

**Submissions on the Public Consultation on
2019 ESB Networks Code of Practice for
Avoiding Danger from Overhead Electricity Lines**

**Public Consultation from 12 March and 18 April 2018
4 submissions received**

Submission 1

Document Submitted by	Amanda Richards
Organisation	Wexford County Council
Submission Date	18 April 2018
Document reviewed by	Padraig Delaney

Submission 1 Item 1

The draft document has been prepared without reference to the Local Authority Management Association. This means that the Local Authorities have not had the opportunity to express the significant operational difficulties with the existing code of practice. As the Local Authorities are one of the key roads authorities in Ireland, they should have been fully informed and involved in the drafting of any such document.

Decision/Result of review

**The Consultation process was carried out in accordance with standard HSA procedure that is used in all public consultation processes.
In addition, a significant section of the 2008 document, and by extension, this document reflects detailed inputs from the Local Authorities.**

Submission 1 Item 2

There are repeated references (some mentioned below) to “competent persons”; “trained dedicated observers” training regarding “certified limiters”; “dedicated control person” that there will most likely be a training requirement for LA staff. The implications of this are unclear.

Decision/Result of review

The document underlines the idea that persons involved in safety-related tasks should be competent. This in turn implies the need for training. It does not stipulate however the need for specific courses in all instances.

Submission 1 Item 3

One of the critical areas where the Code of Practice proves extremely restrictive is for short duration tasks on rural routes where there are significant lengths of overhead cables along

many roads routes. An example of this would be ditching works (providing surface water run-off across road verges). There can be many low voltage cables either crossing or parallel to the roads and works frequently need to be carried out below the cables. It is the opinion of Wexford County Council that to follow the requirements in Section 7.4 which requires that we always verify voltage with ESB Networks is impractical. What is meant by “verify with ESB Networks”? As we know the response time in a lot of cases is significant, this will require a lot more interactions so there are concerns regarding the service ESBN will provide. Perhaps verification could be taken to mean accessing an online resource for “regular users” but this is not clear from the document. For road maintenance (e.g. mobile – skirting / drainage / ditching / hedge-cutting) works such verification will be very onerous in the context of the change from 1m to 3m for un-insulated LV (very common) outlined below (see point 6 below). Currently engineers are able to determine LV cables both from local knowledge and from maps. The wording in this section has changed from 7.3 in the old Code of practice. Generally, the Code of Practice fails to take account of short-duration, low risk works such as are carried out on rural routes;

Decision/Result of review
<p>The Code does not set absolute legal requirements. Section 61 of the 2005 Act – states “Where a code of practice referred to in subsection (1) appears to the court to give practical guidance as to the observance of the requirement or prohibition alleged to have been contravened, the code of practice shall be admissible in evidence.”</p> <p>If the guidance in the code is not “practical” for certain tasks in certain circumstances, then other precautions could be applied.</p>

Submission 1 Item 4

A further example of the Code being very onerous is the audit checklist at Annex 4 which is unrealistic in terms of what might be needed at a small works site.

Decision/Result of review
<p>The audit checklist template is there to assist. If other effective measures can be used, then there is no prohibition on this.</p>

Submission 1 Item 5

The draft COP refers to written risk assessment and method statement throughout and does not reference the HSA Safe System of Work Plan which is the generally accepted method adopted for Local Authorities to comply with local and specific identification of hazards and control measures.

Decision/Result of review
<p>If the effective use of the HSA SSWP facilitates compliance with the legislation and</p>

facilitates safe working, then there does not appear to any circumstance where this will be objected to.

Submission 1 Item 6

Page 84 poster states “never carry out work within 10 metres of wires” is totally unworkable for most roads.

Decision/Result of review

Agreed; This change has been removed.

