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Key Considerations - COMAH Regulations and Planning Hazardous Substance Consent

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Case Studies





Planning Hazardous Substance Consent (PHSC)

- Under The Planning (Hazardous Substances) Regulations 2015, establishments intending to store hazardous substances on site, above controlled quantities, require Local Council authorisation via PHSC.

- Government Legislation details these controlled quantities threshold
 - Note that Hydrogen is a named hazardous substance
 - Greater than or equal to 2 tonnes of Hydrogen material requires PHSC.
 - There are multiple named substances and hazardous substances (e.g. P5a and P5b, E1 and E2 materials)



Key Requirements of PHSC

- PHSC involves a detailed description of the intended facility and its quantities, this allows for assessment of potential impacts of the hazards presented by site on the surrounding areas.
- Applications are made highlighting location, material types and quantities, emergency plans, potential environmental and human impacts.
 - A minimum of 8 weeks should be allowed for the submission and processing of the application.
- Local councils have the right to deny the application. This include making notice to the public.



Control of Major Accident Hazards (COMAH)

- COMAH aims to prevent and mitigate the effects of major accidents involving dangerous substances which can cause serious damage/harm to people and/or the environment. COMAH treats risks to the environment as seriously as those to people.
 - Hydrogen is classed as a Named Dangerous Substance under The Control of Major Accident Hazards Regulations 2015. Limits are set at 5 tonnes and 50 tonnes of hydrogen.
- This is an important - but often overlooked - step during project development, site utilisation reviews and ongoing management of site. This can lead to a COMAH Safety Report (CSR), these duties may refer all or in part to the Safety Report Assessment Manual (SRAM), which is a key tool used by the CAs to assess an establishment's compliance under COMAH.
 - It is important to note that this is a detailed process and a lifelong requirement above controlled quantity levels. The CCA frequently monitor these sites and review these CSR's in detail.
 - Do not underestimate this.





Key Requirements of COMAH



- COMAH Notification including identification of intended COMAH status (Upper Tier or Lower Tier). This leads to a specific list of requirements.
 - Upper Tier or Lower Tier - MAPP supporting SMS and Emergency Response Plan.
 - Upper Tier - COMAH safety report. New builds may need pre-construction and/or pre-operation safety report.
- An ongoing 5-yearly COMAH Safety Report for the rest of the site's operation.

ALARP



Other Safety Regulation Considerations

- Dangerous Substances Explosive Atmospheres Regulations (DSEAR) 2002
 - Creation and regular update of DSEAR risk assessments for areas containing dangerous substances.
 - Identification of dangerous substance release points and definition of resulting hazardous zone types and extents.
 - Provision of information, training and instruction surrounding dangerous substance storage and processing on site.



Service Offerings

1. Detailed review of dangerous substance quantities against the COMAH Regulations 2015 and the Planning (Hazardous Substances) Regulations 2015 requirements, and other similar regulations. Providing guidance and support on required actions and notifications.
2. Full Leadership and experienced communication with the Relevant Authority, i.e. COMAH Notifications and Planning (Hazardous Substance) Consent Applications.
3. Support for any and all COMAH Regulations 2015 requirements, e.g. Major Accident Prevention Policy (MAPP) Development, Safety Management System, COMAH Safety Report authorship and training.



Do you
have any
questions?