

<b>DECISION-MAKER:</b>	SAFER COMMUNITIES MANAGER		
<b>SUBJECT:</b>	REVIEW OF AMENDMENTS AND APPROVAL OF REVISED SOTONSAFE PLAN VERSION 5		
<b>DATE OF DECISION:</b>	17 DECEMBER 2009		
<b>REPORT OF:</b>	EMERGENCY PLANNING AND BUSINESS CONTINUITY MANAGER		
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#### STATEMENT OF CONFIDENTIALITY

Not applicable.

#### SUMMARY

In order to comply with the Radiation Emergency Preparedness & Public Information Regulations 2001, (REPPPIR) Southampton City Council (SCC) as 'Off-Site' statutory authority is required to produce and approve an off-site emergency plan ('the Plan') to deal with any accident that may reasonably foreseeably occur when a nuclear powered submarine is berthed within the port of Southampton.

There is a duty to review, revise and where necessary reissue the plan within a three year cycle. This is in addition to the duty to update the Plan on an ongoing basis to reflect changes in practical details and arrangements throughout the life of the Plan. This process has been initiated and informed primarily by revised safety planning requirements, exercising of the plan and organizational/structural changes within the response statutory agencies comprising the SotonSafe Emergency Planning Group (SEPG) during the preceding three year period together with the decision of the HSE in May 2009 to notify the Council of a reduced requirement in relation to the area to be covered by the Pre planned Counter Measures Zone from 2km to 1.5km (which was formally noted and endorsed by the Council to be reflected in version 5 of the Plan for emergency planning purposes in a decision dated 21<sup>st</sup> September 2009).

Amendments are shown at Appendix 1 of this report.

#### RECOMMENDATIONS:

- (i) To approve logistical, organisational and grammatical amendments to plan, as set out within Appendix 1 of this report.
- (ii) To authorise the Emergency Planning and Business Continuity Manager to make such typographical and textual amendments to the draft Plan as may be required to give effect to this decision prior to publication.
- (iii) To authorise the Emergency Planning and Business Continuity Manager to publish the revised Plan (version 5) and submit to the HSE as required.

## **REASONS FOR REPORT RECOMMENDATIONS**

1. Having fully considered this matter in consultation with statutory partners, the Emergency Planning Manager (EPM) considers that, other than the revised area for the pre-planned counter measures zone notified by the HSE, no other major changes have occurred since the last revision of the Plan and that the amendments therefore meet the requirement of all related legislation and in the case of the reduced planning zone has been independently scrutinised and approved by the Health and Safety Executive Nuclear Installations Inspectorate (NII) as SCC regulatory authority.
2. It is anticipated that the revised Plan will, subject to approval, be published either in late December or early in January 2010.

## **CONSULTATION**

3. Consultation upon this proposal was issued to statutory agencies on the 16<sup>TH</sup> October 2009. This included Police, Fire & Rescue Service, Ambulance Service Trust, Associated British Ports, Health Agencies, New Forest District Council, Health and Safety Executive Nuclear Installations Inspectorate (NII) and the Environment Agency. Their responses, where appropriate, have further informed the amendment process.
4. Further information has been made available on the Emergency Planning area of the Southampton City Council Website and the proposed decision included within the Council's Forward Plan of decisions, including details of how to comment on the proposal.
5. The Annual SotonSafe Public Meeting was held on the 4<sup>th</sup> November 2009 at which those in attendance were invited to question or comment upon related issues.
6. An ongoing dialogue continues with the Solent Coalition Against Nuclear Ships (SCANS) who are aware of these developments, have been notified of this proposed decision and have been invited to comment as appropriate. To date no specific comments relative to this decision have been forthcoming.

## **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

7. Do nothing, retain current arrangements. This would potentially breach our legal and moral obligation to ensure timely review impacting upon the relevance and accurate nature of the Plan.

## **DETAIL**

8. SCC has assumed responsibility for the SotonSafe 'Off-Site' Plan since 2002, with the introduction of REPPiR legislation. Any decision in relation to the need to maintain a nuclear powered submarine berthing facility within the port rests with the MOD. The designated operational Berth 38 is located adjacent to the former QE2 passenger terminal at Dock Head within the Eastern Docks.
9. Legislation requires 'that the local authority prepare a written off-site emergency plan, which comprises a number of component elements, for any premises (includes a vessel) within the operators emergency plan, SoNuSafe. The HSE NII scrutinise the extent of the emergency planning and public information zone and determine the area which this should cover

for the purposes of the Regulations. They have, In May 2009, reduced the area to be covered from 2km to 1.5km. The off-site emergency plan should take account of measures taken by the operator to prevent radiation emergencies and measures taken to limit their consequences if they should occur. The degree of planning is required to be proportionate to the probability of an accident occurring and local geography amongst other relevant matters.

