

Report of:	Managing Director
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Portfolio Leaders:	Environment / Housing
Key Decision:	No
Report Track:	Cabinet: 13/06/19

CABINET
13TH JUNE, 2019
NOMINATIONS TO THE CHENET CHASE DEVELOPMENT
INVITED BY WALSALL HOUSING GROUP

1 Purpose of Report

- 1.1 To update Cabinet on risk issues with the Chenet Chase development and the collaborative work that has been undertaken to assess risk and identify additional non-statutory risk mitigations.
- 1.2 To note the additional non statutory risk mitigations that have been identified for implementation by Walsall Housing Group and on the basis of this confirmed commitment, to approve nominations from the Council's housing list to the 48 vacant dwellings subject to Walsall Housing Group taking all reasonable steps to implement the additional risk mitigations.
- 1.3 To approve a grant of up to £100,000 for the 48 vacant dwellings from the New Homes Bonus Earmarked Reserve given the unusual circumstances that has led to these being vacant for so long;
- 1.4 To support a request to Axil Integrated Services that the company consider the installation of a Hydrogen Cyanide Sensor (HCN) sensor on their site in order to promote public safety further, as identified in the technical report from AECOM.

2 Recommendations

- 2.1 That Cabinet note the additional technical evidence on risk produced by Axil Integrated Services, Staffordshire Fire and Rescue Service, Galliford Try and Walsall Housing Group since planning consent was granted for the Chenet Chase Development in January 2016.

- 2.2 That Cabinet note the constructive and collaborative dialogue that has taken place with all key stakeholders between 2017 and 2019 on risks and options to mitigate.
- 2.3 That Cabinet note the additional non statutory risk mitigations which Walsall Housing Group have confirmed will be implemented (subject to planning consent), which are
- 4m high Heatshield along the entire boundary with Axil Integrated Services (new planning decision required)
 - The fitting of water sprinklers to plots 51-68 (apartment block) and plots 40-50 (houses) on the Axil boundary perimeter.
 - The removal of two car parking spaces along the boundary with Axil to reduce fire risk (new planning decision required)
 - The installation of gated access to the apartment block to reduce fire risk on the Axil boundary.
 - That a Quarterly review meeting is held with all key stakeholders on an ongoing basis to review and monitor risk issues and take any appropriate actions for further risk mitigation.
- 2.4 That Cabinet note that further planning decisions will need to be taken in order to facilitate the mitigations described in 2.3
- 2.5 That Cabinet agree on the basis of the mitigations set out in 2.3 that nominations will be made to Walsall Housing Group for all 48 vacant dwellings with 15 requiring non-physical mitigations in the first phase and the remaining 33 after the physical works have been completed in full.
- 2.6 That Cabinet approve that a letter to Axil Integrated Services is sent requesting that the company consider the installation of a Hydrogen Cyanide Sensor (HCN) (as set out in the AECOM report) as a further non statutory risk mitigation to promote public safety.
- 2.7 That Cabinet agree that any individual on the Council's housing list who is offered a property at Chenet Chase will be made fully aware of all the risk information beforehand and if they refuse, this will not affect their housing application status.
- 2.8 That Cabinet approve the participation of Council officers in the Quarterly Review meetings with all key stakeholders; and consider the need to set up a Resident Liaison Group to ensure that all residents irrespective of tenure are kept up to date with developments on and around the site.
- 2.9 That Cabinet approve a grant of up to £100,000 in relation to the 48 vacant dwellings from the New Homes Bonus Earmarked Reserve subject to the

properties being brought back into use and that Walsall Housing Group implement the additional risk mitigations set out in recommendation 2.3.

- 2.10 That Cabinet delegate authority to the Managing Director to ensure implementation of the above recommendations and any associated matters.

