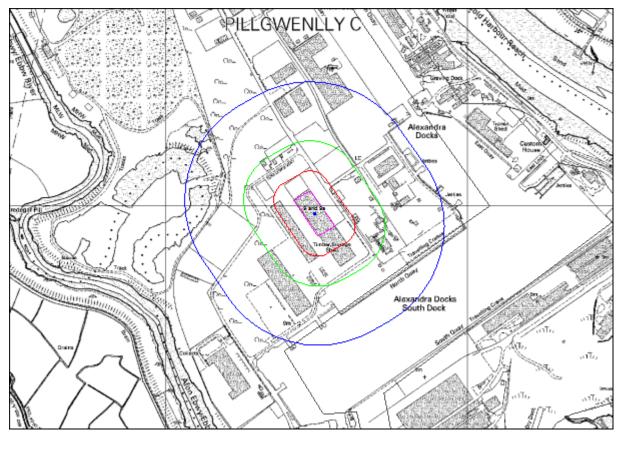
HSE has reviewed the existing consultation zone maps currently active at HSC2, producing a draft combined (Deemed claim HSC 96/0240 + Express consent granted HSC 15/1109) 3 zone map in light of adding the two new conditions (See below).



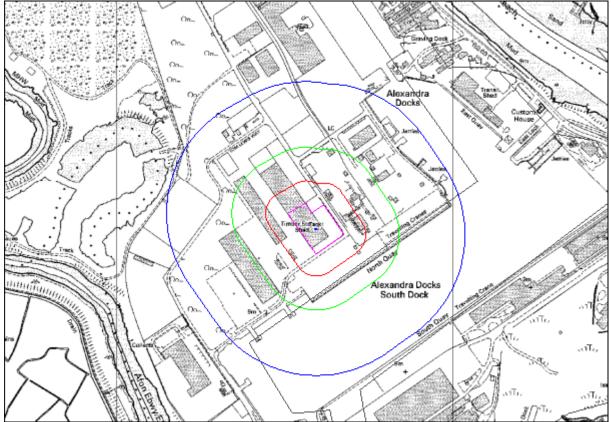
The suggested conditions do not appear to reduce the extent of the inner zone sufficiently and part of the development remains in the Inner zone. HSE acts as a statutory consultee in the processing of Hazardous Substance Consents, discussions to agree amendments/additions to existing consents are led by the Hazardous Substances Authority with the Consent holder.

## **Individual Consents**

Deemed claim HSC 96/0240 with suggested conditions (draft)



New express consent HSC 15/1109 (Granted)



The HSE recognise pipelines inevitably will be underground, with active transport connections overlaid, subject to appropriate controls, construction over HSC pipelines (P1-P5) are deemed low risk by the HSE providing the MAH Pipelines are constructed/installed/maintained to appropriate industry standards for road crossings. Utility providers are required to inform the HSE of proposed works.

HT confirmed HSE will not advise against temporary earthworks with soil movements at HSC3. Welsh Government have provisions in The Planning (Hazardous Substances) Regulations 2015 to amend and revoke consents. M4CaN team will confirm provision. All decisions made will be subject to a six month appeal process.

Best regards,

Amy

L

 Amy Powell

 Senior Consultant - Cardiff - SW Environment Team

 Cardiff - P&D SW Environment Team, Park House, Greyfriars Road,

 Cardiff, CF10 3AF.

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Appendix 1B:



Planning Department Newport County Council Civic Centre Godfrey Road Newport NP20 4UR

Date 24<sup>th</sup> November 2015

Our Ref: 4.2.1.4797. Your Ref: 15/1109 Health and Safety Executive

Hazardous Installations Directorate

Mr Harvey Tucker **Principal Inspector** Chemical Industries Redgrave Court Merton Road Bootle L20 7HS

Tel: 0151 951 3858 Harvey.tucker@hse.gsi.gov.uk

http://www.hse.gov.uk/ Head of Unit Mr Howard Harte

FAO: Mr Christopher Simms

**Dear Sirs** 

### THE PLANNING (HAZARDOUS SUBSTANCES) (WALES) REGULATIONS 2015

- Proposal: Application for Hazardous Substances Consent for Additional Storage of Up To 4999 Tonnes of Fertilizer Grade Ammonium Nitrate at Associated British Ports Ltd.
- Location: Alexandra Dock, Westway Road, Newport, Gwent NP202WE.

