

*Emergency plans in case of major accidents*

25. *-(1) A local authority which has been notified by the Executive that there is, or is to be a major accident hazard pipeline in its area shall before the pipeline is first used or within 9 months of such notification, whichever is later, and subject to paragraph (5), prepare an adequate plan detailing how an emergency relating to a possible major accident in its area will be dealt with.*

*(2) In preparing the plan pursuant to paragraph (1) a local authority shall consult the operator of the pipeline, the Executive and any other persons as may appear to the authority to be appropriate.*

*(3) A local authority which has prepared a plan pursuant to paragraph (1) shall at suitable intervals not exceeding 3 years -*

*(a) review and where necessary revise the plan; and*

*(b) test the plan and take reasonable steps to arrange for the emergency services to participate in the test to such an extent as is necessary,*

*and any such review shall take into account changes occurring in the area of the local authority and within the emergency services concerned, new technical knowledge, and knowledge concerning the response to major accidents.*

*(3A) The local authority shall endeavour to reach agreement with the operator of the pipeline and the emergency services as to how the plan is tested.*

**(a) A local authority which has prepared a plan pursuant to paragraph (1) shall take reasonable steps to put it into effect without delay when an emergency for which it was prepared occurs.**

**(b) in paragraph (6) by substituting the words "in relation to a single plan prepared by them" for the words "where they prepare a single plan"**

***(4) The operator of a major accident hazard pipeline shall ensure that every local authority through whose area the pipeline will pass is furnished promptly with such information as it may reasonably require in preparing the plan referred to in paragraph (1).***

***(5) It shall be deemed to be sufficient compliance with the requirement in paragraph (1) as to the time by which a plan is to be prepared, where such time is exceeded by reason of obtaining of the information referred to in paragraph (4) which has been promptly required.***

***(6) Where a pipeline is to pass through the areas of two or more local authorities the duties under this regulation may be discharged by them in relation to a single plan prepared by them.***

#### Guidance

134 Local Authorities, as defined in the regulations, once notified of a pipeline by HSE, are required by this regulation to prepare an emergency plan for each major accident hazard pipeline passing through their area. The requirement under these Regulations is for emergency plans which should specifically relate to the protection of the health and safety of people, not environmental damage.

135 Though Local Authorities will already have general emergency plans, it will be necessary to either have pipeline specific plans or to include specific reference to each major

accident pipeline and how their emergency arrangements are integrated into the existing emergency provisions in the area covered by the authority.

136 It is intended that emergency plans should only be drawn up or amended after consultation with bodies who may be able to contribute information or advice. In all cases this will include the emergency services (fire, police and ambulance), health authorities, and in Scotland, health boards, hospitals, the pipeline operators, adjacent local authorities and HSE.

Other bodies to be consulted will depend on circumstances and could include other local authorities further along the route of the pipeline, government departments dealing with agriculture, the Environment Agency or its Scottish equivalent, the Scottish Environment Protection Agency, and companies providing water services.

137 Full liaison and effective two-way flow of information is required between the pipeline operator and the local authority. Information from the pipeline operator is needed to enable the authority to draw up the emergency plan, and information from the authority should be available to the pipeline operator to assist in the preparation of the pipeline emergency procedures so as to achieve dovetailing between the pipeline emergency procedures and the LA's emergency plan.

138 The pipeline operator should provide information about the type and consequences of possible major accidents and the likely effects. Information should also be provided on the route of the pipeline, the fluid conveyed and the operating conditions, location of shut-off valves and emergency control arrangements.

139 In the event of an incident involving a pipeline, it is important there is effective communication between the emergency services and [the] pipeline control centre.

140 The emergency plan should be a written document, in a format which can be used readily in emergencies, and kept up to date to reflect changes in risk, procedures, hardware and personnel. The authors of the plan must address all relevant aspects including the following:

- a) the types of accidents to people to be taken into account;
- b) organisations involved including key personnel and responsibilities and liaison arrangement between them;
- c) communication links including telephones, radios and standby methods;
- d) special equipment including fire fighting materials, damage control and repair items;
- e) technical information such as chemical and physical characteristics and dangers of the substance conveyed;
- f) information about the pipeline including route of the pipeline, location of shut-off valves and emergency control arrangements;
- g) evacuation arrangements

[h]f) contacts and arrangements for obtaining further advice and assistance e.g. meteorological information, transport, first aid and hospital services, water and agricultural authorities.

i) arrangements for dealing with the press and other media interests.

o) arrangements for the review, test and revision of the emergency plan.

