The Drax Power (Generating Stations) Order

Land at, and in the vicinity of, Drax Power Station, near Selby, North Yorkshire

Environmental Statement
Appendix 16.1 - Major Accidents Legislative Framework

The Planning Act 2008
The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 – Regulation 5(2)(a)

Drax Power Limited

Drax Repower Project

Applicant: DRAX POWER LIMITED
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6.2.16.1 Environmental Statement – Volume 2 - Appendix 16.1 Legislative Framework

Legislation

Legislation	Overview Description	Relevance to the EIA
Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (SI 2017 No. 572) Schedule 4 Paragraph 8	The objective of these Regulations is to provide a high level of protection of the environment and to help integrate environmental considerations into the preparation of proposals for development to reduce their impact on the environment. The Regulations prohibit the granting of consent for development which is likely to have a significant effect on the environment unless an EIA has been carried out.	The Regulations require: • The assessment of the expected significant adverse effects of the proposed scheme on the environment arising from the vulnerability of the proposed scheme to risks of major accidents or disasters that are relevant to the project concerned. • A description of the measures envisaged to prevent or mitigate the significant adverse effects of major accidents and/or disasters on the environment and details of the preparedness for and proposed response to such emergencies.
Health and Safety at Work etc. Act 1974 (c. 37)	The Act provides the framework for the regulation of workplace health and safety in the UK. It places general duties on employers, people in control of premises, manufacturers and employees. The overriding principle is that foreseeable risks to persons will be reduced so far as is reasonably practicable and that adequate evidence will be produced to demonstrate that this has been done.	Provides a legal framework for the provision of safe plant and equipment and prevention of harm to people from occupation hazards present in a workplace, including emergencies which may affect those offsite, or visiting the site.
Pipe-Lines Act 1962 (c. 58)	The purpose of the Act is to ensure the orderly construction of pipelines in such a way as to	The Act requires minimising disturbance to farmers and land owners by careful planning of routes for the Gas Pipeline in the Proposed Scheme.

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	meet the requirements of the pipeline users, while at the same time minimising disturbance to farmers and land owners by careful planning of routes and by avoiding unnecessary duplication of pipelines. The provisions of the Act are substantially directed towards industrial pipelines except where these are already covered by existing legislation. Pipelines are divided in to two categories: local pipelines, which are those pipelines not exceeding 10 miles in length, and cross country pipelines, which are those which do exceed 10 miles in length. Section 7(1) of the 1962 Act provides that the construction of a pipeline not exceeding 10 miles in length as an addition to another pipeline is to be deemed to be the construction of a cross country pipeline (and not of a local pipeline) if the length of the two exceeds 10 miles. The Act provides that cross country pipelines may not be constructed without authorisation of the Secretary of State.	
The Pipelines Safety Regulations 1996 (SI 1996 No. 825)	The purpose of these Regulations is to ensure that pipelines are designed, constructed and operated properly to ensure their	The Regulations require the preparation of a Safety Report which demonstrates that the risks associated with the Gas Pipeline are ALARP

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	integrity and reduce environmental risks.	and prevent/minimise a potential major accident prior to construction and operation. Many of the risks identified and managed out at the design, pre-construction phases also serve to eliminate or reduce the risk of a major accident (and therefore environmental consequence) occurring during the construction, operational and maintenance phases of the Proposed Scheme
Gas Safety (Management) Regulations 1996 (as amended) (SI 1996 No. 551)	These Regulations provide for the preparation and acceptance of safety cases in respect of the conveyance of gas in a network and impose requirements in respect of gas escapes and the composition and pressure of gas.	The Regulations require the preparation of a Safety Report which demonstrates that the risks associated with the Gas Pipeline are ALARP and prevent/minimise a potential major accident prior to construction and operation. Many of the risks identified and managed out at the design, pre-construction phases also serve to eliminate or reduce the risk of a major accident (and therefore environmental consequence) occurring during the construction, operational and maintenance phases of the Proposed Scheme.
Pressure Systems Safety Regulations 2000 (SI 2000 No. 128)	Consolidated previous legislation and deals with risks created by the release of stored energy if a system fails and details measures to be taken to prevent failures and therefore reduce risks. The regulations apply to all plant and systems that contain a relevant fluid such as steam, any fluid (gas or liquid) that has a pressure of more than 0.5 bar above atmospheric pressure, or a gas dissolved under pressure in a solvent.	Many of the risks identified and managed will serve to eliminate or reduce the risk of a major accident (and therefore environmental consequence) occurring during the construction, operational and maintenance phases of the Proposed Scheme