Submission 1 Item 7

The changes from the current 2008 document are described as “main” and are listed in Annex 8. There are some changes however that are very significant to the LA sector that are not listed here e.g. Annex 8 does not itemise this significant change:

Current:

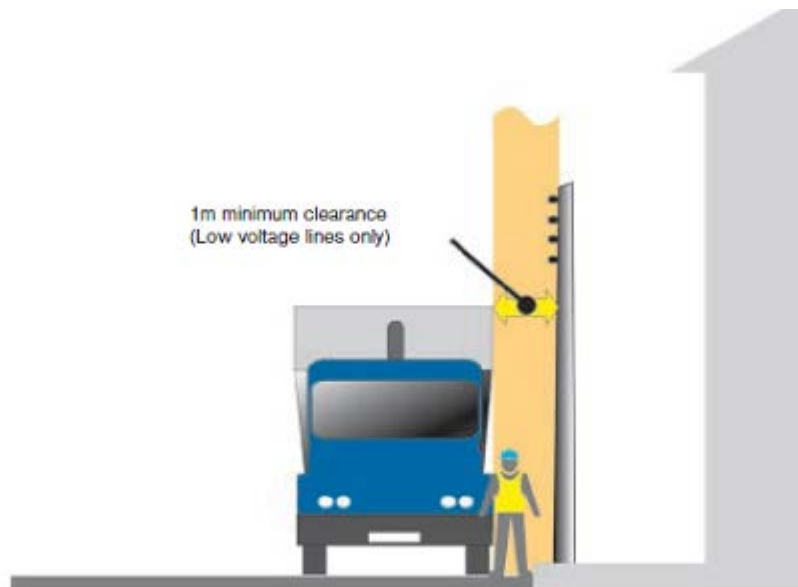
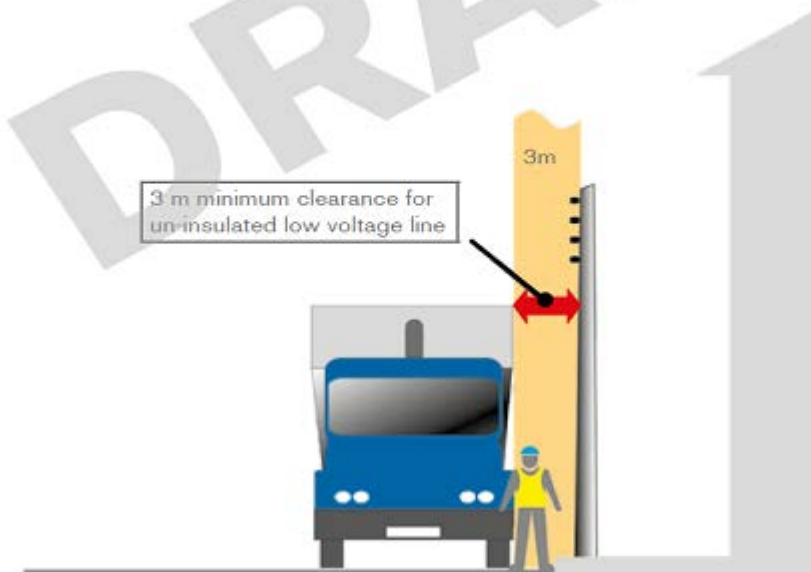


Fig 8. Road resurfacing parallel or at close approach to a low voltage line

Draft:

Figure 9: Road resurfacing parallel or near an un-insulated low voltage line



It's 3m for uninsulated and 1m for insulated (table 5). The old code had 1m for both. The 3m lateral clearance is a major change for surfacing works and not achievable for most sites

"If the risk assessment identifies that the relevant minimum clearances cannot be achieved at all times, use an alternative safe method. Some alternative methods are:

- using a low level front tipping dumper to transport the road materials to the paver or spreader
- using combination spreader units; and
- using height-limiting control measures in conjunction with a competent dedicated observer

In certain limited situations, it may be necessary to have an electricity line switched out and earthed before proceeding with the work."

Decision/Result of review
Agreed; This change has been removed.

Submission 1 Item 8

Paragraph 2 4.5 MV isn't mentioned yet is used by ESNB opportunity to use consistent terminology (which could mean "Particular Risks" not being recognised) being missed here.

