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10 August 2023

Dear Cottam Solar Project Case Team

Rule 6 letter – Appointment of the Examining Authority, invitation to the Preliminary Meeting, notification of Hearings, and other Procedural Decisions

Thank you for your letter of the 10 July 2023 with regard to the Examining Authority's letter containing the draft timetable, an invitation to the Preliminary Meeting and Notification of Hearings for the Cottam Solar Project.

HSE has noted the contents of the draft Development Consent Order (DCO) for the Cottam Solar Project.

The DCO in its current draft has the requirement in Schedule 2 Requirement 6 to consult with HSE on the development of the battery safety management plan (BSMP).

HSE is a consultation body, for the purposes of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and section 42 of the Planning Act 2008 (PA2008), providing public safety advice in respect of proposed NSIPs. HSE's role as a statutory consultee in the planning process is set out on the Planning Inspectorate website.

HSE has agreed with the Planning Inspectorate that Advice Note 11 annex G will be amended to further clarify the position regarding BSMP.

When offering advice, the two main considerations for HSE are:

1. does the Proposed Development have the potential to cause a major accident or could the development impact on a site with major accident potential and
2. is the Proposed Development vulnerable to potential major accidents due to its proximity within a consultation zone of a major hazard site or pipeline).

When preparing statutory advice on NSIPs, as well as providing views on the above considerations, HSE will also highlight as appropriate:

If the Proposed Development is on an existing major hazard site, where such a new development could have significant consequences for major accident hazards.

The need to consider if an application should be made to the Hazardous Substances Authority (HSA) for a new hazardous substances consent (HSC) and/or whether extant hazardous substances consent(s) need to be varied.

If there is a facility near to the Proposed Development where a licence exists under either Explosives Regulations 2014 or Dangerous Goods in Harbour Areas Regulations 2016. HSE has provided statutory advice on this basis in relation to this development at Environmental Impact Assessment, Section 42 and Section 56 stages.

We have explained previously to other draft DCOs, there is no statutory requirement to consult HSE in relation to a Battery Safety Management Plan (BSMP) as HSE does not provide comment on them.

So therefore HSE, is requesting that Schedule 2 Requirement 6 and any other references to HSE consultation/approval of the BSMP are removed from the Development Consent Order ahead of your meeting on the 5 September 2023, as stated above there is no statutory requirement to consult HSE and HSE would not provide any comments on them.

Yours sincerely,

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Cathy Williams
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