Wiltshire County Council
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

(Email only)

Chemicals, Explosives and Microbiological Hazards Division

Owen Stevens

Redgrave Court
Merton Road
Bootle
Merseyside
L20 7HS

Caron Maloney
Principal Specialist Inspector

Tel: 07765 048124
owen.stevens@hse.gov.uk

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

Head of Unit
Jim Neilson

Reference **HSE Ref: 4.4.2.30171.**
LPA Ref: PL/2023/09066

Date: 16/10/2024

Dear Rose Fox,

THE PLANNING (HAZARDOUS SUBSTANCES) REGULATIONS 2015

Proposal: Hazardous Substances Consent application for 38te LPG [P2-18] (amended to 36te)

Applicant: Devonshire Poultry Ltd

Location: Langley Burrell Farm, Sutton Lane, Sutton Benger, Nr Chippenham, SN15, 4LW

1. The Health and Safety Executive (HSE) has assessed the risks to the current population in existing development surrounding the likely activities, resulting from the granting of Hazardous Substances Consent at Langley Burrell Farm, Sutton Lane, Sutton Benger, Nr Chippenham, SN15 4LW. Application **PL/2023/09066** is for 36 tonnes of Liquified Petroleum Gas (LPG) named under Part 2, entry 18 of The Planning (Hazardous Substances) Regulations 2015.
2. HSEs advice is on the basis of the revised application form and substance location plan received on 30/05/2024 and appended to this advice letter.
3. Only the risks from hazardous substances for which Consent is being sought has been assessed and substances in vehicles which are being loaded or unloaded. HSE 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.
4. HSE 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 HSE again if there are any such developments within the consultation area proposed on the map referred to below. Also consult us again if there is any likely development in the zones that you wish us to take into account. We will require some detail, for example if housing the estimated number of dwelling units, if retail/leisure the indoor floor space and opening hours, so we can estimate what population might be present and for how long.
5. In considering this application for Consent, HSE 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. Accordingly, HSE advises that you should direct the applicant's attention to section 29 of the Planning (Hazardous Substances) Act 1990. On this basis, HSE has concluded that the risks to the surrounding population arising from the proposed operation(s) are so small

that **there are no significant reasons, on safety grounds, for refusing Hazardous Substances Consent**.

6. Following Government advice that particulars in the application form do not automatically become conditions of consent, it would be beneficial to include the following conditions:

   i. The Hazardous substances shall not be kept or used other than in accordance with the particulars provided on the Application dated 30/05/2024, nor outside the area(s) marked for storage of the substance on the drawing 200_01 revision C 14.12.2022 which formed part of the application and the decanting of the road tanker deliveries should be made at a distance of no more than 10 metres from the fixed storage vessel.

7. A consultation area, made up of the set of zones marked on the attached map, has been determined. Unless we hear from you in the near future that the application has been refused, this map will be placed within the HSE's land use planning web app. This is available to the person in your Planning Authority nominated to be your 'Group administrator' and colleagues who that nominated person enables to have access. Access is via the web https://pa.hsl.gov.uk/.

8. I append a copy of the revised application documents HSE has assessed because this revision does not feature on your planning portal.

9. This consultation area will be for relevant consultations under The Town and Country Planning (Development Management Procedure) (England) Order 2015. The consultation area is also relevant to The Town and Country Planning (General Permitted Development) (England) Order 2015 in which it is referred to as a 'safety hazard area'. The granting of consent will therefore have implications for certain types of development proposed in the zones. More information can be found in HSE's land use planning methodology http://www.hse.gov.uk/landuseplanning/methodology.pdf.

10. If Consent is granted, consult HSE on relevant development in the consultation area by using HSE's land use planning web app https://pa.hsl.gov.uk/.

11. Please email HazSubCon.CEMHD5@hse.gov.uk to let us know you have received our advice.

12. Please email HazSubCon.CEMHD5@hse.gov.uk to inform HSE of the determination decision, as soon as is practicable in accordance with Regulation 11(6)(a) of The Planning (Hazardous Substances) Regulations 2015, so that we can update our records for the purpose of providing accurate advice in the future.

