

Introduction

The principles of safe operation of LPG installations can be summarised in the following way. Safe operation of LPG installations is achieved by preventing loss of the LPG by proper plant selection, design, installation, commissioning, and operation, including training. In recognition of the fact that releases, will occur from time to time, these measures are supported by control of potential ignition sources and the provision of appropriate fire precautions and emergency procedures. The initial and continuing effectiveness of all of these factors is assured by the creation and maintenance of an appropriate safety management system covering all aspects of the safety of the installation.

AvantiGas require that customers, comply fully with all requirements of and obtain all approvals required by any local authority or regulatory body before installation of the equipment by AvantiGas commences and that when installing or removing a vessel, customers ensure that the necessary planning permissions and bylaw approvals have been obtained for the installation of the vessel.

The information below provides customers with an overview of some of the relevant planning and consent regulations that may affect their LPG installations.

Planning and Hazardous Substance Consent

When considering an LPG Installation at your premise, full consideration should be given to planning, this includes where applicable confirming the status of your local authority requirements from a planning permission perspective. Liquid Gas UK (LGUK) Codes of Practice aim to provide guidance on achieving the levels of risk appropriate to compliance with health and safety legislation, however compliance with LGUK Codes of Practice may not fully meet all requirements depending on the installation. The planning controls on hazardous installations and developments near them are mitigation measures that are taken even though there is full compliance with all health and safety legal requirements. Larger installations are potentially the most hazardous. However, they are subject to hazardous substance planning legislation and are likely to receive more scrutiny than installations generally. This may necessitate variations from the recommendations in order to achieve a higher standard of safety.

If you want to store or use hazardous substances at or above defined limits at a site, you must get hazardous substance consent. This is a legal requirement. The main regulations are:

- The Planning (Hazardous Substances) Regulations 2015
- The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015
- The Planning (Hazardous Substances) (Wales) Regulations 2015

For Liquefied Petroleum Gas, the defined limits are outlined as follows within The Planning (Hazardous Substances) Regulations 2015, Part 2 Named Hazardous Substances: Liquefied flammable gases, Category 1 or 2 (including LPG): 25 Tonnes.

For further information on this topic, both the HSE: Land use planning – Hazardous Substance Consent accessible via <https://www.hse.gov.uk/landuseplanning/hazardoussubstances.htm> and GOV.UK: Hazardous Substance Consent accessible via <https://www.gov.uk/guidance/hazardous-substances>, may be consulted. Additionally, Liquid Gas UK Codes of Practice, are available to purchase here: <https://www.liquidgasuk.org/codes/cops>

Control of Major Accident Hazards Regulations

The Control of Major Accident Hazards (COMAH) Regulations ensure that businesses: *"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."*

COMAH is enforced by a Competent Authority (CA) that comprises of the Health and Safety Executive or the Office for Nuclear Regulation (ONR) for nuclear establishments, acting jointly with the appropriate environmental agency. In England this is the Environment Agency (EA), in Wales it is Natural Resources Wales (NRW); and in Scotland it is the Scottish Environment Protection Agency (SEPA).

An establishment having any dangerous substance specified in Schedule 1 present at or above the qualifying quantity is subject to the Regulations. An establishment is defined as the whole location under the control of an operator where a dangerous substance is present in one or more installations, including common or related infrastructures or activities, in a quantity equal to or in excess of the quantity listed in the entry for that substance in column 2 of Part 1 or in column 2 of Part 2 of Schedule 1, where applicable using the rule laid down in note 4 in Part 3 of that Schedule. The concept of 'establishment' is important. It means any installation(s) which is within an area of land under the control of the same person or body. The operator is the operator of the establishment.

There are two thresholds, known as lower tier and upper tier. The Regulations define dangerous substances using the Classification, Labelling and Packaging Regulation 2008 (CLP). Schedule 1 of the Regulations contains rules for aggregating sub-threshold quantities of dangerous substances in the same or similar generic categories. It also sets out the rule for excluding amounts less than 2% of their threshold if they are located so that they cannot initiate an incident elsewhere on site.

Operators should take account of the presence or possible presence of dangerous substances at their establishment in determining whether the Regulations apply to their activities and, if so, at which tier. The inclusion of substances 'generated during the loss of control of a process, including storage activities', may bring within the scope of the Regulations some sites which would otherwise be outside scope or move establishments that may previously have been within the threshold of lower tier into upper tier.

The operator must notify the competent authority if the quantity of dangerous substances at its establishment will equal or exceed the thresholds in Schedule 1, Parts 1 and 2 of the COMAH Regulations.

For Liquefied Petroleum Gas, the defined limits are outlined as follows within Control of Major Accident Hazard Regulations, Schedule 1 Part 2 Named dangerous substances: Liquefied flammable gases, Category 1 or 2 (including LPG): Lower Tier 50 Tonnes, Upper Tier: 200 Tonnes.

In the case of an establishment where no individual dangerous substance is present in a quantity above or equal to the relevant qualifying quantity, the following rule must be applied to determine whether these Regulations apply to the establishment.

An establishment is an upper tier establishment if the sum:

$q1 /QU1 + q2 /QU2 + q3 /QU3 + q4 /QU4 + q5 /QU5 + \dots$ is greater than or equal to 1,

where q_x = the quantity of dangerous substance x (or category of dangerous substances) falling within Part 1 or Part 2 of this Schedule, and QU_x = the relevant qualifying quantity of dangerous substance or category x from Column 3 of Part 1 or from Column 3 of Part 2 of this Schedule.

An establishment is a lower tier establishment if the sum:

$q1 /QL1 + q2 /QL2 + q3 /QL3 + q4 /QL4 + q5 /QL5 + \dots$ is greater than or equal to 1,

where q_x = the quantity of dangerous substance x (or category of dangerous substances) falling within Part 1 or Part 2 of this Schedule, Schedule 1 and QL_x = the relevant qualifying quantity for dangerous substance or category x from Column 2 of Part 1 or from Column 2 of Part 2 of this Schedule.

For further information on this topic, HSE: A guide to the Control of Major Accident Hazards regulations (COMAH) 2015, accessible here: <https://www.hse.gov.uk/comah/index.htm> and; <https://www.hse.gov.uk/pubns/books/l111.htm>

General Guidance and Assistance

For further guidance and assistance with any aspect of this information sheet, please contact AvantiGas via the details below.

Telephone: 0808 208 0000

<https://www.avantigas.com/help-and-support/general-enquiries>