

Hot off the press

Updated EA guidance for developing business Fire Prevention Plans includes persistent organic pollutants considerations, as Dentons associate **Sam Ahmad** explains

Operators of permitted sites that accept combustible waste will be familiar with the requirement to have a Fire Prevention Plan (FPP). This requirement is either within the permit itself, or as part of the written management system that identifies the site's risks of pollution.

Since 2016, the Environment Agency (EA) has published guidance to help businesses prepare a FPP that meets the three objectives of the guidance: minimise the likelihood of a fire happening; aim for fires to be extinguished within four hours; and minimise the spread of a fire within the site and to neighbouring sites.

On 11 January, the EA updated this guidance, which expands on established practice for developing a FPP and addresses newer regulation that has been introduced since the old guidance was published. It draws attention to the new persistent organic pollutants (POPs) regulations that have been in place since 2019, creating additional obligations for businesses. POPs are toxic in humans and exposure can result in various health problems.

They are present in certain types of waste, and the updated guidance advises businesses to identify whether any wastes on site contain POPs. Where waste either contains – or is assumed to contain – POPs, it must be stored separately. In the worst-case scenario after a fire, when cleaning up a site where POPs are present, businesses are required to ensure residue that may contain POPs is segregated and treated in accordance with the relevant regulations.

FPPs will be assessed by reference to the nature and scale of the waste management activity. This does not mean that lower-risk waste operations are automatically exempt from the requirement to prepare FPPs. The EA has clarified it will take a risk-based approach to assessing FPPs



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and how it will request and approve them.

Businesses should be aware that FPPs will always be requested by the EA where a new permit application is being made, if an existing permit is being varied that may lead to an increased fire risk or if there is a serious risk of a fire occurring.

Anecdotally, the updated guidance has coincided with tougher enforcement from the EA and a wider strategy to visit and assess a greater number of sites. Operators with no FPP in place – or a FPP that does

not meet the objectives – are being awarded poorer scores on their Compliance Assessment Reports by the EA. This can create difficulties internally for businesses where non-compliances are flagged on a group-wide level.

Operators have also argued in the past that some aspects of fire prevention required by the EA, such as extensive sprinkler systems, are difficult to implement on small sites. This creates a feedback loop whereby operators are assessed as non-compliant, but feel they are powerless to address the issue. However, this argument is unlikely to be looked upon favourably by the EA. As noted, the guidance has now been in place for a long time, and operators should have developed an understanding of the requirements and addressed them.

With an average of more than 300 fires per year between 2001 and 2013 in UK waste and recycling sites, and given the potential for serious harm to human life and damage to infrastructure caused by such fires, operators can only expect enforcement of this guidance to be an EA priority in future. ●