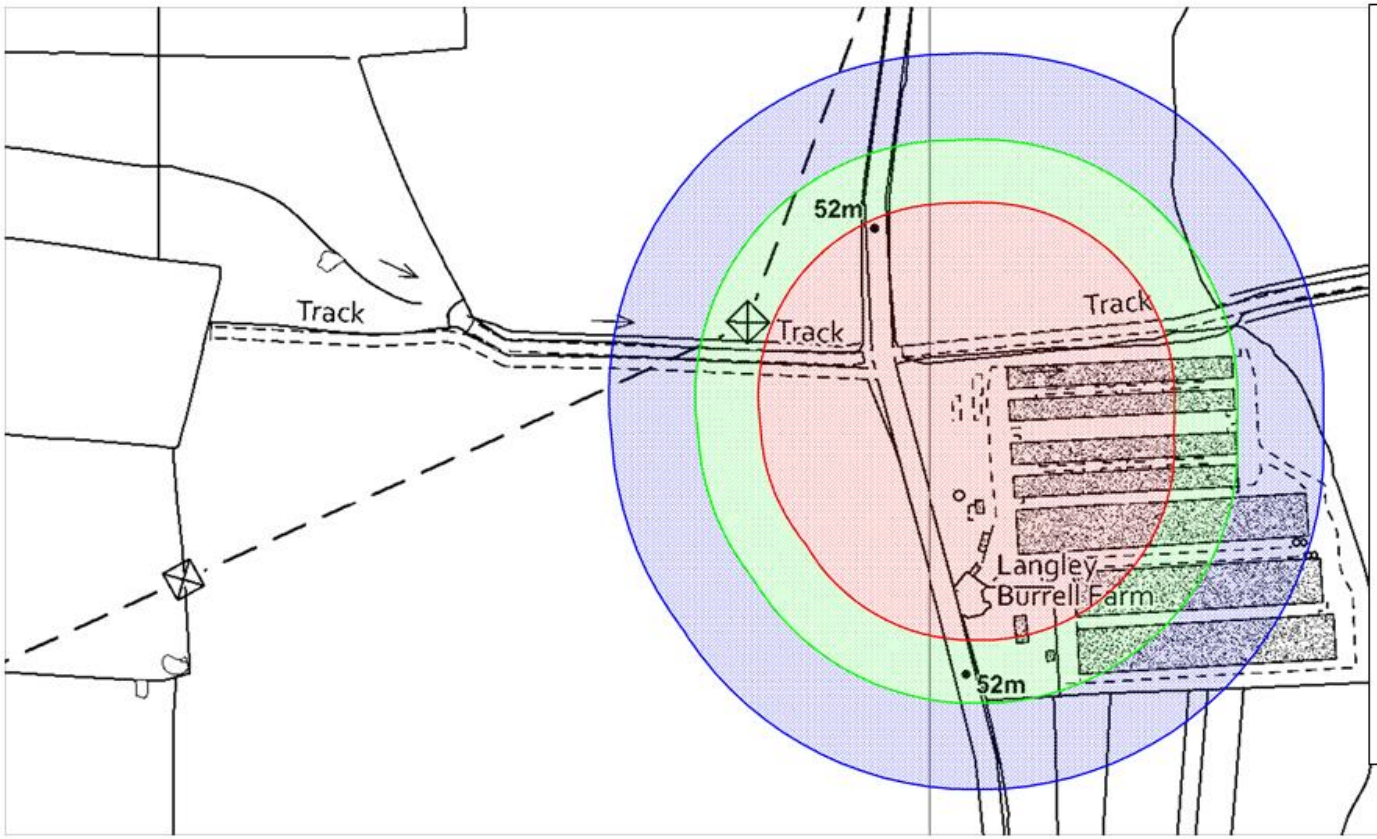
13. If Consent is granted, please email a copy of the decision notice to HazSubCon.CEMHD5@hse.gov.uk so that our records can be updated. If multiple versions of particulars such as the substance location plan or application form were submitted during the application process, please include the reference number of the version to which granted consent relates. This will ensure that future land-use-planning advice to you can be provided on a proper basis, for example when you consult us using HSE's web app https://pa.hsl.gov.uk/.

Yours faithfully,

[redacted]

Owen Stevens
HM Specialist Inspector
Major Accidents Risk Assessment Unit

cc: Caron Maloney CEMHD5C, Paul Ventom CEMHD3D, CEMHD3D Admin



HSE Consultation Zone

Devonshire Poultry Ltd

Site Grid Reference: ST 95026, 77555

HSE HID Ref: #5002 Rev 1a

Case number: 4.4.2.30171.

Approved by HSE: 14 October 2024

This map supersedes all previous or undated maps.

Revision number indicates the latest version, suffix letters for administration only.

Inner Zone

Middle Zone

Outer Zone

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0 100
metres

Application to the relevant hazardous substances authority (planning authority)

The Planning (Hazardous Substances) Act 1990 - Section 7(1)

England - The Planning (Hazardous Substances) Regulations 2015 (Regulation 5)

Wales - The Planning (Hazardous Substances) (Wales) Regulations 2015 (Regulation 5)

Application for Hazardous Substances Consent

1

Applicant	Devonshire Poultry Limited
Address	Little Westcott, Drift Lane, Sheldon, Honiton, Devon
Post code	EX14 4QS
Telephone number	01404 841663

Person in control of the land to which the application relates, if different to above	
Address	
Post code	
Telephone number	

2

Address or other location details of application site	Langley Burrell Farm, Sutton Lane, Sutton Benger, Nr Chippenham
Post code	SN15 4LW
OS grid ref	ST 945 - 766

3 **Hazardous substance(s) covered by the application**

(a) List named substances falling within Part 2 of Schedule 1 to the Regulations first, then list any substances falling within the categories in Part 1 of that Schedule; finally list substances falling within the description in Part 3.

(b) Substances falling within Parts 1 or 3 of Schedule 1 to the Regulations may be listed under the relevant category or description or named specifically. Where a substance falls within Part 1 and 2 list under Part 2 only; where a substance falls within more than one category in Part 1 list under the category which has the lowest controlled quantity. Where a substance falling within Part 1 or 2 also falls within Part 3 list under the Part which has the lowest controlled quantity. The "controlled quantity" means the quantity specified for that substance in column 2 of Parts 1, 2 or 3 of Schedule 1 to the Regulations.