3 Key Issues and Reasons for Recommendation

- 3.1 Planning consent was granted in 2016 for the Chenet Chase development of 111 dwellings of which 50% would be affordable homes managed by Walsall Housing Group. There were no formal objections received from any of the statutory bodies consulted during the planning process on the grounds of public safety and therefore, there was no justifiable reason not to grant this consent. The operator (Augean then Axil Integrated Services) of a hazardous waste site adjacent to the residential site objected throughout the planning process but did not submit any evidence to substantiate the risks they identified. Conditions were placed at the time to mitigate noise and odour risks which were raised as key concerns in the planning process.
- 3.2 Nominations were invited by Walsall Housing Group and submitted by the Council to the first seven social dwellings in June 2017. Technical evidence was submitted to the Council in July 2017 by Augean in the form of the Hudson Consultancy Report that identified additional risks associated with fire and the release of toxic gas which could impact on residents of the new dwellings. A stakeholder group was convened by the Council to examine the risk issues further and this consisted of Walsall Housing Group, Augean / Axil, Staffordshire Fire and Rescue Service, Galliford Try, Environment Agency and Cannock Chase Council planning and environmental health. The Health and Safety Executive declined to be involved despite numerous requests. Walsall Housing Group took the decision not to tenant the 48 vacant dwellings until the risk issues were more clearly understood and Cannock Chase Council decided not to make any nominations for the same reasons.
- 3.3 Substantial discussions and additional technical evidence on risk has been commissioned over the past two years. This report sets out the detail of additional risk mitigations (some of which are subject to additional planning decisions) which Walsall Housing Group has confirmed in writing that it is willing to undertake. On the basis of these additional non statutory risk mitigations it is recommended that the Council does nominate to the 48 vacant dwellings.

4 Relationship to Corporate Priorities

- 4.1 This report supports the Council's Corporate Priorities as follows:
- (i) Increase the supply of affordable housing in the District as a key foundation for promoting Community Wellbeing and Economic Prosperity.

5 Report Detail**Background**

- 5.1 In 2013, an outline application was submitted by GVA Grimley acting on behalf the freehold owner for a residential development plus public house and public open space on industrial land off Lakeside Boulevard, Bridgtown, Cannock. Various objections / holding objections were received from Augean (a hazardous chemical processing plant adjacent to the site), National Grid, County Highways, County Minerals and Waste Authority and the Environment Agency (on grounds of pollution to controlled waters). There was a period of time whilst these objections were considered, additional information sought and several of the objections resolved.
- 5.2 On 22 April 2015, the Planning Control Committee considered CH\13\0323 essentially establishing the principle of developing the site for a predominantly residential scheme. Augean were present at the meeting and objected to the principle; GVS Grimley acting on behalf of the owner supported the principle. The Committee agreed the principle of development subject to a range of S106 conditions. Concerns were also raised by some Members about having a Multi-Use Games Area (MUGA) on this site.
- 5.3 On 27th January 2016, the Planning Control Committee resolved that subject to the S106 Agreement being completed and delegation given to the Head of Economic Development to agree any variations to the proposed conditions, the application be approved (Appendix 1). As part of the decision, it was confirmed that the Section 106 Agreement would require Cannock Chase District residents to have the nomination rights to the affordable rented properties. The planning approval decision was unanimous of those Members present
- 5.4 In summary, no objections were raised in the planning process on the grounds of public safety relating to the storage of flammable solvents from any statutory body. There was no technical evidence submitted by Augean to quantify or substantiate the risk (this was produced months after the full planning decision was taken). There was no legal reason not to grant planning consent for residential development and therefore, the Planning Control Committee approved with reserved matters to be considered separately.
- 5.5 Having established the principle that residential development of the site was appropriate, the second key decision point was on 29 June 2016 when the reserved matters application was considered by the Planning Control Committee in terms of Access, Appearance, Landscaping and Site Layout - the planning application reference for this is CH/16/124 and is all in the public domain. It was also confirmed formally that 55 of the 111 dwellings were social housing (50%).