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The Supply of Machinery (Safety) Regulations 2008 (SI 2008 No. 1597)	The Regulations aim to remove technical barriers to trade in particular products by harmonising national health and safety provisions applicable to such products when they are first placed on the market or put into service in the EEA.	Many of the risks identified and managed in the design of machinery used in and associated with the Proposed Scheme will serve to eliminate or reduce the risk of a major accident (and therefore environmental consequence) occurring during the construction, operational and maintenance phases of the Proposed Scheme
Construction (Design and Management) Regulations 2015 (SI 2015 No. 51)	These regulations place legal duties on almost all parties involved in construction work. The regulations place specific duties on clients, designers and contractors, so that health and safety is taken into account throughout the life of a construction project from its inception to its subsequent final demolition and removal. Under the CDM regulations, designers have to avoid foreseeable risks so far as is reasonably practicable by: eliminating hazards from the construction, cleaning, maintenance, and proposed use and demolition of a structure, reducing risks from any remaining hazard, and giving collective safety measures priority over individual measures.	The Client, Designers and Contractors have to avoid foreseeable risks so far as is reasonably practicable by: eliminating hazards associated with the design, construction, operation and maintenance aspects of the Proposed Scheme. Therefore, the regulations ensure that mechanisms are in place to continually identify, evaluate and manage safety risks throughout the design, construction and operation phases of the Proposed Scheme. Many of the risks identified and managed out at the design phase also serve to eliminate or reduce the risk of a major accident (and therefore environmental consequence) occurring during the construction, operational and maintenance phases.

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Control of Major Accident Hazards Regulations 2015 (SI 2015 No. 483)	The purpose of the COMAH Regulations is to prevent major accidents involving dangerous substances and limit the consequences to people and the environment of any accidents which do occur. The COMAH Regulations 2015 implement the majority of the Seveso III Directive (2012/18/EU) in Great Britain.	The Existing Drax Power Station Complex is a Lower Tier installation under the Regulations. Therefore, the Major Accident Prevention Policy for the installation will be updated to address the changes to the risk profile of the installation by the Proposed Scheme and the risks will be ALARP. Many of the risks identified and managed out at the design phase also serve to eliminate or reduce the risk of a major accident (and therefore environmental consequence) occurring during the construction, operational and maintenance phases
The Planning (Hazardous Substances) Regulations 2015 (SI 2015 No. 627)	These regulations transpose the land-use planning requirements of the European Seveso III Directive and relate to the way hazardous substances consents operate, and the way in which the planning system reduces the likelihood and impact of major accidents.	Hazardous Substance Consents focus on ensuring the safety of the public around the consented site from potential major accident hazards. Changes to hazardous substance inventory and risk profile of the Existing Drax Power Station Complex by the Proposed Scheme will be reviewed to ensure that risk control measures are ALARP Many of the risks identified and managed out at the design phase also serve to eliminate or reduce the risk of a major accident (and therefore environmental consequence) occurring during the construction, operational and maintenance phases
The Dangerous Substances and Explosive Atmospheres Regulations 2002 (SI 2002 No. 2776)	The Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR) implement the Chemical Agents Directive 98/24/EC (CAD) and the Explosive Atmospheres Directive 99/92/EC (ATEX 137). DSEAR sets minimum requirements for the protection of workers from fire and explosion	Under the regulations, the introduction of natural gas by the Proposed Scheme will require that mechanisms are in place to identify, evaluate and manage the risk of a major accident due to loss of containment of the natural gas to ALARP. Many of the risks identified and managed will serve to eliminate or reduce the risk of a major accident (and therefore environmental consequence) occurring during the construction, operational and maintenance phases of the Proposed Scheme.