Note: The addition rule as set out in the schedule to the regulations should be applied to determine whether consent is required for substances below the Controlled Quantity. Examples are given in the associated planning guidance. The Planning (Hazardous Substances) (Amendment) Regulations 2017 are relevant to the use of the addition rule in England only. The Planning (Hazardous Substances) (Amendment) Regulations 2015 are relevant to Q* (addition rule) for LPG, and relevant to notes about ammonium nitrate.

Table A

Name, or relevant category or description of substance	*Part number in Schedule 1 to the Regulations, and entry number if Part 2, category if Part 1, identity if Part 3*	*Do you have a current PHS consent* in respect of this substance? (Yes/No)*	*If "yes", state quantity for which consent granted*	*Maximum quantity proposed to be present in tonnes*
Liquid Petroleum Gas (LPG)	Part 2 Entry 18	No	N/A	36 Tonnes

*a hazardous substances consent

Where in Table A consent is sought for any substance below the relevant Control Quantity, give the reason in the box below including the calculation for each relevant type of hazard (health, physical and/or environmental) with the q/Q fractions that add to greater than or equal to 1.

Environmental for bird welfare - Based on 18no 4,600 litre tanks, this totals 42 tonnes; allowing for ullage of 85% for propane, this amounts to 35.7 tonnes i.e. 36 tonnes

4 Manner in which substance(s) are to be kept and used

For each substance, category or description of substance, covered by the application, provide the following information, referring to the substance location plan where appropriate.

"vessel" means any container designed or adapted to contain hazardous substances which is affixed to the land, and includes a container which forms part of plant or machinery which is affixed to the land but does not include a pipeline.

"Buried" or "Mounded" vessel includes a vessel which is only partially buried or partially mounded.

"moveable container" means any container designed or adapted to contain hazardous substances other than a vessel.

(a) Tick one box below to show whether the substance(s) will be present for storage only **or** will be stored and involved in a manufacturing, treatment or other industrial process:

Table B

Substance including Part no. in Sch. 1 to the Regs, and entry no. if Part 2, category if Part 1, identity if Part 3	*Storage only*	*Stored and involved in an industrial process*
	Y	

(b) For each vessel to be used for **storing** the substance(s) give the following information:

Table C (i)

*Vessel No**	*Substance including Part no. in Sch. 1 to the Regs, and entry no. if Part 2, category if Part 1, identity if Part 3*	*Installed above ground† (Yes/No)*	*Buried (Yes/No)*	*Mounded (Yes/No)*	*Maximum capacity (cubic metres)*	*Highest vessel design temperature °C*	*Highest vessel design pressure (bar absolute)*
18	Part 2 entry 18	Y CPS 68476 – 85 – 7	N	N	4.6 m^3 each 82.8 m^3 in total	50	26.7

* identify by reference to substance location plan

† if "Yes", specify whether or not it will be provided with full secondary containment

(c) For each substance, category, or description of substance, state the largest size (capacity in cubic metres) of any **moveable** container(s) to be used for that substance, category, or description of substances:

Table C (ii)

Substance including Part no. in Sch. 1 to the Regs, and entry no. if Part 2, category if Part 1, identity if Part 3	*Storage area on site**	*Maximum capacity (cubic metres) of individual moveable containers*
N/A	N/A	N/A

* identify by reference to substance location plan

(d) Where a substance, category or description of substance is to be used in a **manufacturing, treatment or other industrial process(es)**, give a general description of the process(es), describe the major items of plant which will contain the substance(s); and state the maximum quantity (in tonnes) which is liable to be present in the major items of the plant, and the maximum temperature (°C) and pressure (bar absolute) at which the substance, category or description of substance is liable to be present:

Table D

Substance including Part no. in Schedule 1 to the Regs, and entry no. if Part 2, category if Part 1, identity if Part 3	*Description of process(es)*	*Major items of plant**	*Max. quantity (tonnes)*	*Max. temp. (°C)*	*Max. pressure (bar absolute)*
N/A	N/A	N/A	N/A	N/A	N/A

* identify by reference to substance location plan

5 Additional Information

(a) If you have an existing PHS consent(s) as referred to in Table A, **attach a copy of each consent** to this application.

(b) **List the maps or plans** or any explanatory scale drawings of plant/buildings submitted with this application (**as a minimum submit a site map and a substance location plan –** see **Notes** below).

Enter list of maps and plans here

(c) Provide a brief overview description of the **main activities** carried out or proposed to be carried out on the land to which the application relates.

The farm is currently a broiler farm housing 220,000 birds. The farm is about to undergo major expansion going to 400,000 birds therefore requiring more gas storage to heat the shed. The sheds are heated with LPG 5 sheds on indirect gas and 6 sheds on direct gas

(d) Provide details of how each relevant substance is proposed to be transported to and from the land to which the application relates, for example the size and frequency of vehicle deliveries, the size or maximum flow rate of pipeline imports/exports.