Applicant: Associated British Ports Ltd.

- 1. The Health and Safety Executive has assessed the risks to the surrounding areas from the likely activities resulting from the granting of Hazardous Substances Consent.
- It is The Health and Safety Executives understanding that Associated British Ports Ltd are in control of a previously granted Hazardous Substances Consent (Council reference 96/0240) for up to 4950te of ammonium nitrate stored in buildings known as Sheds 9 and 9A
- 3. It is The Health and Safety Executives understanding that Associated British Ports Ltd are applying for up to an additional 4999te of fertilizer grade ammonium nitrate to be stored in buildings known as Sheds 8, 9B and 9C
- 4. The risks from Hazardous Substances for which Consent is being sought have been assessed alongside those from granted Consent 96/0240. The Health and Safety Executive has assessed the risk of harm from the maximum quantity of hazardous substances for which Consent is being sought. Risks which may arise from the presence of other substances have not been taken into account in this assessment.
- 5. The Health and Safety Executive has not been able to take account of any proposed developments in the surrounding areas that have been granted planning permission, but are not yet built. This may also apply to existing developments that did not appear on the maps accompanying the consent application. Since this may affect our advice please consult The Health and Safety Executive again if there are any such developments within the consultation zone proposed on the map referred to below

- 6. In considering this application for Consent, The Health and Safety Executive 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. On this basis, The Health and Safety Executive has concluded that the risks to the surrounding population arising from the proposed operations are so small that **there are no significant reasons, on safety grounds, for refusing Hazardous Substances Consent**.
- Following Government advice that particulars in the application do not automatically become conditions of consent, the following condition should be included:

   a) "The Hazardous Substances shall not be kept or used other than in accordance with the particulars provided in the application, nor outside the areas marked for storage of the substances on the plan which formed part of the application.

b) "The maximum throughput of ammonium nitrate shall not exceed 10,000 tonnes per annum through each building known as Shed 8, Shed 9B and Shed 9C"

- c) "There shall be no co-storage of urea in buildings known as Sheds 8, 9B and 9C"
- 8. Upon confirmation that Consent has been granted, the consultation distance will be placed on The Health and Safety Executives Land Use Planning Web App. This is available to your authorised administrator and users via the extranet at <u>https://pa.hsl.gov.uk/</u>. When Consent is granted, please send a copy of all the consent documents to this office via <u>hazsubcon.CEMHD5@hse.gsi.gov.uk</u> so that our records can be updated.

Please do not hesitate to contact me if you require clarification of this reply.

Yours sincerely

John Birch HM Specialist Inspector of Health and Safety HID CEMHD 5 Major Accidents Risk Assessment Unit Health & Safety Executive John.Birch@HSE.gsi.gov.uk

Appendix 1C:

From: <u>Caron.Maloney@hse.gov.uk</u> [mailto:Caron.Maloney@hse.gov.uk]
Sent: 19 September 2017 11:33
To: Frances Bodman; <u>andy.bell@originfertilisers.co.uk</u>
Cc: <u>Philip.Smith@hse.gov.uk</u>; <u>Harvey.Tucker@hse.gov.uk</u>
Subject: [EXT] RE: Origin Fertilisers HSC at Newport

#### Dear Frances,

I have been in discussion with the Philip Smith, Explosives Inspector for the site, and can confirm that your understanding that HSE would be likely to advise against the granting of the consent application for a new 'like for like' ammonium nitrate facility is correct. As you have identified the reason for this is that the starting point for our assessment of the residual risk to public safety is the assumption that the site is controlling the risk to as low as reasonably practicable (ALARP).

Given that current best practice is to limit the maximum bulk quantities stored in each bay to 1,000te, then the Explosives Inspectorate would consider any new facilities that incorporated bays with a maximum quantity in excess of 1,100te (a discretionary value advised by the Explosive Inspectorate) are **not** ALARP.

On this basis it would be beneficial if Origin were to reconsider the design of the potential new facility so that the bays associated do not exceed 1,100te and resubmit the pre-consent application, based on the revised design, for our consideration.