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	risks arising from dangerous substances and potentially explosive atmospheres.	
The Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016 (SI 2016 No. 1107)	The Regulations implement measures for safety and consumer protection as respects electrical equipment and any provisions concerning the composition, labelling, marketing, classification or description of electrical equipment intended to be used in potentially explosive atmospheres.	The use of the correct level of intrinsically safe equipment and protective systems will minimise the available ignition sources in a flammable atmosphere if there were to be a loss of natural gas in the Proposed Scheme and therefore reducing the risk of a major accident.
Management of Health & Safety At Work Regulations 1999 (SI 1999 No. 3242)	The Regulations reinforce employer's duties to manage health and safety and apply to all work activities. The principal of risk based assessment provides the cornerstone for management of H&S and all employers are required to undertake risk assessments.	The regulations require the assessment and management of H&S risks and where required procedures for dealing with emergencies, which would include major accidents. Many of the risks identified and managed will serve to eliminate or reduce the risk of a major accident (and therefore environmental consequence) occurring during the construction, operational and maintenance phases of the Proposed Scheme.
Occupier's Liability Act 1984 (c.3)	This Act amends the law of England and Wales as to the liability of persons as occupiers of premises for injury suffered by persons other than their visitors.	Provides a legal framework for the prevention of harm to people from occupational safety and health hazards present on premises under the control of the Occupier, including to those visiting the premises. The Proposed Scheme includes premises controlled by Drax which attract visitors who could be impacted by MA&Ds whilst on/crossing those Drax controlled premises.

Guidance

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Defra (2011) 'Green Leaves III' Guidelines for Environmental Risk Assessment and Management	These guidelines provide generic guidance for the assessment and management of environmental risks. A cyclical framework for risk management is provided which identifies four main components of risk assessment: 1. formulating the problem; 2. carrying out an assessment of the risk; 3. identifying and appraising the management options available; and 4. addressing the risk with a risk management strategy. A source-pathway-receptor model is suggested as a tool to assist in risk screening and an example is provided of applying the following filters to prioritise significant hazards for further investigation: • the plausibility of linkages between the source of a hazard and a receptor; • the relative potency of a hazard, availability of a pathway, or vulnerability of a receptor; • the likelihood of an event, on the basis of historic occurrence or of changed circumstances; or • a view on the performance of current risk management measures that, if they were to fail, may increase the potential for future harm.
Chemical and Downstream Oil Industries Forum, (2013), Guideline – Environmental Risk Tolerability for COMAH Establishments	These guidelines provide a common screening methodology for carrying out an environmental risk assessment under the COMAH Regulations. Amongst other things, the guidance: • defines the types of harm that should be considered in an environmental risk assessment, and how the harm should be characterised for the assessment; • defines the risk criteria to be used in assessing tolerability of the environmental risk from an establishment, and where appropriate, individual scenarios; and • explains how risks may be evaluated. The guidelines present a series of thresholds that can be used to 'screen' the potential for a Major Accident to the Environment (MATTE) to relevant environmental receptors. The thresholds have been developed based

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	on the criteria for reporting a major accident to the European Commission defined in the Seveso III Directive and COMAH Regulations, and to guidance on MATTE issued by the then Department of the Environment, Transport and the Regions in 1999235. The thresholds are presented in two dimensions, namely (i) extent and severity and (ii) duration of harm; and thresholds for both dimensions must be exceeded for the scenario to be considered a potential MATTE.
The International Standards Organization's ISO 31000: 2009 Risk Management – principles and guidelines	This guideline identifies a number of principles that need to be satisfied to make risk management effective. If the standards are adopted and applied the management of any risk should help minimise losses, improve resilience, improve controls and improve the identification of opportunities and threats. The ISO standard states that when defining risk criteria the following factors should be considered: • the nature and types of causes and consequences that can occur and how they will be measured; • how likelihood will be defined; • the timeframe(s) of the likelihood and/or consequence(s); • how the level of risk is to be determined; • the views of stakeholders; • the level at which risk becomes acceptable or tolerable; and • whether combinations of multiple risks should be taken into account and, if so, how and which combinations should be considered.