Substance including Part number in Schedule 1 to the Regulations, and entry number if Part 2, category if Part 1, identity if Part 3	*How, and other details such as frequency and quantity, transported to and from the land to which the application relates*	
	Transported to site	*Transported from site*
Part 2 entry 18	20 T gas lorry There will be 2 fills per month. Each tank is individually filled. Refer to permit drainage plan attached which shows the position of the gas tanks and hammer head arrangement solely for the deliveries of gas. The tanker will be within 10m of the individual tank being filled.	N/A

(e) Provide details of the vicinity of the land to which the application relates, where such details are relevant to the risks or consequences of a major accident (relevant details include numbers of people in neighbouring developments that could be affected by a major accident and details about environmentally sensitive receptors).

See attached Promap plan – The siting of the gas tanks are identified in red, the farmhouse attached to the poultry farm (within the blue line ownership boundary) is identified in purple and the nearest third party dwelling (a neighbouring farm) is shown in green. Within 200m there is only one dwelling – the farmhouse at approx. 111m away from the nearest gas tank. The next dwelling is 325m away.

(f) Provide a brief overview of the measures taken or proposed to be taken to limit the consequences of a major accident.

Following details extracted from UKLPG Code of Practice 1
The LPG plant is easily accessible for installation, operation, maintenance, uplift and fire-fighting purposes. The layout and grouping of vessels (as distinct from spacing) shall receive careful consideration so as to ensure:
• Adequate free ventilation;
• Accessibility for fire fighting;
• The avoidance of spillage from one vessel affecting any other vessel or adjacent facility;
• A clear line of sight for a person whilst in a position to control a product transfer to see both the receiving vessel, or remote filling facility, and the delivery vehicle.
General information:
- Containment - stored in tanks constructed to the requisite standard to ensure their strength and integrity, with bunding to contain spillage.
- Separation – minimum of 7.5m from any structure/building.
- Ventilation – tanks located in an unobstructed position to allow best possible dispersion. No vulnerable populations in the locality.
- Control of ignition sources – eg no smoking materials, naked flames, or unprotected electrical or mechanical equipment in the locality.
- Collision – access route only for gas tanks. Armco barriers installed 1.5m away from tanks to prevent collision – see pdf plan attached.

(g) Give any further information which you consider to be relevant to the determination of this application. (For example, details about any exempted established substances on site or a copy of any notification about 'other establishments'/exempted established substances if already submitted).

Note there are no heat exchangers. Heating system via winter warm heaters with 80kw electric motors on each. 4 in each house, 44 in total; 34 direct and 10 indirect.

I/We hereby apply for hazardous substances consent in accordance with the proposals described in the application

Signed E. Lanning……..

on behalf of ……..
(insert name of person in control of the land if different to applicant)

Date 25/09/23.……..

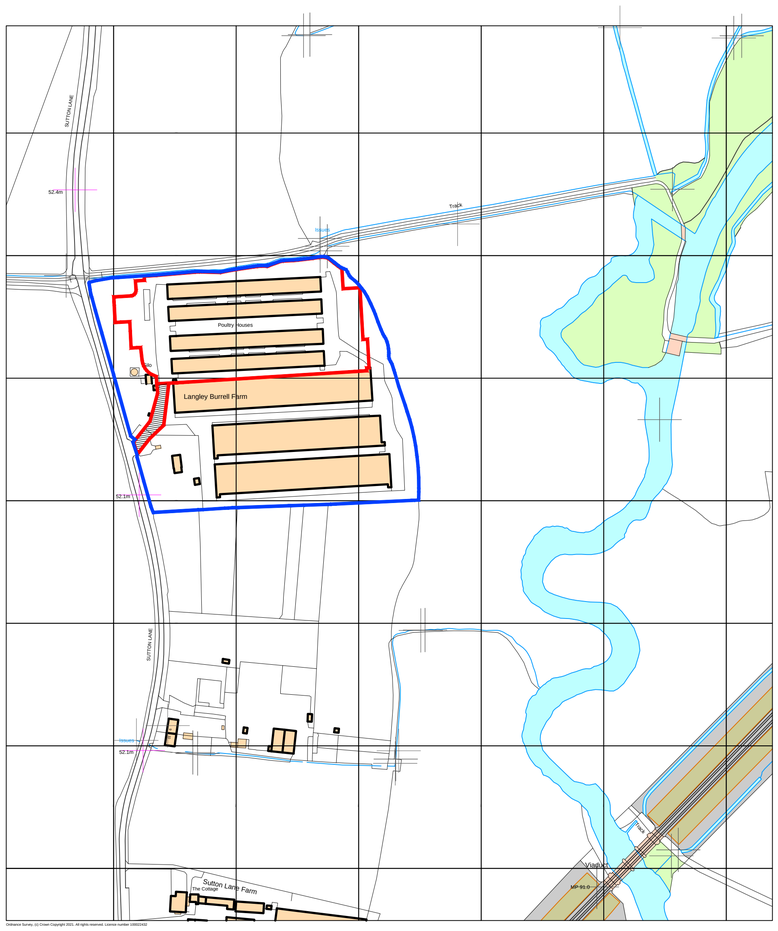
To be accompanied by the notices and certificates required by regulations 6 and 7 of the Regulations.

Notes

"**Site map**" is a map, reproduced from, or based on, an Ordnance Survey map with a scale of not less than 1:10,000, which identifies the land to which the application relates and shows National Grid lines and reference numbers.

