

28 July 2015		ITEM: 7
Cleaner, Greener and Safer Overview and Scrutiny Committee		
Thurrock Council Civil Protection COMAH (Control of Major Accident and Hazards) Site Report		
Wards and communities affected: All	Key Decision: Non Key	
Report of: Toni Barlow, Principal Officer Civil Protection		
Accountable Head of Service: Gavin Dennett, Head of Public Protection		
Accountable Director: David Bull, Interim Chief Executive		
This report is Public		

Executive Summary

Thurrock Council Civil Protection has legal duties under the Civil Contingencies Act and associated Control of Major Accident and Hazards (COMAH) Regulations for the 8 top tier COMAH sites within Thurrock.

The sites are designated top tier because of the quantities and types of substances they produce / store.

The COMAH Regulations ensure that sites take all necessary measures to prevent major accidents involving dangerous substances and limit the consequences to people and the environment of any major accidents which do occur.

This paper is intended to highlight to members the current status of the off-site COMAH plans for Thurrocks' COMAH sites along with future plans for these sites by Civil Protection.

1. Recommendation(s)

- 1.1 The committee is asked to note that the off-site plans for 7 of the 8 COMAH sites in Thurrock have been exercised and new plans have been distributed for 5 COMAH sites with the remainder to be distributed by the end of August 2015 to all relevant stakeholders.**
- 1.2 The committee is asked to note that COMAH off-site plan work for Thames Enterprise Park, Coryton remains outstanding due to non-development of the site and non-storage of COMAH products on site.**

This work will be completed once the site is able to go ahead with its intended use.

2. Introduction and Background

- 2.1 The COMAH Regulations came into force in April 1999 and was amended in 2015. The aim is to prevent major accidents involving dangerous substances and limit the consequences to people and the environment.
- 2.2 Thurrock Council Civil Protection has produced major incident off-site plans for each of the Top Tier sites in Thurrock. Since production, the off-site plans have been exercised with multi agency participation.
- 2.3 There are eight top tier COMAH sites within Thurrock:
- Esso, London Road, Purfleet
 - Vopak, Oliver Road, West Thurrock
 - NuStar, Askew Farm Lane, Grays
 - ICGL, Oliver Road, West Thurrock
 - Procter and Gamble, Hedley Avenue, West Thurrock
 - Shell, The Manorway, Coryton
 - Calor, The Manorway, Coryton
 - Thames Enterprise Park, The Manorway, Coryton
- 2.4 Stakeholder engagement with the sites, emergency services and local authority is maintained through the Thurrock Council COMAH Forum, which meets bi-annually and the Strategic Development Group run by Essex Fire and Rescue for the petrochemical sites. The Health & Safety Executive and the Environment Agency (as competent authorities) are consulted and updated regularly with actions relating to the sites' off-site plans.
- 2.5 The occurrence of a "worst case" COMAH scenario from the off-site plans is very unlikely, but plans reflect the response and mapping required in such cases.

3. Issues, Options and Analysis of Options

- 3.1 Thurrock Council Civil Protection completed a series of exercises between March 2013 and October 2014 for 7 of the 8 COMAH sites (Esso, ICGL, Procter & Gamble, Calor, NuStar, Shell & Vopak). The exercises were preceded by a series of planning meetings to determine the format, scenario and objective of the off-site plan. These meetings were held with stakeholders such as the sites, emergency services, HSE and Environment Agency.
- 3.2 A further off-site plan exercise programme has been issued to the sites and stakeholders to commence in March 2016 and finish in October 2017. By exercising the plans within this time frame legal obligations will be adhered to and competent authority (HSE) obligations will be met and the Council will not be susceptible to HSE notices for non-compliance with the Regulations.

3.3 There is significant potential risk to the public and the environment if this work is not completed as well as causing harm to the Councils reputation with potential financial and legal implications in the wake of a major incident.

4. Reasons for Recommendation

4.1 That councillors note the progress with the cycle of COMAH tests required for the Council to comply with its statutory responsibility to prepare for incidents at high hazard sites in Thurrock

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 Not applicable

6. Impact on corporate policies, priorities, performance and community impact

6.1 This report has implications against the Thurrock Council priorities to improve health and well-being and promote and protect our clean and green environment

7. Implications

7.1 Financial

Implications verified by: **Mike Jones**
Management Accountant Corporate Finance

There are no direct financial implications arising out of this report.

7.2 Legal

Implications verified by: **David Lawson**
Deputy Head of Legal and Deputy Monitoring Officer

The Council is under a duty to comply with the Civil Contingencies Act and associated Regulations. A failure to comply will leave the Council exposed to legal challenge, particularly in the event there is an accident for which the Council is unprepared as this could possibly lead to an increase in personal injury and death and greater property damage. In addition failure to comply with legal duties may result in the HSE issuing compliance notices on the Council.

7.3 **Diversity and Equality**

Implications verified by: **Natalie Warren**
**Community Development and Equalities
Manager**

There are no specific diversity implications noted in this report.

7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

No other implications relevant for this report

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- not applicable

9. **Appendices to the report**

- not applicable

Report Author:

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Public Protection