With regards

#### **Caron Maloney**

HM Specialist Inspector Health and Safety Executive, 2.2.68 Redgrave Court, Merton Road, Bootle L20 7HS Tel: +44(0) 203028 3143

From: Frances Bodman [mailto:Frances.Bodman@rpsgroup.com]
Sent: 18 September 2017 08:58
To: Caron Maloney
Cc: Andy Clifton; Andy Bell; Sion Williams
Subject: FW: Origin Fertilisers HSC at Newport

Dear Caron

We spoke some time ago about the application to be made by Origin Fertilisers for a new HSC resulting from a need to relocate due to Welsh Government's proposed M4 Corridor around Newport Scheme. I am writing on behalf of WG in order to clarify our understanding of HSE's requirements.

Currently, a draft application has been submitted to HSE (via Newport CC) which is on a like for like basis with Origin's existing Newport business and their HSC. This allows for 2,500 tonne bays for storage of ammonium nitrate.

We understand that discussions have taken place between HSE and Origin in relation to the size of these bays. We would be grateful if you could confirm our understanding that the HSE would be unlikely to agree to a consent for a new facility with 2,500 bays. As we understand this the reasons for this are that:

- The operators are required to reduce risk to as low as reasonably practicable.
- The HSE is trying to reduce bulk stack sizes where possible. Although this is difficult at an existing facility a new facility can be designed to accommodate this.
- Current industry best practice is that the maximum quantities to be stored in each bay is 1,000 tonnes.

As such we understand that Origin have been advised to resubmit the application for the new site utilising 1,000 tonne bays.

I would be grateful if you could confirm our understanding of the situation. Once received we will discuss the submission of a revised application with Origin.

Kind regards Frances

Frances Bodman AlEMA, LLM Environmental Law & PolicySenior Environmental Consultant - RPS Planning & Development260 Park Avenue, Aztec West, Almondsbury,Bristol, BS32 4SY.United KingdomTel:+44 (0) 1454 853 000Fax:+44 (0) 1454 205 820Mobile:+44 (0) 7515 919 365Email:Frances.Bodman@rpsgroup.comwww:www.rpsgroup.com

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Appendix 2:

Adran yr Economi a'r Seilwaith Department for Economy and Infrastructure



Llywodraeth Cymru Welsh Government

Planning Officer. Newport City Council Civic Centre, Newport, South Wales, NP20 4UR.

For the attention of Mr Christopher Simms

# BY EMAIL ONLY

13 July 2017

Dear Mr Simms,

## M4 Corridor around Newport (M4CaN) Origin UK Operations Limited

The M4 Corridor around Newport project is considered to be the sustainable, long term solution to the social, environmental and economic problems associated with the main gateway into South Wales. It would improve accessibility for people as well as Welsh goods and services to domestic and international markets.

However the project includes a crossing of Newport Docks which will affect Origin UK Operations Limited's existing hazardous substances consent and therefore their ongoing operations would require relocation. This relocation would only be necessary should the decision be taken to progress this project to construction of the M4 CaN scheme assuming that the Independent Inspectors at the ongoing Public Local Inquiry recommend the published draft statutory orders are made.

The Welsh Government (WG) and Associated British Ports (ABP) recognise the importance of Origin being an established business in Newport Docks since 1996 providing fertilisers to farmers in the South Wales corridor and beyond in addition to the employment opportunities they provide. As such both WG and ABP are working with Origin to try and ensure they can remain at a convenient location within Newport docks. A potential location has been identified on the south side of South Dock which is part of the more general relocation of ABP tenants.

Your Council's comments are therefore requested on the suitability of the suggested location and I am advised that as part of your considerations you will consult with the appropriate section of the Health and Safety Executive.

With the assistance of Mr Andy Bell of Origin the following enclosed documents have been prepared

- 1) Completed Hazardous Substance Consent Application Form for the proposed new Origin UK Operations Limited Site,
- 2) The Enhanced Risk Assessment for Ammonium Nitrate which provides detailed information requested in Section 5 (e).