- 5.6 Cannock Chase Council has the right to make nominations to the 55 social housing units on this site that are to be managed by Walsall Housing Group (the Registered Provider). Schedule 2 (Affordable Housing) in the S106 Agreement dated 29 March 2016 sets out the arrangements as follows (clause 2.7 and 2.8):

“The Affordable Housing Units shall be advertised to potential occupiers only through the Councils Choice Based Lettings Policy or any replacement scheme and made available to and be occupied by people who are registered with the aforementioned Choice Based Lettings Policy and are aged 18 and over and reside within the Cannock Chase District or are a qualifying member of the HM Armed Forces and their resident dependents”.

“The Council will have nomination rights of 100% of the initial lettings of the Affordable Rented Housing Units in accordance with paragraph 2.7 (above) and 50% thereafter”

- 5.7 The site plan locates the social housing in four clusters on the site. 29 of the 55 Walsall Housing Group properties are adjacent to the boundary with Augean. 18 (plots 51-68) of these 28 are in one three story block of flats that are the nearest building to the Axil site at approximately 3 metres distance. Of the 10 (plots 51-50) houses adjacent to the Axil site, all are separated by an access road and landscaping so do not abut the boundary in the way that the block of flats (plots 51-68) do. 27 of the 55 Walsall Housing Group properties are not adjacent to the boundary with Axil. So in summary, just over half of the 55 Walsall Housing Group units are adjacent to the Axil site and the other half are in other locations on the site. It is also a fact that some of the owner occupied properties (e.g. plots 18-25) are nearer in distance terms to the Axil site than some of the Walsall Housing Group units (e.g. 92-102).
- 5.8 Walsall Housing Group invited the Council to make nominations to the seven properties delivered in June 2017 facing Lakeside Boulevard. Cannock Chase Council completed nominations to these seven properties in July 2017 before the Hudson report was submitted. There have been no issues with these seven occupied properties since.
- 5.9 On 20 July 2017, the Managing Director (MD) of Cannock Chase Council received an email from the Managing Director of Augean describing a fire incident that had occurred at an Augean site in Paisley on 8 July 2017 and also attaching a report by Hudson Consulting which modelled the impact of the consequences of both a fire and release of toxic gas in the immediate area of the Augean site in Bridgtown. The MD took advice from Planning and Environmental Health officers and also emailed senior officers at Staffordshire Fire and Rescue (FARS) on 2 August 2017 sending the email and report through and asking for their assessment. The response from FARS indicated that they had some concerns about the potential risks to the properties adjacent to the Augean site and based on this, the MD decided to convene a meeting of all parties involved (FARS, Augean, Walsall Housing Group, Galliford Try, Environment Agency,

CCDC Planning and Environmental Health) to discuss these risk issues and the options to mitigate or remove the risks.

5.10 A number of meetings then took place with all stakeholders involved. The Health and Safety Executive were also contacted and invited to be involved but they declined. Meetings took place on 5 October 2017, 31 October 2017, 10 January 2018, 20 February 2018 and 28 February 2019. These meetings led to the commission of a substantial body of technical evidence on risk and risk mitigations. The evidence produced was as follows:

- Hudson Consultants Ltd (Axil Integrated Services)
- Deputy Chief Fire Officers report [V5] (Staffordshire Fire and Rescue Service)
- C.S Todd and Associates (Walsall Housing Group)
- AECOM Report (Walsall Housing Group)
- McPhelan Fire Consultancy Report (Galliford Try)

There has been substantial dialogue involving all stakeholders except the Health and Safety Executive who declined to be involved. Technical experts have presented their assessments and potential risk mitigations to the stakeholder group. Following completion of the technical evidence, the point was reached by the end of February 2019 where Walsall Housing Group needed to take a formal decision as to whether or not the dwellings were going to be occupied; and based on this judgement, whether Cannock Chase Council were going to nominate individuals to occupy the dwellings.

