

20230909 Kimberly Clark Ltd

HSE 18 September 2023

Thank you for your EIA scoping opinion request reference 20230909 for a hydrogen electrolyser at Kimberley-Clark, Northfleet Mill, Northfleet to the Land Use Planning advice team of the Health and Safety Executive (HSE).

Town and Country Planning (Environmental Impact Assessment) Regulations 2017, Regulation 4(4) - the vulnerability of the proposed development to major accidents relevant to the development

Please note that HSE's response is limited to our role in the land use planning system for the control of major industrial hazards involving hazardous substances, and that HSE is not responding in our regulatory role in the health and safety system.

We have the following comments:

1. Hazardous Substance Consent legislation

The presence on land of a hazardous substance in a quantity exceeding the controlled quantity specified in the Planning (Hazardous Substances) Regulations 2015 requires the consent of the hazardous substances authority (usually the local planning authority). For hydrogen the controlled quantity of hydrogen listed in Schedule 1 of the 2015 Regulations is 2 tonnes. In this case an express application or an application to vary an existing hazardous substances consent may be required.

HSE is a statutory consultee for consent applications and its role is to advise the hazardous substances authority on the risks to people at existing developments from introducing hazardous substances at the site applying for consent. The decision as to whether the risks from hazardous substances are acceptable in the context of existing and potential uses of neighbouring land is made by the hazardous substances authority.

2. The development is not located within a safeguarding zone of an explosives site licensed under the Explosives Regulations 2014 or the Dangerous Goods in Harbour Area Regulations 2016.

3. The development is not located within HSE's land-use-planning consultation zones for major-accident-hazard pipelines and hazardous substances consented sites

4. Pipelines legislation

Pipelines carrying hydrogen may be classed as major accident hazard pipelines as defined in Schedule 2 of the 1996 Pipeline Safety Regulations. If this is the case, the provisions in Regulations 19 to 27 of the 1996 Regulations, including a requirement to notify HSE of a pipeline route before construction, will apply. There is further information at <https://www.hse.gov.uk/pubns/books/l82.htm>.

5. COMAH legislation

If the amount of a hazardous substance being stored at an establishment exceeds the qualifying quantity specified in the Control of Major Accident Hazard (COMAH) Regulations 2015, that legislation will apply.