



To all Chief Planning Officers  
in Wales

Eich cyf • Your ref:  
Ein cyf • Our ref: A-PAA-69-09-005  
(CL-08-06)  
16 November 2006

Dear Colleagues

**Circular Letter 08-06**  
**REGULATIONS RELATING TO THE CARRIAGE OF DANGEROUS GOODS:  
LAND USE PLANNING IMPLICATIONS**

As you may be aware, The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations 2005, made by the Secretary of State for Transport, came into force from 22 July 2005<sup>1</sup>. These Regulations 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 & Contingencies Directorate (TRANSEC) Inspectors monitor and enforce industry's compliance with these new measures for road and rail respectively.

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 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 has published guidance to support these Regulations which aims to help companies implement the new security measures. This is available on the Department for Transport's website at:

**[www.dft.gov.uk/security/dangerousgoods](http://www.dft.gov.uk/security/dangerousgoods)**

---

<sup>1</sup> They amend the Carriage of Dangerous Goods and Use of Transport Pressure Equipment Regulations 2004 (S.I. 2004/568)



Such measures may require planning permission from the local planning authority. For example, it is likely that new high-lux external lighting or fencing over 2m tall would require planning permission.

Applicants should make appropriate reference to the new 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 regulations<sup>2</sup>, in particular that they have the appropriate consent to store hazardous substances. Applicants may want to discuss this with their local planning authority, which in many cases is the hazardous substances authority.

Pre-application discussions between the applicant and the local planning authority are strongly recommended. The applicant should be prepared to explain the reasoning behind the proposals and the alternative options that have been explored for achieving the appropriate level of security. Such dialogue should also help identify and resolve issues at an early stage and to facilitate the formal application process.

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

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 new Regulations.

In summary, in seeking to arrive at the best solution for the site, authorities and applicants should try to agree, at the earliest possible stage, how the opportunities and problems the site present could be addressed and should ensure that 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: [dqsecurity@dft.gsi.gov.uk](mailto:dqsecurity@dft.gsi.gov.uk)

For information, this letter is being copied to nominated industry security contacts that are subject to the Regulation.

Yours sincerely



ROSEMARY THOMAS  
Head Of Planning Division

---

<sup>2</sup> See The Planning (Hazardous Substances) Regulations 1992 (S.I. 1992/656) and the amending regulations, the Planning (Control of Major-Accident Hazards) Regulations 1999 (S.I. 1999/981)