141 Since an incident on a pipeline could occur at any point along its length, it is often inappropriate to provide location specific advice along the whole length of the pipeline. The plan is likely to focus on those parts of the pipeline which are vulnerable to damage such as road, rail and river crossings and other areas of higher risk. Pipeline plans for this reason are likely to be generic and flexible in nature.

142 In discharging their duties, local authorities must take reasonable steps to ensure that they are preparing plans which will prove adequate in the event of major accidents. This will involve checking and testing the various components of each plan during its development.

[000] The duty to implement the emergency plan lies with the local authority and not the individuals who actually prepare the plan. That duty will have been discharged when there are systems in place to ensure that no reasonable delays between the discovery of a major accident, or an incident that may lead to a major accident, and subsequent activation of the emergency plan. There should be a clear and logical decision making system in place to ensure that as soon as a relevant event has occurred, the plan will be initiated immediately, by those duly authorised.

[000] HSE guidance on pipeline emergency plans and their preparation has been published and is contained in the document "Further Guidance on Emergency Plans for Major Accident

Hazard Pipelines". Copies are obtainable either from HSE Books or good booksellers, quoting ISBN reference 0-7176-1393-3.

[New sub-heading] **Relationship with other regulations**

[000] Under The Control of Major Accident Hazards Regulations 1999 (COMAH), those preparing emergency plans have a duty to take reasonable steps to put their plans into effect without delay when a major accident occurs, or when an uncontrolled event occurs, which could reasonably be expected to lead to a major accident. Explanatory guidance - Emergency Planning for Major Accidents [ref no ] - has been published and is obtainable from HSE Books.

[000] Each set of guidance stresses the importance of dovetailing operators arrangements with those of the local authority, and the importance of active co-operation and co ordination during an emergency. A local authority should consider how all the requirements covering off-site emergency plan implementation under COMAH, might link with PSR, in the light of its overall emergency planning arrangements and emergency response

149 The local authority shall review and test, and where necessary, revise and update the plan at suitable intervals so that it can be relied upon to work effectively in an emergency. The maximum interval for both review and test of the emergency plan should not exceed three years.

[000] The review is a fundamental process which examines the adequacy and effectiveness of all the components of the emergency plan and how they operate and function together. The

review process by its very nature will also demonstrate that work on the emergency plan is ongoing and is clearly recognised as a live document.

The review process should take into account:

new additions and major modifications to the pipeline, including change of operator;

new developments in the vicinity of the pipeline;

any changes, including organisational restructuring, in the emergency services and others, identified as relevant to the plan;

advances in technical knowledge, which might lead to greater understanding of hazard and the risk consequences;

knowledge gained as a result of major incidents either on the specific pipeline or elsewhere;

the testing of the emergency plan;

and,

the views of pipeline operators, emergency services and those others who may have an interest.

[000] An emergency plan test is a task or series of tasks undertaken to give confidence in the accuracy, completeness and practicability of the emergency plan. The local authority must undertake a reasonable level of testing in order to have confidence in the plan. Whilst the cost and resource implications of applying the test arrangements should be considered by the local authority, this should be done without jeopardising health and safety, with the task or tasks chosen being justified and quantified in terms of risk.

[000] Testing a pipeline emergency plan may take place at table-top level or as a live event, and will usually examine the response immediately following an incident. Testing should be carried out at least once every three years. A table-top exercise should demonstrate whether the constituent parts of the plan, along with the emergency response plans of other organisations, will work together. Testing of actual component parts of the plan should demonstrate whether the plan can be put into effect successfully. A live event would demonstrate the same effect but with the added advantage that personnel and resources would be acting on the ground as in a real emergency.

[000] Tests are normally based on a simulated event, or events, drawn from local circumstances by the local authority, and the hazards identified by the pipeline operator.