- Origin Site Layout Plan Sheet 1 (Drg No M4CaN DJV GEN -Z3\_GEN DR CX 0050 revision P01.6)
- Origin Site Location Plan Sheet 1 (Drg No M4CaN DJV GEN -Z3\_GEN DR CX 0052 revision P01.1)

These documents are provided in draft in order to obtain pre application comments. If you require any further information to assist the Council's considerations please do not hesitate to contact me on my mobile 07870 906553 or via email

A copy of this letter is being forwarded to Mr Rhys Morgan, Property Manager ABP and Mr Andy Bell Operations Director, Origin UK Operations Limited

Yours sincerely

mhi W Batts

Martin W Bates Project Director Infrastructure Delivery Transport

## Enc;

- 1. Completed Hazardous Substance Consent Application Form
- 2. The Enhanced Risk Assessment for Ammonium Nitrate
- 3. Drg No M4CaN DJV GEN -Z3\_GEN DR CX 0050 revision P01.7
- 4. Drg No M4CaN DJV GEN -Z3\_GEN DR CX 0052 revision P01.1

Appendix 3:

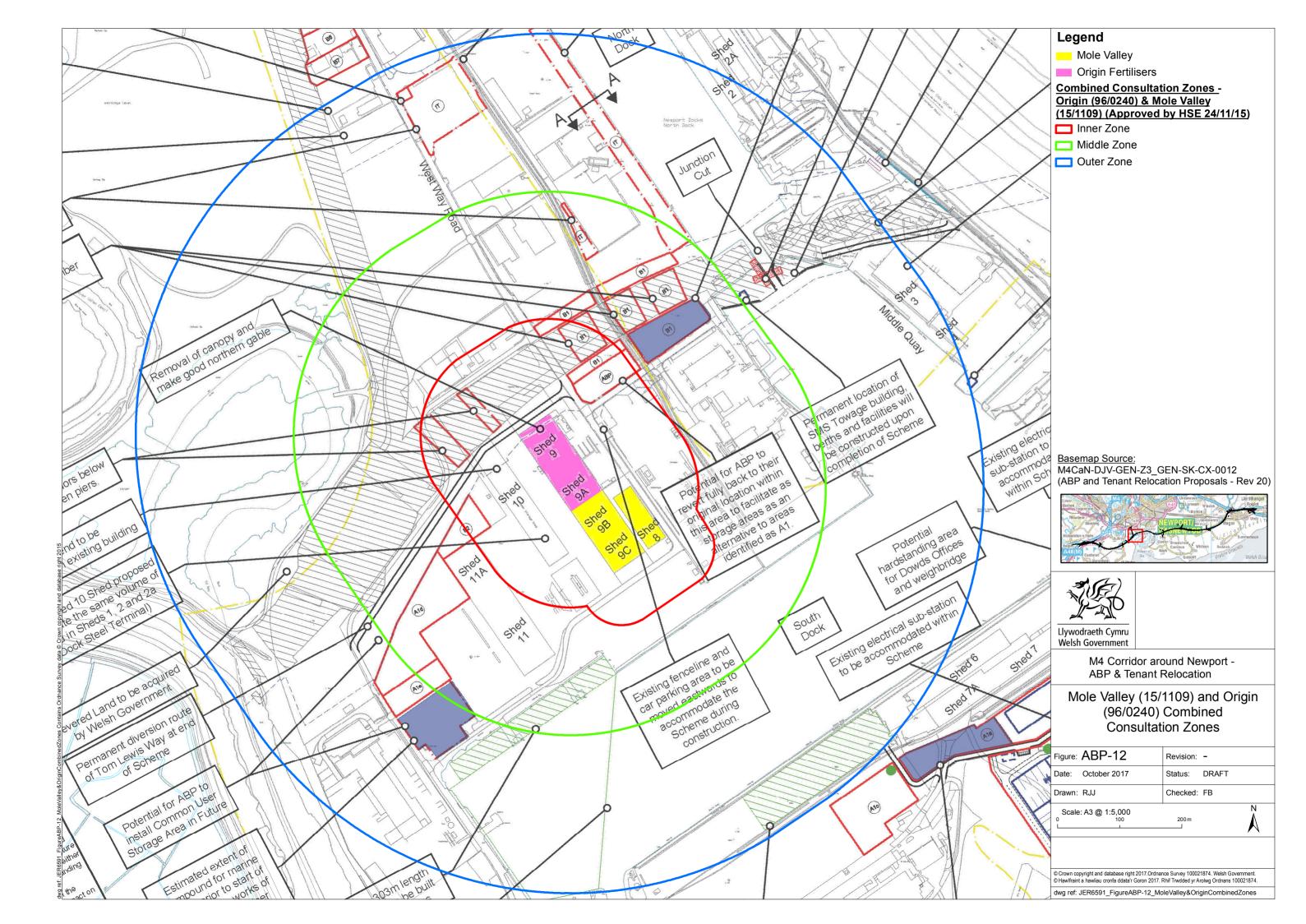
### Appendix 3

#### Occupancy Levels of Tenants to be Relocated within Proposed Origin HSC Consultation Zones

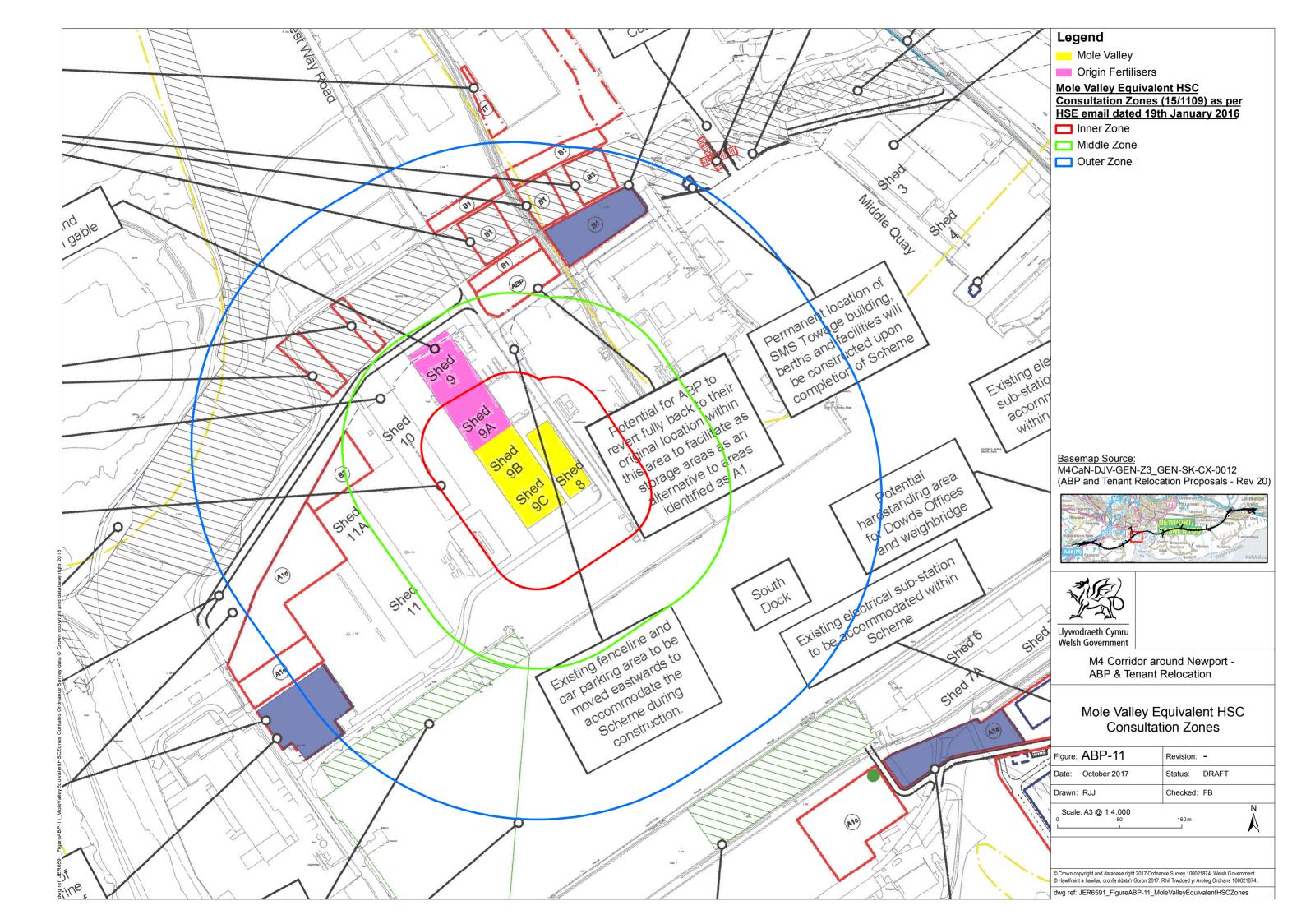
Reference	Tenant/Landowner	Approximate Number of Occupants within Plot at any given time <sup>1</sup>	HSE Sensitivity Level
C1	ABP Central Workshops	55	1
C1	Medical Centre	N/A (includied in numbers above)	1
A2	Hedland Engineering	<10	1
A3	Origin Fertilizer Terminal	20	1
A4	10 Shed (Dowds)	<10	1
A5 M	Ma's Ba Café	<10	1
A5 O	Laidlaw	<10	1
A5 P	R Williams Transport	<10	1
A5 Q	Bridge Time	<10	1
A5 R	Ronnie Evans	<10	1
A5 CC	A1 Skips	<10	1
A6	Asset International Site	<50	1
A7	Scott Pallets	<10	1
A8	Road Maintenance Services Ltd (RMS Ltd)	<40	1
A9	CJN Engineering	40	1
XX	Hargreaves (not shown)	<10	1
Existing	Transit Shed 5 &6	<10	1
Existing	Saica Packaging	100	2

