

# LUP & Significant Modifications

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## Background




- Accidents with off-site consequences for the general public
- Introduced in Seveso II
- Key pillar of Directive



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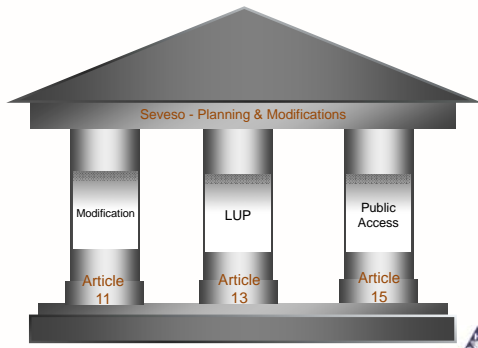

## Key LUP changes in Seveso III

- Broader description of modification
- Greater controls
- Operator to provide more information for land-use planning
- Public participation in LUP




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## LUP in Seveso Directive





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## Article 11 - Modifications



- Structural and non-structural
- Modification which could have significant consequences
- Lower to upper-tier
- Update notification, MAPP, SMS, Safety Report
- Inform the Competent Authority in advance




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## Some Definitions

**The Public**  
*One or more natural or legal persons ... their associations, organisations or groups*

**New Establishment**  
*A site that enters into operation or is constructed on or after June 1<sup>st</sup> 2015 or a site of operation that falls within scope or a lower-tier establishment that becomes an upper-tier establishment... due to modifications to its installations or activities resulting in a change in the inventory of dangerous substances.*



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### Article 13 - LUP



- Controls on new establishments
- On modifications to establishments covered by Article 11
- Developments in the vicinity
- Take account of the need for ATM so as not to increase the risks to human health or the environment



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### Article 13 – LUP (cont'd)



- Appropriate consultation procedures
- Operator to provide sufficient information on the risks
- Lower-tier operators to provide on request
- Notification Form looks for some of this



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### Article 15 – Public Consultation & Participation



- New!
- Public given early opportunity on:
  - Planning for new establishments
  - Significant modifications under Article 11, where subject to obligations of Article 13



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### Obligations of Article 13 – link to Article 15



- to maintain appropriate safety distances from certain external receptors,
- to protect areas of natural sensitivity in the vicinity and
- in the case of existing establishments, to take additional technical measures so as not to increase the risk to human health or the environment



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### Article 15 – Public Consultation & Participation (2)



- public must be informed by public notice with certain details that are specified in the article, within an appropriate timeframe
- public should be informed of the main reports and advice issued and decision taken



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### The COMAH Regulations



Modifications – Reg. 12



LUP Controls – Reg. 24



Public Participation



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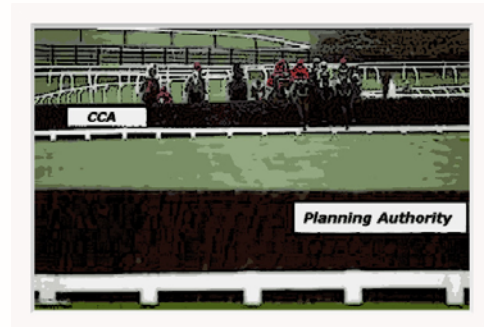
### Regulation 12 - Modifications

- Structural and non-structural
- Modification which could have significant consequences
- Lower to upper-tier
- Update notification, MAPP, SMS, Safety Report
- Inform the Competent Authority in advance



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### Regulation 24 - Hurdles to be Cleared



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### Regulation 24

- Consultation distance
- Provide technical advice on:
  - the siting **and development** of new establishments,
  - modifications with significant consequences
  - for certain types of development in the vicinity.
- Meet objectives of Article 13
  - maintain appropriate safety distances,
  - protect areas of particular environmental interest ,
  - for the operator, take additional technical measures so as not to increase the risks.



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### Regulation 24 – paragraph 4



Modification should not proceed until the specified additional technical measures are put in place.



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### Regulation 24 – paragraph 5



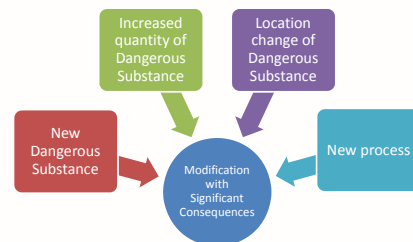
Modification should not proceed until declaration received that planning permission is required



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### What is a modification with significant consequences?

- Tier Change



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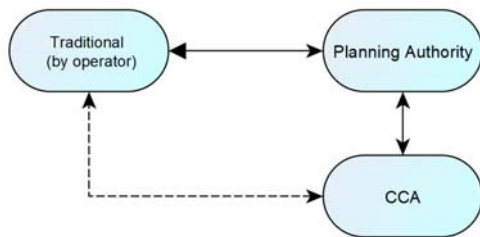
### Regulation 24 – paragraph 8



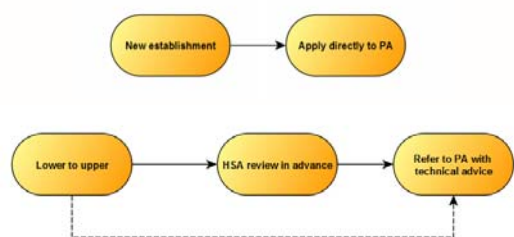
### Regulation 24 – paragraphs 9 to 11

- Timelines for CCA to give advice
- Four weeks
- Operator to provide sufficient information on risks arising from establishment
- Notification form is starting point

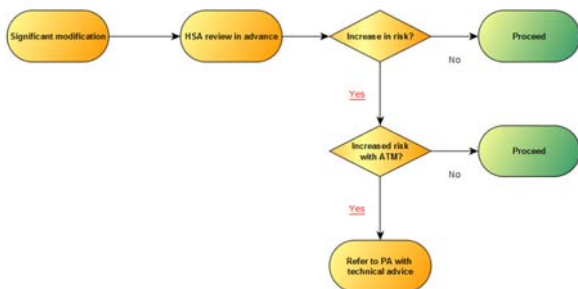
### Traditional LUP



### New establishment / tier change



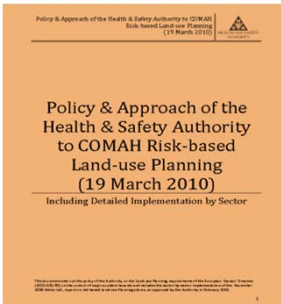
### Significant Modifications



### LUP – Generic Advice




**LUP Policy Document**



The image shows the cover of a document titled 'Policy & Approach of the Health & Safety Authority to COMAH Risk-based Land-use Planning (19 March 2010)'. It includes a small logo in the top right corner and a larger logo at the bottom right.

- Review LUP Policy document in 2016
- Fit for purpose
- Not beyond Directive
- Societal risk
- Prelude to generating generic advice for all establishments

  
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**Thank you**

  
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