5.11 The Council has released all technical risk evidence in its possession into the public domain following a request from a local resident under the Freedom of Information Act. It has also made this available to all elected Members directly. During 2017, the Managing Director took the decision that all nominations from the Council to Walsall Housing Group should be suspended until the public safety risk issues and any additional risk mitigations are clarified.

5.12 In considering and understanding the risk issues associated with residential dwellings adjacent to the perimeter of Axil Integrated Services, it is important to understand the framework that governs and manages risk. That is because there are already a number of substantial statutory safeguards in place to manage and mitigate fire risk and the risk of a toxic gas release from the Axil Integrated Services (Axil IS) site.

- The primary safeguard is that the Axil site is permitted and regulated by the Environment Agency. There have been no compliance issues in terms of breaches of approved permit. The regulator has no concerns about the competence of Axil IS and its predecessor company Augean.
- Under health and safety legislation, Axil IS also has statutory duties to maintain a safe working environment and to have up to date fire risk

assessment that has regard to any changing circumstances such as housing on its perimeter. This statutory obligation has led to the production of a revised Fire Risk Assessment by Rhino Fire Control in November 2017 for Augean / Axil IS.

- The Health and Safety Executive (HSE) has designated the site as a Sub Control of Major Accident Hazards (COMAH) site. HSE has not applied any conditions or safeguards in the planning process for residential development. Axil is accountable to the HSE for the production of a risk assessment for Dangerous Substances and Explosive Atmosphere (DSEAR) compliance. Axil is required by legislation to demonstrate that it has carried out a risk assessment and has reduced the risks from dangerous substances present on site to a level which is considered by regulatory guidance to be tolerable.
- There is a Tactical Plan produced by Staffordshire Fire and Rescue Service in conjunction with Axil Integrated Services in the event of an incident on the site. This is regularly reviewed, updated and exercised. Staffordshire Fire and Rescue has also assessed the risk mitigations proposed by WHG and their comments are attached in Appendix 2.
- Over the past two years of considerable scrutiny of Axil Integrated Services (and predecessor company Augean PLC) site operations, it has become clear that the site is a well-managed operation and the company takes its obligations for safety very seriously. The company always comply with legislative and regulatory requirements and actively works to prevent occurrence of accidents and incidents.
- In particular, no concerns have been raised about Axil Integrated Services by:
 - a. The Environment Agency as regulator of the site;
 - b. The Health and Safety Executive as regulator of DSEAR;
 - c. Staffordshire Fire and Rescue Service;
 - d. Cannock Chase Council – Environmental Health Services;
 - e. Hudson Report (commissioned by Axil)
 - f. CS Todd and Associates (report 2018);
 - g. AECOM (report 2018).

Therefore, it is factually correct supported by substantial evidence to conclude that Axil Integrated Services is a highly responsible operator who complies with all regulatory requirements, health and safety legislative requirements and fully co-operates with both Staffordshire Fire and Rescue Service and Cannock Chase District Council. This strong track record of compliance across all regulatory bodies and statutory requirements suggests that the likelihood of a serious incident on the site is low.

5.13 However, the risk of an incident is not zero even with any additional safeguards. In the last 11 years, there has been one fire incident and one hazardous materials incident on the waste site that required Fire Service involvement. The fire incident on 10 March 2009 involving an industrial shredder with no casualties. The hazardous materials incident was on 5 November 2010 involving an explosion within a building on site involving acid gas residue. One male with burns and 12 individuals decontaminated by the Fire Service. There have been seven dwelling fires within 500 metres of the site in the same time period.

5.14 It is therefore incumbent on all parties to mitigate and reduce risk of a serious incident on the site as far as possible. This will involve putting mitigations in place that are not statutory requirements but would contribute to reducing the risk of a serious incident. Walsall Housing Group has confirmed its intention to tenant the vacant dwellings subject to implementation of a number of additional non statutory risk mitigations which are as follows:

- 4m high Heatshield along the entire boundary with Axil Integrated Services (new planning decision required)
- The fitting of water sprinklers to plots 51-68 (apartment block) and plots 40-50 (houses) on the Axil boundary perimeter.
- The removal of two car parking spaces along the boundary with Axil to reduce fire risk (new planning decision required)
- The installation of gated access to the apartment block to reduce fire risk on the Axil boundary.
- That a Quarterly review meeting is held with all key stakeholders on an ongoing basis to review and monitor risk issues and take any appropriate actions for further risk mitigation.