Decision/Result of review
Medium voltage is not a term used in occupational safety and health legislation and as such is not used in the COP.

Submission 1 Item 9

Paragraph 3.1 – not all projects require appointments e.g. what happens when there is no PSCS (Cat.4 project near LV lines)? Paragraph 3.4 Cognisance should be taken of the fact that not all projects require preliminary S&H Plans although in the context of OHLS – where a HV OHL is near then a particular risk will be present – for a LV it won't.

Decision/Result of review
The document sets out examples of when one is considered a “client” under the regulations. It also states “the Client where required, must appoint a PSDP etc.”

Submission 1 Item 10

Paragraph 3.3 Terminology – Use of the 1st person “When you.....” doesn't make sense (should refer to the client for the AF1 and the PSCS for AF2).

Decision/Result of review
Agreed; COP has been amended.

Submission 1 Item 11

Paragraph 4.2 as above not all projects may have / necessitate a PSDP.

Decision/Result of review
COP notes “where there is a PSDP appointed”

Submission 1 Item 12

Positive development - ESB Networks will send maps to you by email within 10 days in PDF format. If you frequently need electricity maps and records and you are a licensed holder of electronic Ordnance Survey map data, you can register with ESB Networks for access to an electronic version of the electricity networks map and records. You can email your request including your site map to dig@esb.ie.

Decision/Result of review
Positive comment noted.

Submission 1 Item 13

Paragraph 7.4.2 calls for competence / training regarding “certified limiters” (height restrictors).

Decision/Result of review
The definition in Section 2(2)(a) of the 2005 Safety Health & Welfare at Work Act notes that a person, to be deemed competent, must have training.

Submission 1 Item 14

Paragraph 7.4.2 calls for “Put in place a dedicated observer for each item of plant and equipment. The dedicated observer must be able to communicate with the machine operator at all times and must not do any other work while work in the hazard zone is in progress.”

Decision/Result of review

If a person is to work as a dedicated observer, for work in the hazard zone, then s/he must be competent.
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Submission 1 Item 15

Paragraph 8.5.1 calls for trained “dedicated observers”

Decision/Result of review

If a person is to work as a dedicated observer, for work in the hazard zone, then s/he must be competent implying training for the role as per the definition in the 2005 Safety Health & Welfare at Work Act.

Submission 1 Item 16

Paragraph 9.2.1 calls for a competent person control work near lines in a road strengthening / resurfacing scenario.

Decision/Result of review

Section Restructured for clarity.
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Submission 1 Item 17

Paragraph 9.2.3 requires the “dedicated control person” to complete a EHRA every day for each crossing / conflict. (for road strengthening and resurfacing) – no significant changes to the form.

Decision/Result of review

This is the same as the requirement in the 2008 Version of the COP.
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Submission 1 Item 18

Paragraph 9.2.4.3 Rephrase: Ensure the chipping spreader is moved beyond the exit point to ensure that there is sufficient clearance from the no-tip zone, during the tipper truck carrying out the loading process.

Decision/Result of review

Agreed; Section rephrased

Submission 1 Item 19

Chapter 10 – “Installing overhead services for telecommunications” it should be noted will be relevant to other sections of a Local Authority e.g. IT.

Decision/Result of review
Agreed. However ESB Networks or the HSA are not in a position to communicate individually with each internal unit of specific organisations.

Submission 1 Item 20

Paragraph 5.1 Re-phrase or hyphenate this bullet point: “• in certain limited cases, using a dedicated observer electromechanical limiting devices, or both.”

Decision/Result of review
The structure of the sentence was amended.

Submission 2

Document Submitted by	Mary Darcy
Organisation	Meath County Council
Submission Date	18 April 2018
Document reviewed by	Padraig Delaney

Submission 2 Item 1

Item	Comment	Implications
1.	Repeated references to “competent persons”; “trained dedicated observers” training regarding “certified limiters”; “dedicated control person”	<ol style="list-style-type: none"> 1. Additional resource requirements 2. Training Courses availability 3. Competency levels required – these need definition

Decision/Result of review

The COP mirrors the requirements for competence in the 2005 Safety Health and Welfare at Work Act but doesn't put any new specific requirement for any specific courses.

