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Dear Ian

UK COMPETENT AUTHORITY COMMENTS ON RECOMMENDATIONS ARISING FROM THE STUDY OF THE EFFECTIVENESS OF THE REQUIREMENTS IMPOSED ON PUBLIC AUTHORITIES IN THE SEVESO DIRECTIVE (ERM STUDY)

Thank you for the opportunity to comment on the recommendations in this report. I apologise for the delay in replying and am grateful to you for allowing us the additional time to consider our response.

Overall, the UK CA welcomes the report. We support the general thrust of the recommendations but would point out that some may be difficult to implement in practice. I have set out our specific comments below.

Land use planning (paragraph 7.1.1)

Whilst we support the principles behind this recommendation it will not be easy to achieve in practice. Ensuring that planning authorities are able to interpret and use technical advice is a difficult task.

Advice to planning authorities can be quite technical and it is important that the reasoning is understood and the advice is given due weight. One of the ways we are trying to improve our approach in the UK is through a series of seminars with planning authorities and the government departments who are responsible for planning policy. We have used these seminars to discuss our land use planning policy around major hazard sites and the methodology we use when we give advice on planning applications. Evaluation has been very positive and we would be happy to share details.

We are not clear what is meant by “consistent safety zones”. Perhaps before this is considered further it may be appropriate to ensure that the EU guidance already developed by TWG5 is embedded into MS’ arrangements.

Inspections (paragraph 7.7.2)

We support this recommendation and are taking similar work forward through the COMAH remodelling programme (<http://hse.gov.uk/COMAH/remodelling/index.htm>).

Safety reports (paragraph 7.7.3)

We support the recommendation for additional guidance but industry rather than public authorities should be encouraged to lead this work (see paragraph 36 of our letter of 8 April 2009 to Mr Hervé Martin on 8 April 2009 about the F-Seveso review).

External emergency plans (paragraph 7.7.4)

We support, in principle, the inclusion of timescales for the preparation of external emergency plans, but flexibility is essential.

Information for external plans can come from a variety of sources and it can be difficult to coordinate its delivery to the local authority. In the UK, the COMAH Regulations recognise this by requiring the local authority to prepare the external emergency plan within six months (or nine months if agreed with the Competent Authority) of whichever of the following allows the longest time:

- being notified by the competent authority that a plan is needed, or
- the date by which the operator must prepare the on-site plan, or
- receiving the information needed to prepare the plan.

Information to the public (paragraph 7.7.5)

It is important that operators are proactive in providing information to the public. Active engagement is important and whilst the internet could supplement other measures (especially if supported by alerts or e-bulletins) it would not, by itself, be an adequate means of informing the public.

Accident reporting

We support this recommendation and would be interested in taking part in discussions.

I hope our response will help the Commission as it prepares to draft the proposal to amend Seveso. I am happy to discuss our comments in more detail if that would be helpful.

Yours sincerely



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