The structural integrity of the heatshield will be signed off by an independent structural engineer who is appointed via whg and will not be associated with the heatshield company. The new 4m high heatshield will need to have a structurally sound design and be independently assessed. Staffordshire Fire and Rescue have commented on the fire related risk mitigations and this is set out in Appendix 2. Based on the formal commitment of Walsall Housing Group to fund and implement these additional non statutory risk mitigations and subject to additional planning decisions that will be required, it is recommended that the Council nominate to all 48 vacant dwellings in phases and when invited to by Walsall Housing Group. Axil Integrated Services, Staffordshire Fire and Rescue and Cannock Chase Council would all need to work collaboratively with Walsall Housing Group to deliver these safeguards. In addition, the Environment Agency and the Health and Safety Executive would both need to be updated on a regular basis as to the implementation of the safeguards and Walsall Housing Group have confirmed they will take responsibility for this.

- 5.15 Based on the technical evidence produced by Walsall Housing Group (the AECOM Report) Cannock Chase Council also believe that an additional safeguard should be put in place that mitigates the risk of release of toxic gas from the Axil site. It recommends that Axil Integrated Services should consider the installation of HCN (Hydrogen Cyanide) sensors on site and linked to site management mobile phones via SMS systems and an audible public warning system so that the risk of a release occurring undetected until after harm had occurred would be reduced and residents could have the opportunity to evacuate at the earliest possible opportunity (Section 5: Aecom report recommendation). The District Council fully understands that it is not a statutory requirement but includes it as another safeguard that could reduce risk and harm to residents and businesses in the area in the event of a release of hydrogen cyanide from the site. None of the other safeguards directly address this risk. It will be up to Axil Integrated Services to decide if they consider it proportionate to install and maintain HCN sensors on their site or not in order to reduce risk and promote public safety. The District Council has no authority over this matter and it is not a legal or regulatory requirement at the present time.
- 5.16 In making nominations to the 48 vacant dwellings, there will be full disclosure on risk and risk mitigations to all individuals who are interested in living in these residential units. This will include a factsheet; copies of all risk reports produced which are now in the public domain and information on additional non statutory safeguards to mitigate the risk of a serious incident. Any person on the waiting list who turns down offer to be nominated due to risk will not suffer any detriment in terms of their priority banding nor housing application status. If the non-statutory safeguard relevant to Axil Integrated Service is approved by Regen Holdings and a HCN sensor is to be installed on site, Cannock Chase Council will include this in information provided to potential tenants of the vacant dwellings. Equally, if the non-statutory recommendation is not accepted by AIS potential tenants of the vacant dwellings will also be informed.
- 5.17 Walsall Housing Group are also proposing that a Quarterly Review meeting is held with all stakeholders to explore issues and concerns and appropriate updates of risk assessments and working practices. Cabinet is asked to approve the participation of Council officers in the Quarterly Review meetings with all key stakeholders. The residents also have a right to be kept informed of any developments that affect the estate they live in. To this end, consideration needs to be given to set up a Resident Liaison Group to ensure that all residents irrespective of tenure are kept up to date with developments on and around the site. Residents will be canvassed for their opinions on this and if it is considered helpful, then the Council should convene this on an 'as and when' basis.
- 5.18 WHG has been paying Council Tax on the 48 vacant dwellings in 2018/19 (part - year) and Council Tax is liable for 2019/20 for same. The Council is obliged by law to charge Council Tax at 100% on vacant dwellings that have achieved practical completion and that have been empty for less than two years. If the properties remain vacant after two years, the Council is obliged to charge

Council Tax at 200% which would commence from August 2020. This national policy is designed to discourage owners keeping empty properties in the face of significant demand for housing of all types. The Council recognises the unique circumstances that apply to these dwellings and the need to understand risk factors and plan for additional risk mitigations before some of the dwellings can be occupied.