10. Responsibility for this work rests with the City Council Emergency Planning and Business Continuity Manager (EPM) who reports through normal internal channels and to the interagency SEPG chaired by the City Council Safer Communities Manager. Ongoing assessment, planning, exercising, evaluation and informing of the public within the planning zones is subject to a 3 year REPPIR review cycle monitored by the MOD Regulator and NII Superintending Inspector.
11. In September 2006, upon approval of Version 4 of the plan, SCC Cabinet granted delegated power for review and future amendment of the plan to the then Community Safety, now Safer Communities Manager.
12. Chief Staff Officer Engineering at Navy Command is responsible for the compilation of the vessel operators SotNusafe Plan. The Plans complement each other and with other documents form a suite of information to ensure an effective response in the highly unlikely event of a reactor emergency arising whilst such a vessel is berthed in port.
13. The HSE's decision to reduce the Pre-Planned Counter Measure Zone to 1.5km and the resultant reduced requirement to shelter, evacuate and preposition/issue Potassium Iodate Tablet (PIT's) medication within designated residential communities should an emergency arise whilst a nuclear powered submarine is berthed in the port and the logistical arrangements in support of it were fully considered and approved within SCC Key decision EDO3567 dated 21<sup>st</sup> September 2009. The Plan has now been updated to reflect the practical consequences of that earlier decision and those amendments now appear within Appendix 1 and the revised Plan. It is not considered necessary to review the considerations applied to that earlier decision in terms of the principle of reducing the planning zone or not as all relevant material considerations were addressed by the decision maker at that time and the amendments now made to the plan are merely those logistical and administrative planning matters that arise from and give effect to that previous decision. It should be noted that all other amendments do not in themselves impact directly upon the community.
14. Since 1977 14 such visits to the Port have taken place, normally of 5 days duration, during the course of which no incidents have arisen. Each visit is now preceded by an interagency pre-visit check of meeting and associated briefing.
15. More detailed information relating to each of the 23 amendment blocks is included at Appendix 1.

## **FINANCIAL/RESOURCE IMPLICATIONS**

### **Capital**

16. None.

### **Revenue**

17. None

### **Property**

18. None

### **Other**

19. Any costs relative to this proposal will be recovered from the Navy.

## **LEGAL IMPLICATIONS**

### **Statutory power to undertake proposals in the report:**

20. The Radiation Emergency Preparedness and Public Information Regulations 2001 ('REPPIR') and associated guidance on the Regulations.

### **Other Legal Implications:**

21. In reviewing the Plan the Council is required to act reasonably, have regard to all relevant equalities legislation, the provisions of section 17 of the Crime and Disorder Act 1998 and the impact of the Proposals on communities and individuals in accordance with the Human Rights Act 1998. The Council is satisfied that the adoption of the Plan and the provisions within it are necessary and proportionate to address a pressing social need (the maintenance of public safety) and therefore interference with any of the qualified rights provided under the Act are justified.

## **POLICY FRAMEWORK IMPLICATIONS**

22. SCC Community Strategy - None, public safety is not compromised by this proposal which is based upon detailed risk assessment, professionally informed and evaluated

23. SCC Community Safety Strategy – None, as at paragraph 22 above.

**SUPPORTING DOCUMENTATION**

**Non-confidential appendices are in the Members' Rooms and can be accessed on-line**

**Appendices**

1.	Schedule of amendments – SotonSafe Version 5
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**Documents In Members' Rooms**

1.	None.
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**Background Documents**

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	SotonSafe (Z Berth) Off-Site Reactor Emergency Plan – Draft Version 5.	Schedule 12A not applicable.
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**Background documents available for inspection at:** SCC Emergency Planning and Business Continuity Unit, Southbrook Rise, Southampton

**FORWARD PLAN No:** ED03722      **KEY DECISION?** YES

<b>WARDS/COMMUNITIES AFFECTED:</b>	Bargate and Woolston
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