"**Substance location plan**" is a plan of the land to which the application relates, drawn to a scale of not less than 1:2,500, which identifies-

(a) any area of land intended to be used for the storage of the substance;
(b) where the substance is to be used in a manufacturing, treatment or other industrial process, the location of the major items of plant involved in that process in which the substance will be present; and
(c) access points to and from the land.



LOCATION PLAN

Scale 1:2500



BLOCK PLAN

Scale 1:500

NOTES:

1. Use written dimensions only. All dimensions to be checked on site and any discrepancies reported to ACORUS immediately. If in doubt ask.
2. Where relevant, significant hazards have been identified on the drawing. Hazards which should be obvious to a competent contractor or unforeseeable have not been identified.
3. This drawing is confidential and remains the exclusive property of ACORUS.
4. Ordnance Survey Paper Map Copying Licence Number: 100039456.

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RICS Regulated by RICS

1:2500
0 50 m 100 m 200 m 300 m 400 m 500 m
1:500
0 10 m 50 m 100 m

Ownership Boundary
Site Boundary
Site Access

PLANNING ISSUE

Rev.	Date.	Amendment.	Drawn	Checked
C	14.12.2022	Amendment to soakaway basin size	DL	JW
B	16.11.2022	Amendment to soakaway basin size	DL	JW
A	30.08.2022	Proposed sheds moved 4m to West	DL	JW

PROJECT
Devonshire Poultry Ltd.
Langley Burrell Poultry Farm, Sutton Lane,
Langley Burrell, Chippenham, Wiltshire SN15 4LW

TITLE
Replacement Poultry Buildings
Site Location and Block Plan

SCALE	DATE	DRAWN BY	CHECKED BY
AS SHOWN @A1	Dec '21	DL	JW

JOB NO.	DRAWING NO.	REVISION
JW/1668/1021	200_01	C

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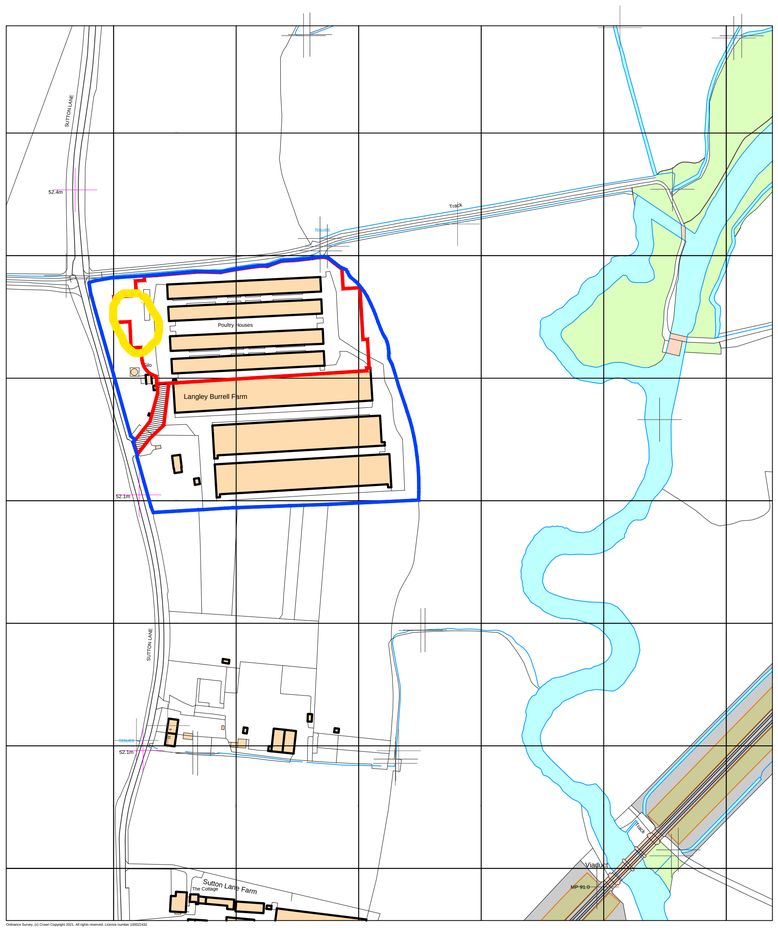
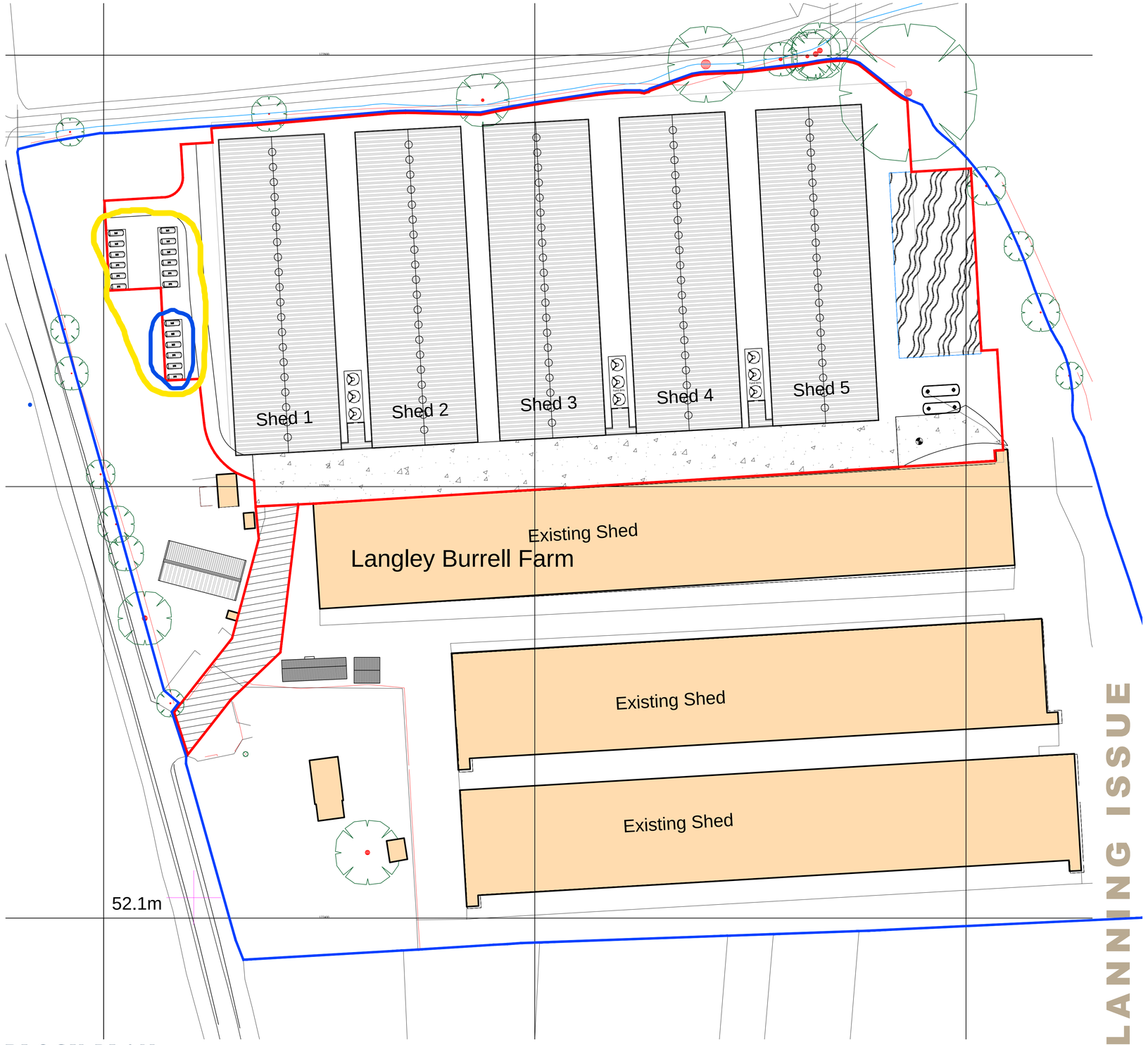