- 5.19 Although the Council cannot amend the liability for Council Tax, it is recommended that the Council approve a grant of up to £100,000 in relation to the vacant dwellings in 2018/19 and 2019/20 from New Homes Bonus funding subject to the properties being brought back into use and action by WHG Board to implement the risk mitigations set out above in Recommendation 2.3.
- 5.20 Taken as a whole, these package of additional non statutory risk mitigations set out above in Recommendation 2.3. together with the fact that Axil Integrated Services is a highly responsible operator that takes its legal duties for health and safety seriously, reduces the likelihood and potential impact of a significant incident on both residents (whether owner occupier or WHG tenants) and employees of Axil Integrated Services. For example, the 4m heatshield together with the sprinklers in the residential dwellings on the boundary provide a double layer of protection in the event of a significant fire on either site. However, the risk is not reduced to zero. Risks may change over time and that is why it is essential that a quarterly meeting of the key bodies involved in the site should meet and that appropriate steps are taken to keep all residents informed irrespective of tenure. This will need to be an ongoing commitment.

6 Implications

6.1 Financial

Provision of £101,000 exists within the New Homes Bonus earmarked reserve as at the 31 March 2019.

New Homes Grant is currently allocated by the Ministry for Housing and Local Government based upon the number of net additional properties entering the Valuation Office Agency Rating List during a 12 month period. Payment is made not only for new properties but also for bringing long term empty properties into use. Should the 48 properties remain empty the Council would suffer a financial loss in relation to its new Homes bonus funding.

6.2 Legal

In the event that any incident arose, giving rise to damage to persons or property, the Councils liability would be limited to those matters for which it had sufficient causation. In this instance, the Council is only considering whether to nominate potential occupiers to these dwellings and is not in control of the dwellings or the adjoining site. However, to mitigate any potential claim against the Council, it would be prudent to seek sufficient assurance that appropriate

safety precautions have been taken in relation to the occupation of these dwellings.

6.3 Human Resources

There are no human resource implications in the report.

6.4 Section 17 (Crime Prevention)

None

6.5 Human Rights Act

There are no human resource implications in the report.

6.6 Data Protection

All data will be managed in compliance with GDPR.

6.7 Risk Management

The risk issues are set out in the report and the additional non statutory risk mitigation factors are described in detail.

6.8 Equality & Diversity

There are no equality or diversity implications to be addressed in taking forward the risk mitigation measures. The risk mitigation measures are being applied to the dwellings on the boundary of Axil and therefore on the basis of highest risk rather than any other factor that might create discrimination.

6.9 Best Value

This report does contain additional proposal for expenditure on the vacant dwellings before they are let. The additional expenditure is justified as it reduces the risk of a serious incident impacting on local residents living adjacent to the Axil Integrated site.

7 Appendices to the Report

Appendix 1

Correspondence from Walsall Housing Group Chief Executive dated 22 May 2019

Appendix 2

Assessment of Risk mitigations by Staffordshire Fire and Rescue Service

Background Documents – Technical evidence on Risk and Risk Mitigation

- Hudson Consultants Ltd (Axil Integrated Services)
- Deputy Chief Fire Officers report [V5] (Staffordshire Fire and Rescue Service)
- C.S Todd and Associates (Walsall Housing Group)
- AECOM Report (Walsall Housing Group)
- McPhelan Fire Consultancy Report (Galliford Try)

These have been released in public and will all be published on the Council's website.



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23 May 2019

Dear Tony

RE: Proximity of Axil Integrated Services to New Homes at Chenet Chase, Lakeside, Cannock

I write following your recent letter inviting us to set our proposals for moving forward with the occupation of our homes on the Lakeside development. We have now carried out a comprehensive review of the health and safety concerns raised in connection with the above and I write to confirm the current position.