<sup>1</sup>The number of occupants are indicative only and are based on size and operation of business, visual inspections or in high level discussions with the occupiers

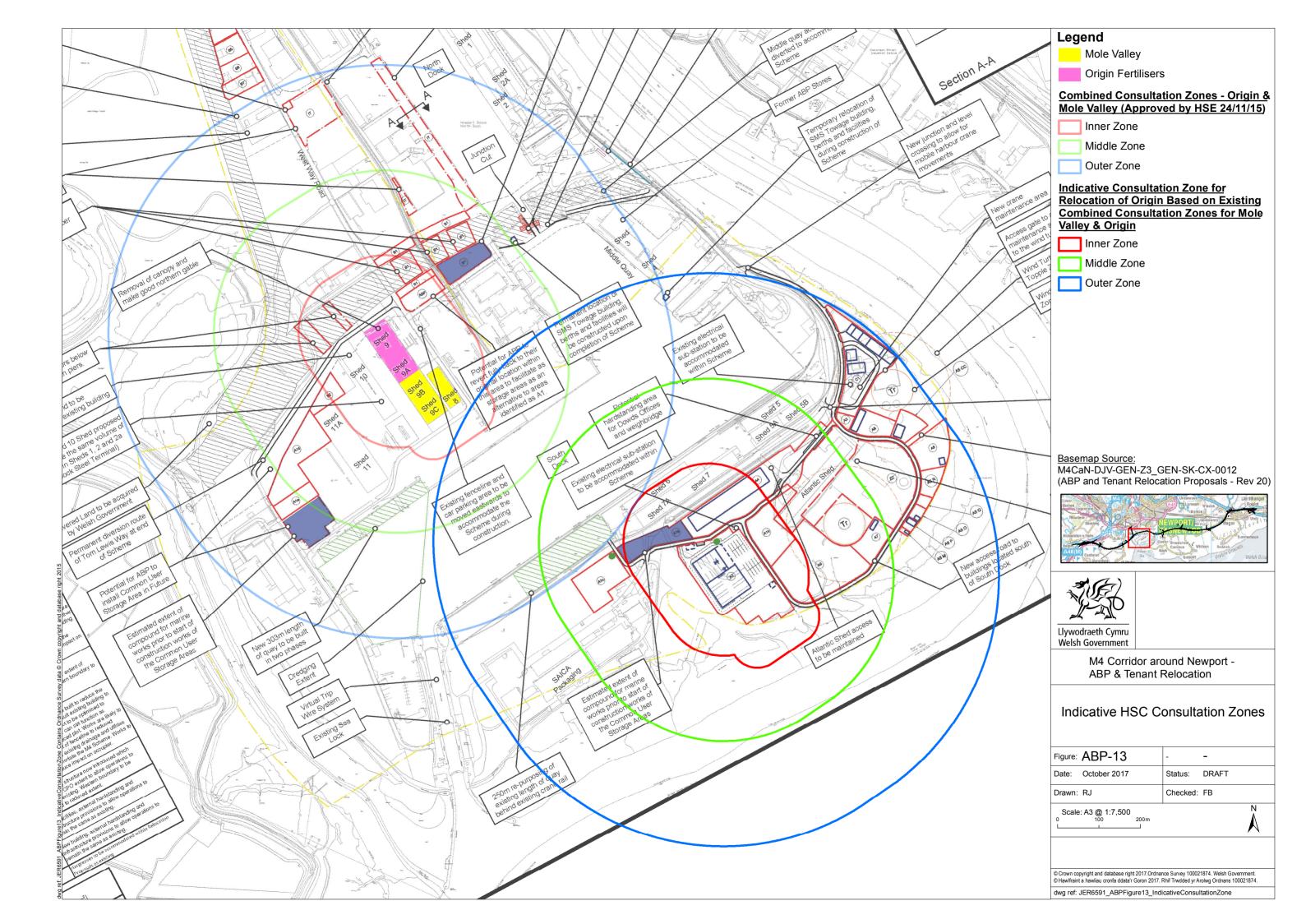
Appendix 4A:



Appendix 4B:



Appendix 4C:



Appendix 5:

## **Andy Clifton**

From:	Chris Simms (Planning Officer) <chris.simms@newport.gov.uk></chris.simms@newport.gov.uk>
Sent:	09 October 2017 08:28
То:	Andy Clifton
Cc:	Martin.Bates@gov.wales; Ray Lake
Subject:	[EXT] RE: M4 Corridor around Newport - Proposed Relocation of Origin UK
	within Newport Docks

Andy,

Thanks for the email and voicemail message.

As you mention, I've not yet had any comments from the HSE on the pre-application enquiry in question (nor have I had any comments from them relating to the regularisation of Origin's current operation!)

Section 9(2) of the Planning (Hazardous Substances) Act 1990 states that, "In dealing with [an application for hazardous substances consent] the hazardous substances authority shall have regard to any material considerations and, in particular, but without prejudice to the generality of the foregoing—

(a) to any current or contemplated use of the land to which the application relates;

(b) to the way in which land in the vicinity is being used or is likely to be used;

(c) to any planning permission that has been granted for development of land in the vicinity;

(d) to the provisions of the development plan; and

(e) to any advice which the Health and Safety Executive or Health and Safety Commission have given following consultations in pursuance of regulations under section 7(2)".

The following consultation responses were received in response to your enquiry;

- **PUBLIC PROTECTION MANAGER:** No comment to make on the proposal
- **HIGHWAYS OFFICER:** Whilst no traffic information has been provided the site is located within the docks with access from the SDR. I would not anticipate and highway issues.
- **ECOLOGY OFFICER:** I would recommend that the following surveys be undertaken:
  - 1-Breeding/over wintering bird survey;
  - 2-Reptile survey;
  - o 3-Invertebrate surveys-in particular survey for Amara Fusca and the shrill carder bee;
  - 4-Preliminary Ecological Appraisal;

Several surveys were undertaken on the adjacent site planning ref 15/0839. These were undertaken in 2015 and are therefore out of date.

 NATURAL RESOURCES WALES were also consulted on your pre-application enquiry but, as I mentioned in email to Martin Bates on 01/08/2017, they have failed to provide comments on the basis that their preapplication advice is now charged.

There are few comments that I can really offer in respect of the above without the advice of the HSE as their advice is key in determining applications for HSC. However, the land in question clearly forms part of the wider dockland operation and the surrounding uses/operations are all of the same, industrial character. Policy EM2 of Newport's LDP relates to Newport Docks and states that the Council will support development where it can be demonstrated that the development is complementary to and does not hinder the operational use of the port. I consider that the proposed use would satisfy this policy.

There are obvious implications for the docks from the proposed M4 relief road, but I'm sure you're well placed to appreciate those factors and to take those in to consideration. I presume that this has been discussed in your contact with the HSE on the proposed relocation of Origin and they consider that the risks and proximity to the proposed M4 relief road would be acceptable?

Providing NRW and the HSE are in a position to support the proposal, and on the basis that the ecological matters are addressed, it is my own informal opinion that the Council should be in position to support a formal application for HSC for this development. Please note that this response only relates to the proposed HSC and not to any associated operational development required in connection with the storage and use of HSS on this site.