LOCATION PLAN

Scale 1:2500



BLOCK PLAN

Scale 1:500

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Site Boundary
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AS SHOWN @A1	Dec '21	DL	JW

JOB NO.	DRAWING NO.	REVISION
JW/1668/1021	200_01	C

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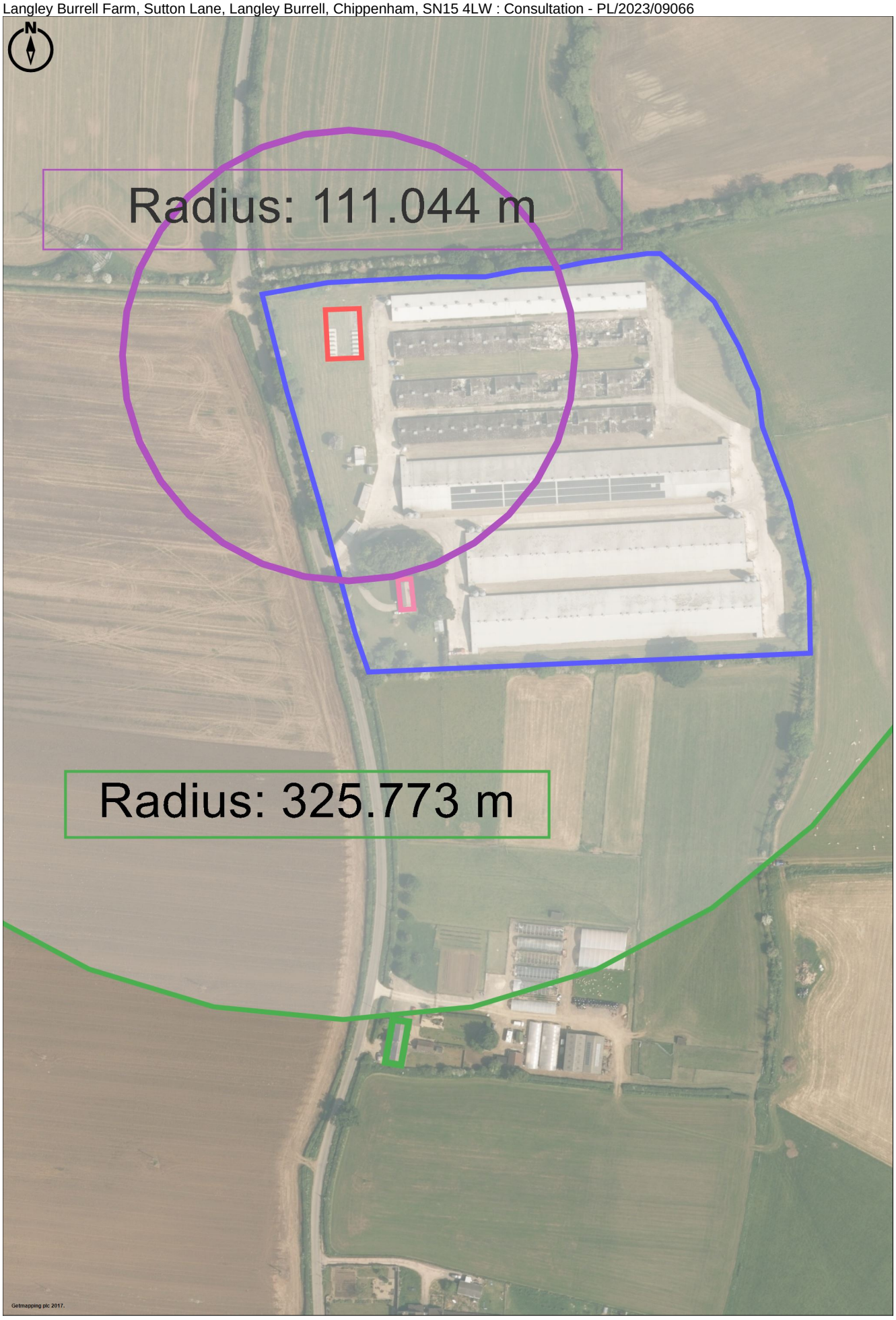
Langley Burrell Farm, Sutton Lane, Langley Burrell, Chippenham, SN15 4LW : Consultation - PL/2023/09066