On 26 April 2019 our internal steering group, supported by key technical and legal experts presented its findings to our Group Board. At the meeting they detailed our understanding of the risks posed, the probability of them occurring and the mitigation measures required to effectively manage these matters.

As a result, the Group Board made a unanimous decision to formally seek nominations from Cannock Chase District Council for the 48 currently unoccupied homes. In doing so, it had firstly noted that 15 of these are in fact “without issue”; given their distance away from Axil Integrated Services’ (Axil) boundary. They then focused on the remaining 33, which sit “within issue” i.e. the circles of potential consequence, as set out in both the Hudson and AECOM technical reports.

In satisfying itself that an appropriate assurance framework supported this decision, the following information was considered:

- Lay person interpretation of the highly technical data presented through the Hudson, AECOM and CS Todd reports.
- Legal advice relating to the extensive regulatory framework which Axil is duty bound to work within, given its sub-COMAH (Control of Major Accident Hazards) status which is enforceable by the Environment Agency and the Health & Safety Executive.



- Legal advice relating to the Health & Safety at Work Act etc. 1974 (section 3) and whg's own duty of care to non employees. Sat alongside this were possible physical and non physical mitigation measures open to whg in discharging this duty of care.
- The outcome of a professional review of Axil's operating practices and risk assessments.
- The Group Board's previously agreed appetite for risk in relation to health and safety matters.
- The opinion of the Health & Safety Executive – gleaned by both Axil and whg independently, confirming they had no health & safety concerns (attached).

The decision to let the 33 homes “within issue” was predicated on the adoption of a range of physical and non physical mitigation measures proposed by the steering group.

The steering group has since worked up the technical specifications for such works and associated costs. This has been carried out in full collaboration with Galliford Try Partnerships and in consultation with the Staffordshire Fire and Rescue Service for their suitability and effectiveness.

As a result, I can confirm that whg (in partnership with Galliford Try Partnerships) will seek to provide the following physical and non physical mitigation measures in advance of letting the 33 homes and subject to obtaining planning permission, where required.

Mitigation Measure	Specification / Objective	Estimated Cost (met 50/50 by whg / Galliford Try Partnership)
Physical measure 1 - removal of wooden acoustic fence and installation of a radiant heatshield barrier to the entire boundary of Axil's plant where it bounds our properties (see example image below).	The specialist heatshield will be designed to reduce the impact of radiant heat from any potential heat source within Axil's boundary and facilitate safe escape from our adjacent homes, whilst also providing the same benefit to members of the public and emergency services.	£275,000



	<p>The current radiant heat exposure limit at which a typical person can be expected to escape in the event of a fire is from 4kW/m² and the heatshield will provide this within 150mm of its surface and further reduces to 1.44kW/m² at 1200mm, which is below the continuous exposure limit (based on the data contained within the Hudson and AECOM reports).</p>	<p>The proposed heatshield is made up of a face of radiant mesh with an open area of 34% and a rear perforated plate face. This combination also boasts acoustic barrier properties i.e. the original intention of the wooden fence.</p>	<p><i>We will require the Council's assistance as to how this can be expedited through the planning process so that we can let our vacant homes and provide assurance to nearby residents.</i></p>
<p>Physical measure 2 - sprinklers to plots 40-50 (10 houses) and plots 51-68 (18 apartments) fronting the boundary with Axil.</p>	<p>A self contained water mist sprinkler system. This system will help reduce the spread of any fire from within these homes, thereby minimising the potential for embers to enter the Axil site, whilst also facilitating safe escape for residents.</p>	<p>£110,000</p>	
<p>Physical measure 3 - removal of 2 visitor car parking spaces along the boundary with Axil.</p>	<p>This will reduce the potential of car fires within the immediate vicinity of Axil's boundary.</p>	<p>£5k</p>	<p><i>We will not look to replace these within the site boundary as we consider there are enough spaces remaining. In order to minimise the costs associated with making the homes available for letting, we would ask that the Council support this planning related position.</i></p>