Submission 2 Item 2

2.	<p>Code of Practice proves very restrictive for short duration tasks on rural routes where there are significant lengths of overhead cables along many roads routes.</p> <p>e.g.</p> <p>Ditching works (providing surface water run-off across road verges) - There can be many low voltage cables either crossing or parallel to the roads and works frequently need to be carried out below the cables.</p> <p>Road maintenance (e.g. mobile – skirting / drainage / hedge-cutting) works.</p>	<ol style="list-style-type: none"> 1. Time period for response from ESB Networks on verifying voltage 2. Method of verification – electronic and this may raise issues with access to such technology 3. Difficulty in verifying changes from 1m to 3m for un-insulated 4. Short duration, low risk works on rural routes have not been fully considered
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Decision/Result of review

The requirements are similar to those in the 2008 Code of Practice for works mentioned above.

Submission 2 Item 3

3.	The audit checklist at Annex 4 requires a high level of information and is very onerous	<ol style="list-style-type: none">1. Competency level required need definition2. Short duration, low risk works on rural routes have not been fully considered
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Decision/Result of review

The checklist is similar to the one in the 2008 Code of Practice. The COP was agreed after detailed consultation with the Local Authorities.

Submission 2 Item 4

4.	Poster (page 84) states “never carry out work within 10 metres of wires”	<ol style="list-style-type: none">1. This is not achievable for most roads
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Decision/Result of review

Agreed; This has been amended.

Submission 2 Item 5

5.	Paragraph 3.0 & 4.2 – Duty Holder Appointment not always required	<ol style="list-style-type: none">1. Allocation of responsibilities2. What of the requirements for LV – not a particular risk
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Decision/Result of review

Agreed, but this is reflected in the wording of the COP. (See comments on Wexford Co Co Submission)

Submission 2 Item 6

6.	7.4.2 Certified limiters	<ol style="list-style-type: none">1. Change to height restrictors
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Decision/Result of review

The requirements are similar to those in the 2008 Code of Practice for works mentioned above.

Submission 2 Item 7

7.	<ul style="list-style-type: none"> ▪ Paragraph 8.5.1 calls for trained “dedicated observers” ▪ Paragraph 9.2.1 calls for a competent person control work near lines in a road strengthening / resurfacing scenario. ▪ Paragraph 9.2.3 requires the “dedicated control person” to complete a EHRA every day for each crossing / conflict. (for road strengthening and resurfacing) – no significant changes to the form. 	<ol style="list-style-type: none"> 1. Additional resource requirements 2. Training Courses availability 3. Competency levels required – these need definition 4. Short duration, low risk works on rural routes have not been fully considered
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<p>Decision/Result of review</p>
<p>The COP mirrors the requirements for competence in the 2005 Safety Health and Welfare at Work Act but doesn't put in place any new specific requirement for any specific courses.</p>

Submission 2 Item 8

8.	<p>Paragraph 9.2.4.3 Rephrase: Ensure the chipping spreader is moved beyond the exit point to ensure that there is sufficient clearance from the no-tip zone, <i>during</i> the tipper truck carrying out the loading process.</p>	
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<p>Decision/Result of review</p>
<p>The checklist is similar to the one in the 2008 Code of Practice. The COP was agreed after detailed consultation with the Local Authorities.</p>

Submission 2 Item 9

9.	<p>Chapter 10 – “Installing overhead services for telecommunications”</p>	<ol style="list-style-type: none"> 1. It should be noted that this may be relevant to other sections of a Local Authority
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Decision/Result of review

Agreed. However, ESB Networks or the HSA are not in a position to communicate individually with each internal unit of specific organisations.

Submission 2 Item 10

10.	Paragraph 5.1 Re-phrase or hyphenate this bullet point: “• in certain limited cases, using a dedicated observer electromechanical limiting devices, or both.”	
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Decision/Result of review

The structure of the sentence was amended.

