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2006

PLANNING AND THE CARRIAGE OF DANGEROUS
GOODS AND USE OF TRANSPORTABLE PRESSURE
EQUIPMENT (AMENDMENT) REGULATIONS 2005

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Circular

Dear Sir/Madam

PLANNING AND THE CARRIAGE OF DANGEROUS GOODS AND USE OF TRANSPORTABLE PRESSURE EQUIPMENT (AMENDMENT) REGULATIONS 2005

1. This Circular provides guidance on the interaction between planning and the storage of dangerous goods.
2. As you may be aware, The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations 2005 (“the 2005 Regulations”), made by the Secretary of State for Transport, came into force on July 22 2005¹. These Regulations, which apply to Scotland, require companies involved in the transport of dangerous goods to ensure that the sites that they use during the transport or temporary storage of dangerous goods are secure. The Department for Transport’s Vehicle Operator Services Agency (VOSA) and Transport Security and Contingencies Directorate (TRANSEC) Inspectors monitor and enforce industry’s compliance with these new measures for road and rail respectively.
3. Such site security reduces the risk of dangerous goods being stolen and misused to cause harm or damage to the UK population, economy or environment. The 2005 Regulations aim to help improve security within the road and rail transport industries both for now and for the future. Compliance may involve the installation of a range of measures such as high fencing, bunds, ditches, security gates, lighting systems, raised roadblocks and camera surveillance. The Department for Transport’s guidance to support these Regulations which aims to help companies implement the new security measures is available on their website at www.dft.gov.uk/security/dangerousgoods
4. Such measures may require planning permission from the planning authority for the area. For example, it is likely that new high-lux external lighting or fencing over 2m tall would require planning permission.
5. Applicants should make appropriate reference to the 2005 Regulations and seek to explain how they wish to achieve compliance. If appropriate, they must also explain how they comply, or intend to comply, with health and safety regulations², in particular demonstrating that they have the appropriate consent to store hazardous substances. Applicants may want to discuss this with the planning authority, which in many cases is also the hazardous substances authority.
6. Pre-application discussions between the applicant and the planning authority are strongly recommended. The applicant should be prepared to explain the reasoning behind the proposals and the alternative options for achieving the appropriate level of security that have

¹ (S.I. 2005/1732). These Regulations amended the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004 (S.I. 2004/568)..

² See The Planning (Hazardous Substances) (Scotland) Regulations 1993 (SI 1993/323) and the amending regulations, the Planning (Control of Major-Accident Hazards) (Scotland) Regulations 2000 (SSI 2000/179)

been explored. Such dialogue should also help identify and resolve issues at an early stage and to facilitate the formal application process.

7. Where a new development is proposed, the siting and design of site security features need to be considered from the outset of the project particularly if located in areas of designated value, such as conservations areas or National Scenic Areas. Additionally, archaeological investigation may be required by the planning authority before it can reach a decision.

8. However, in considering the application, planning authorities in exercising their functions need to have regard to the general requirements of other legislation and should be mindful of the legal duties placed upon the site occupier or developer by the 2005 Regulations.

9. In short, in seeking to arrive at the best solution for a site, planning authorities and applicants should try to agree, at the earliest possible stage, how the opportunities and problems the site presents could be addressed, and should ensure that the security features required by the 2005 Regulations are designed sympathetically, using appropriate materials and landscaping.

Advice on the 2005 Regulations can be obtained from:
Transport Security and Contingencies Directorate
Department for Transport
5/08 Southside
105 Victoria Street
London
SW1E 6DT

Tel: 020 7944 2881
Fax: 020 7944 2174
Email: dgsecurity@dft.gsi.gov.uk

FURTHER COPIES AND ENQUIRIES

10. Any enquiries about this Circular should be addressed to Marie Ferguson, Scottish Executive Development Department, Planning Division, Area 2-H, Victoria Quay, Edinburgh, EH6 6QQ telephone (0131) 244 7067. Further copies of the Circular may be obtained by telephoning (0131) 244 7066 or from the Scottish Executive website at: www.scotland.gov.uk/planning

Yours faithfully



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