

HEALTH AND SAFETY EXECUTIVE		HID Semi Permanent Circular	
Hazardous Installations Directorate		SPC/TECH/GEN/27	
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TO:

HID Staff in CI1, CI2, CI3, CI5, SI2 and SI3 (Bands 1-3)

CONTACTING HAZARDOUS SUBSTANCES AUTHORITIES REGARDING COMAH SITES WITHOUT HAZARDOUS SUBSTANCES CONSENT

PURPOSE

This SPC provides a template letter to be used when contacting a Hazardous Substances Authority (HSA) regarding a COMAH site that appears to have no hazardous substances consent.

BACKGROUND

1. Some inspectors in HID have identified COMAH sites for which we have no hazardous substances consent details. Although strictly speaking a COMAH site may not need hazardous substances consent, as COMAH includes anticipated presence of hazardous substances, it is most likely that a COMAH site will need consent.
2. The hazardous substances consent details are used by CI5 (previously known as MSDU) when setting a consultation zone around a major hazard site. The consent details are considered when providing advice on planning applications for developments within the vicinity of a major hazard site. With regard to COMAH, the consultation distance is used when determining domino groupings.
3. HID can set a consultation distance and give planning advice and determine domino groupings without consent details. However the consent details provide a fuller picture of what substances and quantities could be stored on site, which allows a better assessment of the potential risks from the site to be made.

4. Paragraph G30 in the Hazardous Installations Manual (HIM book) states “HSE inspectors are not expected routinely to monitor compliance with the PHS Regulations. However, where hazardous substances are found to be present in circumstances of evident concern and which may, prima facie, involve breaches of the Regulations, the HSA should be informed”. A COMAH site without hazardous substances consent is such a circumstance.
5. The attached letter should be used to inform an HSA of COMAH sites we have identified without any hazardous substances consent details. The letter refers to the role of the HSA, explains what we use the consent details for and asks the HSA to get back to us regarding whether the site has consent or not. The letter asks for consent details if available and requests we be kept informed if there is no consent and the HSA is going to take action.
6. The standard letter will be incorporated in the HIM book at a later date.

PROCEDURE

7. In order to maintain the CI1, 2, 3 and SI2 and 3 offices as the main point of contact with the Hazardous Substances Authorities, it is the relevant CID and SID office that should send out the letter.
8. When such a letter is sent out, please copy CI5 (Risk Assessment and Process Integrity) as their workload will increase when consent details are sent to HSE.
9. Also copy the letter to the company.
10. When someone outside of CI1, 2, 3 and SI2 and 3, e.g. a CI5 inspector, identifies a COMAH site without consent details, then the site details should be supplied to the relevant CID or SID office and a request made to the CID or SID office to send out a letter to the HSA.

FURTHER INFORMATION

If you have any queries or feedback, please contact HID CI4 (VPN 523 4215).

England & Wales: Hazardous Substances Authority

Scotland: Planning Authority

cc: Company name

Our ref:

Date:

Dear

ENGLAND & WALES: THE PLANNING (CONTROL OF MAJOR-ACCIDENT HAZARDS) REGULATIONS 1999

SCOTLAND: THE PLANNING (CONTROL OF MAJOR-ACCIDENT HAZARDS) (SCOTLAND) REGULATIONS 2000

HAZARDOUS SUBSTANCES CONSENT DETAILS

The following companies have notified HSE that their sites listed below have, or are anticipated to have, dangerous substances such that The Control of Major Accident Hazards Regulations 1999 apply.

Company	Site Address
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It follows that the sites are also probably subject to The Planning (Control of Major-Accident Hazards) Regulations, enforcement of which falls to your authority in its role as Hazardous Substances Authority (DETR Circular 04/2000 or National Assembly for Wales Circular 20/01 or Scottish Circular SOEnD Circular 5/1993).

The Planning regulations require companies to obtain hazardous substances consent for their relevant sites. A recent check of our records for the above sites shows that we have no record of receiving from you any application details for hazardous substances consent for the sites.

The details of the consent are used by us when we set a consultation zone for future planning authority consultations about developments in the vicinity of such a site.

The consent details of a site are therefore important for generating HSE advice to the planning authority on the suitability of future planning applications nearby.

I would be grateful if you could check your records and inform me whether the sites above have hazardous substances consent, and if so, provide me with the details (including a copy of all the consent documents).

If the sites do not have hazardous substances consent I would be grateful if you could let me know. Also please let me know of any action you propose (regarding any enforcement action you may take, I refer you to the liaison arrangements in DETR Circular 04/2000 or National Assembly for Wales Circular 20/01 or Scottish Circular SOEnD Circular 5/1993).

I would appreciate a response from you within a month on whether or not the above sites have hazardous substances consent.

Thank you

Yours

HM Principal Inspector of Health & Safety

Tel.

Fax.

Email.