

Ken

Thank you for consulting HSE on the draft revocation notices and orders for Willoughby Lane Holder Station (Leaside Road Holder, No.4) and Willoughby Road Holder Station (Nos. 2 & 3).

While we are not statutory consultees for revocation of hazardous substances consent and we full recognise that planning (hazardous substances) consent legislation falls to the council (as the relevant Hazardous Substances Authority) to administer, you may nonetheless find the following comments of assistance.

1. We have no comment to make on the draft revocation notices other than we note that the statutory minimum 28 days is to be adopted for objections

2. The draft orders refer to the correct hazardous substance, ie natural gas.

3. My reading of the continuation applications is that they are both dated 23/02/2000 and not the March dates quoted in the para 4s of the draft revocation orders.

4. Both draft orders refer to the continuation applications being 'assumed', possibly taken from the cover sheets of the National Grid paperwork. Our understanding is that, under S18(7) of the 1990 Act, both continuations were deemed to have been granted after the prescribed 8 week period and in the absence of written agreement on the extension of this time period.

5. Our understand on continuations is as follows. They were designed to ensure a sensible division of the right to keep hazardous substances when the originally consented land is divided into two or more parts. So in a simple case, if an area of land with consent to hold 100 tonnes of substance A is to be divided into two, and two applications for continuation are made, then the controller of one half could be allowed to keep 50 tonnes of A on it and the other controller the other 50 tonnes on their half. However, if only one controller applies for a continuation for 50 tonnes then the consented land reduces to the half in the application and the right to hold the other 50 tonnes on the other half of the land falls by the wayside. In the current cases, continuations were sought for reduced areas and reduced quantities on both holder stations. According to the applications, for Willoughby Lane Holder Station (Leaside Road Holder, No.4) the continuation was for the presence of 151.57 tonnes of natural gas within the new red lined area and for Willoughby Land Holder Station (Nos. 2 & 3) for 109.71 tonnes of natural gas within the new red lined area. Any residual tonnages from the original 1992 deemed established quantities were not claimed by the new controller(s) of the rest of the land. It, therefore, appears that the quantities in the paras 2 and Schedule 2s of the draft revocation order may not be the correct consent quantities after the continuations were deemed to have been granted.

6. Both draft revocation orders refer to 'land .... shown edged red on the plan attached hereto', but the plans have not been copied to us. I assume that for each holder station the red edged land in Schedule 1 is that shown in the continuations and not those in the original deemed consents. This is

because after the continuations were deemed to have been granted the consented land was reduced to the smaller areas.

7. You may wish to consider whether the draft revocation orders, as written, would just revoke the 1992 deemed consents while leaving the continued consents in place.

I hope the above is helpful.

Regards

Tony Williams

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**Tel. 0203 028 4010 (direct line) - NEW NUMBER**

**Work pattern: Tues, Weds & Thurs only**

**Please note that HSE telephone numbers are changing. From 19 December 2016 my telephone number will be +44 (0)203 028 4010.**

From 4 April 2016 the 'gsi' part of all HSE email addresses was removed and my email address became [tony.williams@hse.gov.uk](mailto:tony.williams@hse.gov.uk)

*Did you know that HSE now provides a pre-application service for proposed development in the vicinity of major accident hazard sites and pipelines? Details of the service and of the charges that apply can be obtained from the contact on HSE's web site under the 'Consultancy' heading on <http://www.hse.gov.uk/landuseplanning/developers.htm>.*