Promap
LANDMARK INFORMATION

Getmapping plc 2017.
Plotted Scale - **1:2500**. Paper Size - **A4**

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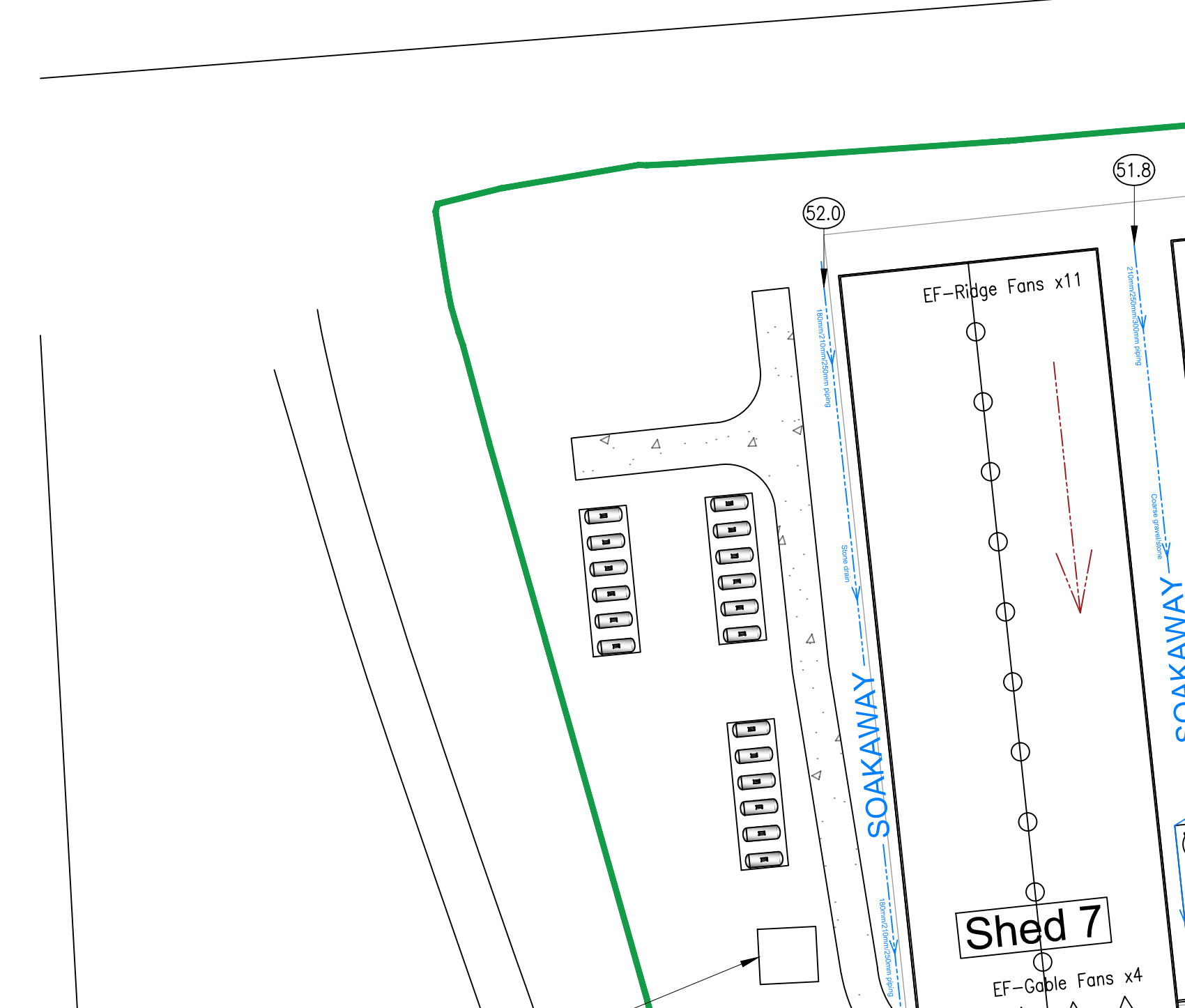
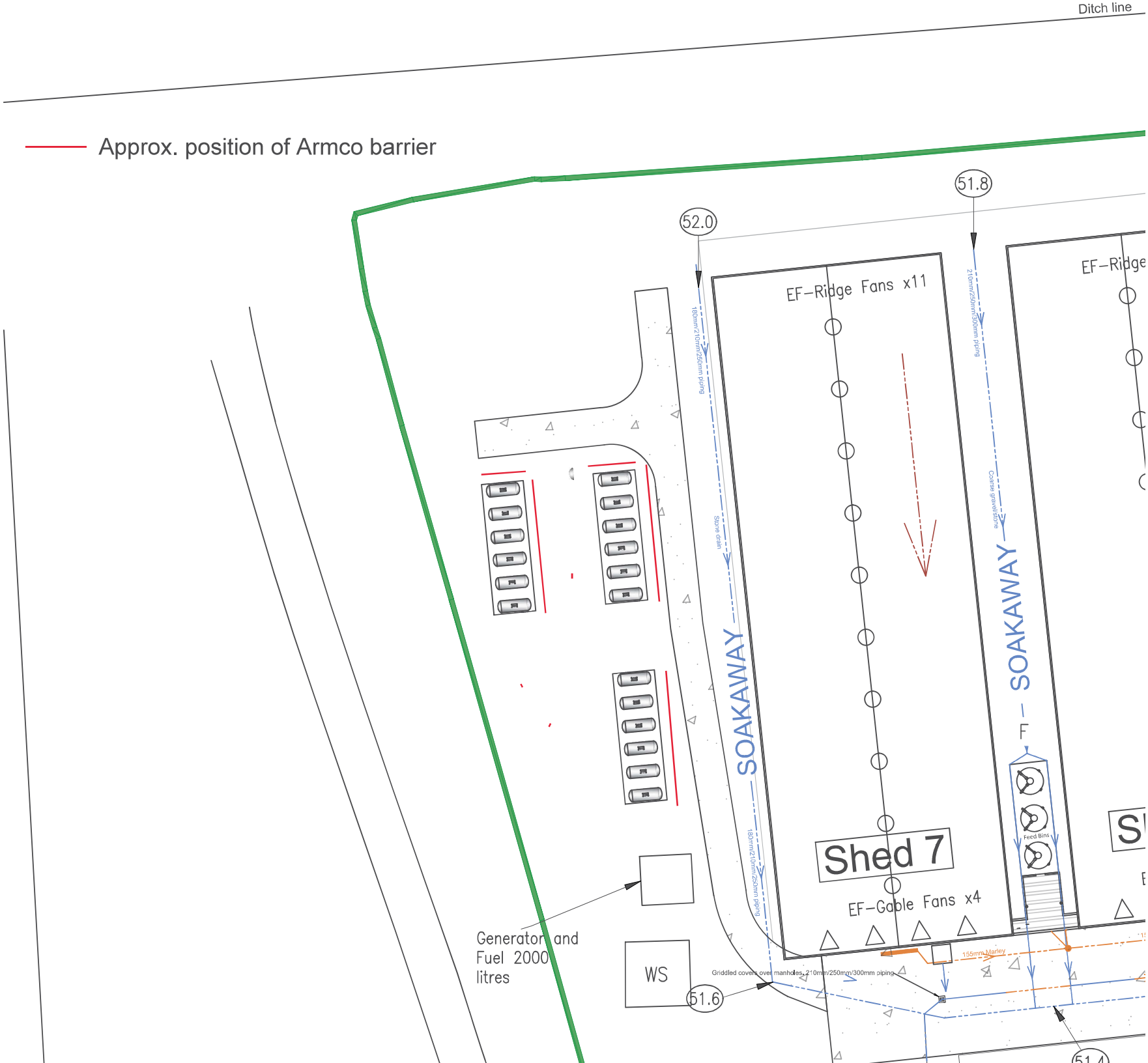

52.0
51.8
EF-Ridge Fans x11
180mm/210mm/250mm piping
210mm/250mm/300mm piping
Stone drain
Coarse gravel/stone
SOAKAWAY
SOAKAWAY
180mm/210mm/250mm piping
Shed 7
EF-Gable Fans x4


Ditch line
Approx. position of Armco barrier
51.8
52.0
EF-Ridge Fans x11
EF-Ridge
180mm/210mm/250mm piping
210mm/250mm/300mm piping
Stone drain
Coarse gravel/stone
SOAKAWAY
SOAKAWAY
Shed 7
EF-Gable Fans x4
Feed Bins
155mm Marley
Generator and Fuel 2000 litres
WS
Griddled covers over manholes, 210mm/250mm/300mm piping
51.6
51.4