[000] Table top exercises bring together all the appropriate personnel and resources in one place to work through their roles in a realistic way, as in the event of an emergency. Table top exercises are flexible and can test the response to more than one of the identified hazards

with very little additional effort and expense. They can also be used to introduce an element of live testing.

[000] Live exercises involve the deployment on the ground of appropriate resources in a simulation of their actual response to an incident. Whilst they have clear “hands-on” benefits for the staff involved, they are time consuming and resource intensive, and their use needs to be carefully considered in order to gain the maximum benefit.

[000] Although there is no specific requirement on how a pipeline emergency plan should be tested, it is essential that some degree of live testing takes place. This might not need to extend to a full-scale live exercise, but would simply focus on parts of the plan. This should always include the communication arrangements, but might also be extended to accessibility. Whilst being able to gain access to any point along the route of the pipeline is important, for certain parts access is likely to be critical. By identifying those sites with potential access problems, and then testing out the logistics of actually getting emergency vehicles and equipment to them, might be considered worthwhile. Alternatively, key sites could be identified for visit by emergency personnel, where they would assess accessibility.

[000] Testing the adequacy of the communication arrangements between key players could take the form of a control post exercise. It will normally involve all the appropriate resources at the posts they would take up in the event of an incident, or at a suitable artificial location. Without deploying any resources personnel work through the necessary communications that need to be carried out in response to an accident. The exercise may include simulating some of the potential problems that can be experienced during real incidents.

[000] The testing of a pipeline emergency plan should not be confused with the normal training arrangements of any of the parties involved. Whilst testing can provide a training benefit, the purpose of the test is to demonstrate that the plans are accurate, complete and practicable.

Testing offers local authorities and the emergency services a valuable opportunity to build up levels of understanding that can be reflected in the review and subsequent revision of both the pipeline emergency plan, and other emergency response plans. Experiences gained and lessons learned also have a transfer value, and local authorities should give thought to how they might be shared with other local authorities and emergency services.

Where a pipeline carries across several local authority areas and is controlled by the same operator, the scope for joint testing arrangements should always be considered by the respective local authorities, in an effort to avoid any unnecessary duplication of resource and effort, by all likely to be involved, and unjustified costs falling on the pipeline operator. Even where joint testing is not appropriate, it is important that all the local authorities agree phased test arrangements with the operator.

[000] In planning the extent of test arrangements, the local authority should set out to reach agreement with the pipeline operator, the emergency services and adjacent local authorities on the arrangements to be put in place. Agreement will need to be made on setting the overall objectives of the test arrangements and establishing the most appropriate and cost effective route to reach them. Account will need to be taken of previous incident history and other safety critical data affecting the pipeline, as will essential input from the pipeline operator and emergency services, to enable a suitable scenario for test to be established and a method of approach to be agreed.

[000] It will be the role of the local authority to frame, and agree, the objectives for the test drawing from the objectives set by each participating organisation. Close liaison and active involvement with all participating organisations is essential to a successful outcome and the local authority should consider how this might be achieved. One option might be the setting up of a high level liaison group, with senior representatives from all participating bodies, advising on all aspects of emergency planning, including, the appropriateness of test arrangements proposed, consistency of approach by all the parties involved, linkage with other legislative requirements, and liaison with other local authorities. Such a liaison group might also fulfil a disputes role, particularly where the local authority fails to reach agreement with the parties on the extent of its test proposals.

[000] Local authorities and other parties involved should consider the extent to which wider geographical groupings might be effective.

[000] Further guidance on preparing, reviewing, revising and testing of emergency plans has been published by HSE and is contained in the publication“.....”, and is obtainable from ..... [THE PLAN IS TO REVISE THE EXISTING GUIDANCE ON EMERGENCY PLANS TO INCLUDE SECTIONS ON TESTING AND..... - THE PIPELINE EMERGENCY PLANNING FORUM COULD BE CALLED UPON TO PROVIDE EXPERTS TO CUSTOMISE COMAH GUIDANCE TO REFLECT PIPELINES]

[NO LONGER VALID -144 For existing pipelines, local authorities are allowed 18 months from notification of the pipeline to prepare the major accident hazard emergency plans. (see regulation 26(6)).]