Physical measure 4 - installation of gated access to the apartment block.	To reduce the likelihood of antisocial behaviour/rubbish being deposited which could present a fire risk adjacent to Axil's boundary.	£5k
Non physical measure 1 - awareness pack for prospective tenants.	<p>This will provide full and open details and FAQs on the health and safety concerns resulting from the proximity of the homes to the Axil plant; their probability and the mitigation measures adopted. It will provide signposting to key technical data (upon request) and key contact details for obtaining support in full understanding.</p> <p>The Staffordshire Fire and Rescue Service (SFRS) will further support resident understanding by visiting each resident upon first and all future lettings.</p> <p>Both interventions will provide guidance on how to respond to a health and safety related "event" should one occur.</p>	
Non physical measure 2 - regular "good neighbour" dialogue.	It is proposed that we hold a quarterly review meeting with Axil (supported by Cannock Chase District Council's Environmental Health team and a representative from SFRS) to explore issues and concerns and appropriate updates of risk assessments and working practices.	

In addition to the measures we can control and implement, we would ask that Cannock Chase District Council formally asks Axil to install a gas monitoring system, on their side of the boundary with our properties. We acknowledge that you would be unable to enforce such a request, but the Group Board would welcome you exerting suitable pressure on them to do so.

In conclusion, whg formally seeks nominations from the Council for the letting of all 48 homes in 2 phases. Phase 1 being 15 homes "without issue" and without the need to firstly put any physical mitigation measures in place (non physical measures



1 and 2 will still apply). Phase 2 being the 33 homes “within issue” after physical mitigation measures 1-4 are implemented.

Finally, the Group Board has asked me to extend their thanks for the Council’s agreement to reimburse up to £100,000 in Council Tax at the point of letting all 48 homes, it is greatly appreciated. As I am sure that the Council will appreciate, the implications of not being able to let these homes has had a significant financial impact on our business – this reflects our desire to be a key partner of the Council in delivering new homes to meet the needs and demands of your local citizens.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gary Fulford', written in a cursive style.

Gary Fulford
Group Chief Executive



Staffordshire Fire and Rescue Service (the Service) met on 20 May 2019 with representatives of Walsall Housing Group (WHG) to discuss their proposals to mitigate the risk of fire spread from the neighbouring Axil Service's site to their residential properties and from the residential area to Axil Service's site.

In terms of WHG's proposals, they have taken into account the options and recommendations we suggested in our report dated January 2019 which followed on from the Hudson Report dated 7 November 2016.

We maintain that in providing advice and guidance for the purpose of promoting fire safety, the proposed actions would help to reduce both the likelihood and consequence of a fire occurring at Axil Service's site, or in the neighbouring WHG dwellings, and will assist in reducing risk during any the tactical operation for firefighting by the Service should an incident occur.

The proposed actions to mitigate risk do complement each other. The measures regarding sprinklers are particularly welcome: there is a wealth of evidence that shows that they safeguard residents from the risk of fire in any event. In line with Service policy, we are also committed to a home visit programme for WHG residents (a Safe and Well Check) which will mean that occupants are given the opportunity to receive a home visit and an assessment which is centred on making people as safe as possible from the risk of fire. This would be advisable on first occupation and any change that follows thereafter.

In addition, the Service is supportive of the proposal to meet again with stakeholders in order to review arrangements and risk assessments. However, it should be noted that the Service can only provide advice and guidance on fire safety standards in domestic premises. It is for WHG to determine, monitor and review their fire safety arrangements. In terms of Axil Services, the Regulatory Reform (Fire Safety) Order 2005 does apply to them and, as such, they must comply with fire safety law.

Whilst the Service can provide advice we have a duty to enforce fire safety in non-domestic premises and we need to ensure that any advisory role undertaken does not compromise the Service's position as the enforcing authority.