

# Public Safety: HSE Approach

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# Content

- HSE & Public Safety: Statistics, the law, HSE Policy Statement
- Onshore wind power: Risks to the public and HSE position
- Wind Farms: The planning process and HSE's remit.



# Injuries to Members of the Public

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- In 2006/07 there were 369 fatal injuries to members of the public reported under RIDDOR.
- If discount those on the railways (i.e. trespass/suicide) then main areas of risk include:
  - Agriculture (9);
  - **Construction** (7); and
  - **Utility Supply Industries** (3)

# HSE and Public Safety - the Law (1)

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- **Health & Safety at Work etc Act 1974 (HSWA);** purposes include:
  - Protecting people other than those at work from risks to their H&S arising out of or in connection with work activities.
- Section 3 places general duties on employers (and the s/e) towards persons other than employees.
- Scope of s.3 is very broad; therefore HSC adopted Policy Statement to aid enforcing authorities to determine action where a breach is suspected  
(<http://www.hse.gov.uk/enforce/opalert.htm>)

## HSE and Public Safety - the Law (2)

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- HSC/E has decided:
  - Enforcing section 3 HSWA in areas key to our mission remains a high priority (e.g. major hazards, construction);
  - Approach to public safety is reflected in HSE's priority programmes and incident selection criteria; and
  - HSE will take account of these priorities and give less priority to s.3 in areas outside these priorities.

## HSE and Public Safety - the Law (3)

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- **Electricity Safety, Quality and Continuity Regulations 2002 (ESQCR):**
  - Public safety aspects specify standards aimed at protecting public (and consumers) from danger from the operation of electricity generation, distribution and supply equipment.
  - Generators and other duty holders required to do all that is *reasonably practicable* to ensure their equipment is safe.
  - Was enforced by DTI (Engineering Inspectorate), now HSE.

# Incident Selection Criteria

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- **Fatalities** – All that result out of an incident connected with work activity;
- **Major injuries** – numerous, as defined, e.g. crush injuries, head injuries etc.
- **Breach of H&S Law** – Any incident where likely to have been serious breach (where outcome prosecution/notice);
- **Incidents arising from Strategic Priorities** – FfH, MSD, S&T, WpT + electrical incidents.
- **Serious concern** – Incidents likely to give rise to serious concern (reflects views of public at large not an individual), e.g. vulnerable people or Dangerous Occurrences with potential to cause death/major injuries to a number of people.

# Onshore Wind Power – Risks to the public



- Turbines frequently located on land open to the public; so account needs to be taken of hazards such as:
  - turbine collapse
  - component shedding/blade failure
  - ice throw
  - fire
  - lightening etc.
- When developer seeks planning permission for a wind farm, potential risks to public safety should be assessed within the planning framework process

# Onshore Wind Power – Risks to the public (*HSE position*)



- Some risks to public are best addressed through planning controls as well as H&S legislation.
- Promotion of clear guidelines and their application by planning authorities to deal with risks to the public, relevant standards and industry good practice, should minimise risks to the public (*and employees*).
- HSE will continue to work with all relevant parties to facilitate the production and maintenance of such guidelines.
- See: HSE contribution to the *Energy Review*, <http://www.hse.gov.uk/consult/condocs/energyreview.htm>

# Onshore Wind Power – Risks to the public (3)



- Have mentioned hazards such as turbine collapse, component shedding/blade failure, fire etc.
- Other hazards exist that are out with HSE remit:
  - Noise
  - Shadow flicker
  - Low flying aircraft
  - etc.

# Wind Farms and Planning Law (1)

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- Overall responsibility for planning legislation falls within remit of Communities and Local Government (CLG) – responsible for planning law and policy.
- Planning applications to local or regional planning authorities:
  - Applications < 50 MW – Local Authority;
  - Applications > 50 MW – consent required by Sec. of State (or First Minister in Scotland/Wales) under s.36 under Electricity Act 1989.

# Wind Farms and Planning Law (2)

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- Planning Authorities are assisted in their considerations by Government policy and technical advice documents:
  - **England:** Planning Policy Statement 22 (PPS22) & Companion Guide;
  - **Scotland:** Scottish Planning Policy 6 (SPP6) and Planning Advice Note 45 (PAN45);
  - **Wales:** Planning Policy Wales and Technical Advice Note 8 (TAN8)

# Wind Farms and Planning/H&S Law

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- HSE has no statutory role in the planning process (*unless site within CD of major hazard site/pipeline*).
- HSE role is to enforce H&S legislation (HSWA and Regulations made under it) to ensure workers and public are, SFAIRP, safe and without risk to health.
- Most H&S law does not come into effect until development has been approved and construction commenced (*one exception = CDM*).
- At that point HSE's interest is in the employers responsibility to control the hazards arising from *construction, operation, use and decommissioning* of the site – including hazards to public (e.g. from turbines).

# Summary

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- Hazards include turbine collapse, component shedding/blade failure, ice throw, fire, ground stability etc.
- Best addressed through planning controls as well as H&S legislation.
- Serious risk to reputation of the industry.
- Time to move it up the agenda – HSE happy to work with relevant parties to produce guidance (quantified as well as qualified).