145 For all new pipelines, the plan is required before the pipeline is brought into use, or within nine months of notification of the pipeline to the LA by HSE, whichever is the later.

*Charge by the local authority for a plan*

26. *-(1) A local authority may charge the operator of a pipeline for performing its functions under regulation 25.*

*(2) The fee shall not exceed the sum of the costs reasonably incurred by the local authority in performing its functions under regulation 25 in relation to the pipeline including (but without prejudice to the generality of the foregoing provision of this paragraph) any costs reasonably incurred by the local authority in arranging for the emergency services to participate in the testing of the plan relating to it.*

*(3) In determining the fee no account shall be taken of costs other than the costs of discharging functions which relate to the protection of health or safety of persons and which were costs incurred after the coming into force of these Regulations.*

*(4) The local authority may determine the cost of employing a graded officer for any period on work appropriate to his grade by reference to the average cost to it of employing officers of his grade for that period.*

*(5) When requiring payment the local authority shall send or give to the operator of the pipeline a detailed statement of the work done and costs incurred including the date of any visit to any place and the period to which the statement relates; and the fee, which shall be recoverable only as a civil debt, shall become payable one month after the statement has been sent or given.*

[Guidance]

146 This regulation enables the local authorities who are responsible for preparing, testing and keeping up to date emergency plans required under regulation 25 to recover the cost of undertaking this work from the pipeline operator, including any costs incurred by the emergency services in testing the plan. The provision does not extend to the costs incurred by the emergency services in the preparation, review and revision of the emergency plan.

[000] The local authority, when preparing or updating the pipeline emergency plan, should enter into full discussion with all likely to be involved. This will always include the pipeline operators and the emergency services. A fundamental area for discussion and agreement will always be the detailed arrangements for testing the emergency plan. Whilst the responsibility for testing the plan remains with the local authority, it must always be able to demonstrate that the approach chosen and its frequency can be justified. It is important that at this early stage the local authority provides the pipeline operator with indicative costs, and what they include, in respect of itself and the emergency services.

147 The local authority may only recover costs that have been reasonably incurred. In locations where several pipelines are co-located, the local authority may decide to prepare one emergency plan covering all the pipelines. In such an event the each pipeline operator should be charged for only that part of the costs which can be attributed to the pipeline under his control.

148 The charge made by the local authority may only be for its costs of preparing the plan, plus its own and the costs of the emergency services for testing the plan itself, and of any changes necessary to keep it up to date. It does not cover the cost of purchase of emergency plant and equipment (e.g. fire appliances) considered necessary for the operation of the plan.

Furthermore, the charge should relate only to those parts of the emergency plan concerned with the health and safety of people, not with environmental damage.

[000] Where the test arrangements are extended beyond ensuring their accuracy, completeness and practicability, and broadened to include training, or the requirements of other regulations, the additional charges should not be passed on to the operator.

149 The charge made may be based on the time spent by officers of appropriate grades. The average costs of their employment overheads as well as salary may be taken into account. A local authority may decide to contract -out some part of the work to another organisation, in which case, the local authority may recover the costs associated with the contract, provided that they are still reasonable.

150 In presenting a charge to a pipeline operator, the local authority should provide an itemised, detailed statement of work done and costs incurred, in a form discussed with the operator. Any dispute arising over the charge has to be decided in the civil courts, HSE has no enforcement role for the recovery of cost incurred by a local authority in respect of emergency planning.

[New subheading] **Relationship with other regulations**

[000] Part 4 of the Control of Major Accident Hazards Regulations 199x (COMAH), details the regulatory provision for fixed installations with regard to emergency planning and the arrangements for testing and charging. As actions to be undertaken by the local authority to fulfil their duties under the emergency planning requirements of both sets of regulations take a

similar form, they should consider the benefits of setting up a single accounting system they need to look at ways in which the testing arrangements set for pipeline emergency plans and off-site emergency plans for fixed installations may be considered together. Where this is not practicable, lessons learned from one situation, at least, should be considered as responses to another.