Kind regards,

Christopher Simms

Christopher Simms Planning Officer / Swyddog Cynllunio Regeneration, Investment and Housing / Adfywio, Buddsoddi a Thai

Newport City Council / Cyngor Dinas Casnewydd Civic Centre / Canolfan Ddinesig Godfrey Road / Heol Godfrey Newport / Casnewydd NP20 4UR Tel: 01633 656656 Direct: 01633 210059

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From: Andy Clifton [mailto:cliftonA@rpsgroup.com]
Sent: 06 October 2017 13:19
To: Chris Simms (Planning Officer)
Cc: Martin.Bates@gov.wales; Ray Lake
Subject: FW: M4 Corridor around Newport - Proposed Relocation of Origin UK within Newport Docks
Importance: High

Chris,

I left you a message regarding your correspondence below with Martin Bates at Welsh Government. I was hoping to ascertain whether NCC had any comments so far regarding the pre-application. We have been in correspondence directly with both the HSE and also Andy Bell at Origin and although you may not have yet had any final response from the HSE, we would still appreciate any comments NCC may have.

I would be most grateful if you could let us know as soon as possible as it is likely the WG will be submitting the formal HSC application imminently.

Regards,

Andy

Mobile | 07990 527 466 Email | cliftona@rpsgroup.com Website | http://www.m4newport.com

From: Martin.Bates@gov.wales [mailto:Martin.Bates@gov.wales]
Sent: 04 October 2017 09:35
To: Andy Clifton
Subject: [EXT] FW: M4 Corridor around Newport - Proposed Relocation of Origin UK within Newport Docks
Importance: High

## Andy

Email response from Chris Simms of NCC below

You were copied into my email to Caron Maloney of HSE on 21 September 2017 to which no response has been rec'd

Martin

From: Chris Simms (Planning Officer) [mailto:Chris.Simms@newport.gov.uk]
Sent: 13 July 2017 14:13
To: Bates, Martin (ESNR-Transport-Infrastructure Delivery)
Cc: Stephen Williams (West Area Development Manager); andy.bell@originfertilisers.co.uk; rmorgan@abports.co.uk; ray.lake@arup.com
Subject: RE: M4 Corridor around Newport - Proposed Relocation of Origin UK within Newport Docks

Dear Mr Bates,

Thank you for the email and attached documents. I'll have our admin team set up a pre-application enquiry for us to issue a response to your correspondence in due course, once the relevant consultation has been undertaken. Our response will be based on input from Natural Resources Wales, the Health and Safety Executive and other relevant consultees. Just to note, I'm aware, as is Mr Andy Bell, that the HSE are short staffed at the moment, so they are taking some time to issue a response in some cases.

You should receive an acknowledgement letter from the Council within a few days to confirm registration of your enquiry. I'll be in touch if any further information or clarification is required.

Kind regards,

Christopher Simms

Christopher Simms Planning Officer / Swyddog Cynllunio Regeneration, Investment and Housing / Adfywio, Buddsoddi a Thai

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From: Martin.Bates@wales.gsi.gov.uk [mailto:Martin.Bates@wales.gsi.gov.uk]
Sent: 13 July 2017 13:24
To: Chris Simms (Planning Officer)
Cc: Stephen Williams (West Area Development Manager); andy.bell@originfertilisers.co.uk; rmorgan@abports.co.uk; ray.lake@arup.com
Subject: M4 Corridor around Newport - Proposed Relocation of Origin UK within Newport Docks
Importance: High

## **Dear Mr Simms**

I am the Welsh Government's Project director for the M4 Corridor around Newport

The published proposals will impact on Origin UK Operations Limited existing hazardous substances consent and therefore their ongoing operations would require relocation

Welsh Government is working with Origin and Associated British Ports on their proposed relocation and that of other tenants.

I have been advised that you are the best person to direct my email and enclosures regarding the requirement for a new hazardous substances consent.

The enclosures provide more information but please do not hesitate to contact me if you wish to discuss any aspects. My mobile number is 07870 906553

You will no doubt appreciate that the new proposed location of Origin could have an impact on the arrangement of other ABP tenants which need to be relocated.

I have included your colleague Stephen Williams who I have met earlier today regarding the overall application for the relocation of several other ABP tenants and facilities

## Regards

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Pan fyddwch yn anfon e-bost at Gyngor Dinas Casnewydd, rydych yn cydsynio i'r Cyngor fonitro a darllen unrhyw e-byst o'r fath at ddibenion cydymffurfio â diogelwch ac â deddfwriaeth. I weld yr ymwadiad llawn ewch i <u>http://www.newport.gov.uk/ymwadiad</u>

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# Appendix 6:

