

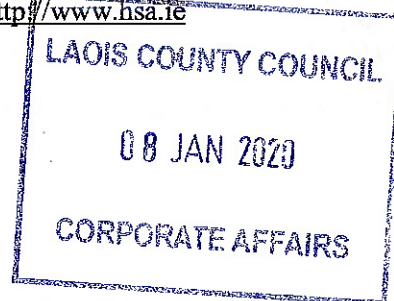


HEALTH AND SAFETY
AUTHORITY

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Telephone: 1890 289 389 Website: <http://www.hsa.ie>

Senior Planner
Review of County Development Plan
Laois County Council
Aras an Chontae
JFL Avenue
Portlaoise
Co. Laois



Our Ref: 3033

7th January 2020

Re: Pre-Draft Public Consultation on the Preparation of the Laois County Development Plan 2021-2027.

Dear Ms. McEvoy,

The Health & Safety Authority (the Authority) is an Authority prescribed under Article 13 of the Planning & Development Regulations 2001-2015 and as such is required to be consulted in relation to Development Plans under sections 11-13 & 24 of the Act.

The approach of the Authority to Land-use Planning is set out in the document 'Policy & Approach of the Health and Safety Authority to COMAH Risk-based Land-use Planning'. It is available from our website at:

https://www.hsa.ie/eng/Your_Industry/Chemicals/Legislation_Enforcement/COMAH/Land_Use_Planning/.

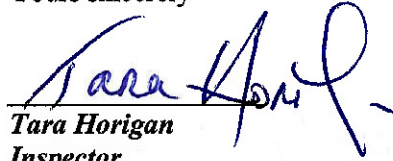
The document should be consulted to fully understand the advice given in this letter.

The Authority would expect the planning guidelines to contain:

1. An indication of planning policy in relation to major accident hazard sites notified under the regulations, which reflects the intentions of Article 13 of Directive 2012/18/EU.
2. A policy on the siting of new major hazard establishments, taking account of Article 13 and the published policy of the Authority in relation to new developments, including developments in the vicinity of such establishments.
3. There are currently no COMAH establishments in the area of Laois County Council.

If you have any queries please contact the undersigned.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Tara Horigan', written over a horizontal line.

Tara Horigan
Inspector,
COMAH, Chemical Production & Storage (CCPS)

Encl: Note on the Approach of the HSA to the Provision of Land-use Planning Advice

Note on the Approach of the HSA to the Provision of Land-use Planning advice.

The Authority, acting as the Central Competent Authority under the Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2015 (S.I. 209 of 2015), gives technical advice in response to a notice sent by a planning authority under Part 11 of the Planning and Development Regulations 2001-2015. Under Regulation 24(2) of S.I. 209 of 2015, the technical advice on the effects of a proposed development on the risk or consequences of a major accident relates to the following types of developments within the consultation distance for an establishment:

- (a) the siting and development of new establishments;
- (b) modifications to establishments of the type described in Regulation 12(1);
- (c) new developments including transport routes, locations of public use and residential areas in the vicinity of establishments, where the siting, modifications or developments may be the source of, or increase the risk or consequences of, a major accident.

The advice given is for the purposes of assessing new development only. A full explanation of the Authority's Land Use Planning advice system can be found at https://www.hsa.ie/eng/Your_Industry/Chemicals/Legislation_Enforcement/COMAH/Land_Use_Planning/.

Your attention is drawn to Regulation 24(3) of S.I. 209 of 2015:

(3) The technical advice provided by the Central Competent Authority to a planning authority pursuant to paragraph (2) may be generic or case specific in nature and shall be so formulated that it will assist the planning authority to take into account the need, in the long term—

- (a) to maintain appropriate safety distances between establishments covered by these Regulations and residential areas, buildings and areas of public use, recreational areas, and, as far as possible, major transport routes;*
- (b) to protect areas of particular natural sensitivity or interest in the vicinity of establishments, where appropriate through appropriate safety distances or other relevant measures; and*
- (c) for the operator to take additional technical measures, in the case of existing establishments, in accordance with Regulation 7, so as not to increase the risks to human health and the environment.*

In giving its advice the Authority does not deal with routine emissions. Such emissions will be subject to EPA or Local Authority scrutiny and control.

The operator of an establishment covered by S.I. 209 of 2015 is also required to take all necessary measures to prevent major accidents occurring and to limit the consequences of any such major accidents for human health and the environment