Submission 2 Item 11

11.	NB Compliance to figure 9 Road resurfacing parallel or near an un-insulated low voltage line	Compliance here is going to be difficult. Previous code was 1metre for both
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Decision/Result of review

Agreed; COP has been amended to reflect this.

Submission 3

Document Submitted by	Conor Kenny
Organisation	H&S Professional
Submission Date	20 April 2018.
Document reviewed by	Padraig Delaney

Submission 3 Item 1

Page 11 “organisations such as the ESB will not be covered by this COP” This would appear to be at odds with the general Health & Safety legislative framework (e.g. Safety Act 2005) which applies to all workplaces. It would be recommended that either A) the COP be revised to include sections on the operations of network owners/operators; or B) a separate COP be drawn up to cover the activities of the network owners/operators.

Decision/Result of review

The COP does not exempt any organisation. Rather it recognises that certain workers who are competent and authorised will operate in a different fashion to construction workers who work in the vicinity of overhead lines without necessary training and authorisation.

Submission 3 Item 2

Page 21 – Section 3.3 - the requirements to notify the HSA should be revised to reflect the actual requirements set out in the Safety, Health & Welfare at Work (Construction) Regulations 2013

Decision/Result of review

Agreed; Wording amended.

Submission 3 Item 3 to 11

Comments 3 to 11 from Mr. Kenny also refer to how the responsibilities of the Client, PSDP, PSCS, Designers and Contractors are reflected in the COP.

Decision/Result of review

Wording of the COP has been amended and generally reflects the comments of Mr. Kenny.

Submission 3 Item 12

In order to make the proposed “Code of Practice for Avoiding Danger from Overhead Electricity Lines” workable and implementable across the entire construction Industry the previously issued HSA “Guidelines on the Procurement, Design and Management

Requirements of the Safety Health Welfare at Work (Construction) Regulations 2013” should be amended, updated, and reissued as a Health & Safety Authority Code of Practice (e.g. the HSA Code of Practice for the Procurement, Design and Management Requirements of the Safety Health Welfare at Work (Construction) Regulations 2013) in order to update to reflect the Safety, Health and Welfare at Work (Construction) Regulations 2013, and to put it on the same footing as other Codes of Practice applicable to the construction Industry including, but limited to the –

- Code of Practice for the Design and Installation of Anchors,
- Code of Practice for Working in Confined Spaces,
- Code of Practice - For Contractors with Three or Less Employees Working on Roads,
- Code of Practice for Avoiding Danger from Underground Services,
- Code Of Practice for Safety In Roofwork,
- ESB Code of Practice for Avoiding Danger from Overhead Electricity Lines,
- Code of Practice for Access and Working Scaffolds.

Decision/Result of review
The issues addressed in item 12 of Mr Kenny’s submission do not relate to the content of the COP.

Submission 4

Document Submitted by	Timmy Hartnett
Organisation	Irish Water
Submission Date	18 April 2018
Document reviewed by	Padraig Delaney

Submission 4 Item 1

More emphasis needs to be placed on the height of the line.

Decision/Result of review
Section 7 has been rewritten inserting a more detailed account of all aspects of work, when there is no choice but to operate within the hazard zone.

Submission 4 Item 2

Irish Water seek details on the type of training that might be needed for a dedicated observer in Section 8.

Decision/Result of review
There is no specific course for the “dedicated observer”. However, Section 8.5.1 outlines all aspects that the dedicated observer would need to be familiar with and the items that the dedicated observer should not undertake.

Submission 4 Item 3

Irish Water suggest a picture to demonstrate why one would keep ones feet together if the ground is energised.

Decision/Result of review
It is considered that this is covered adequately in Figure 10.

Submission 4 Item 4

Irish Water suggest that it would be beneficial to have a similar form to that in Annex 3 for work in hazard zone.

Decision/Result of review
As working in the hazard zone in construction is considered non-routine, it was felt that this was not required. However if a contractor wished to use Annex 3 as the basis for a form that they might design themselves, then this would be acceptable.

