

# Frequently asked questions: Standard Permit Consultation – Fire Prevention

Internal & external use – 30 January 2015.

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## 1. Why are we introducing the new and revised Standard Permits (SPs)?

There have been a number of high profile waste fires which have had a significant impact on the local community, have required huge effort from emergency responders and resulted in large clean-up costs. We are introducing changes to our SPs and bespoke permits to reduce fire risk. These changes are aimed at preventing fires and if a fire starts, minimise its impact.

From 1 May 2015 all newly permitted sites storing combustible materials (waste wood, tyres, RDF etc) will require a fire prevention plan, approved by us before the permit is issued. We expect that as a minimum, the fire prevention plan will meet the standards set out in our “Regulatory Standards - Fire Prevention Plan” document.

## 2. What is the “Regulatory Standards – Fire Prevention Plan” document?

Regulatory Standards – Fire Prevention Plan (Version 2, January 2015) is replacing Technical Guidance Note 7.01 (“Reducing fire risk at sites storing combustible materials). We expect this new guidance note to be made available on the GOV.UK website by the end of February 2015 at the latest. Where an operator is proposing a fire prevention plan which deviates from the minimum requirements set out in the Regulatory Standards, we will require detailed impact and modeling assessments to satisfy us that:

- the likelihood of fire,
- the potential impact of fire on the public health of the local community and the environment (air, land and water),
- the resources required by the emergency services, and
- the clean-up/remediation costs

are equivalent or less than that which would result from the site applying the minimum requirements in our Regulatory Standards.

## 3. What are we doing to the Standard Permits?

We have identified all those SPs which allow the keeping or treating of combustible waste. There are 21 of these and they all need changing to require a fire prevention plan. Some of the 21 also need further amendment to mitigate other fire risks.

Changes to these 21 SPs are mirrored by 21 new SPs for the same activities. The difference between the two lists of 21 SPs is that for:

- new SP sites, we require a **fire prevention plan approved by us, before the permit can be issued.**
- existing SP sites, a fire prevention plan approved by us **will be required within 18 months or immediately following a fire.**

We will assess how soon a site requires a fire prevention plan within the 18 months and notify the operator accordingly.

The Operator should already be incorporating the requirements for our regulatory standards on fire prevention into their Environment Management system. However, we consider greater visibility should be given to this issue and that is why we are introducing a specific permit condition (see Question 8).

We have identified all those SPs which allow the keeping or treating of combustible waste. There are 21 of these and they all need changing to require a fire prevention plan. Some of the 21 also need further amendment to mitigate other fire risks. The consultation closes on 6 March 2015. A consultation response document will then be published followed by the new set of SPs.

The changes reflect an updated assessment of fire risk in each of the generic risk assessments.

#### 4. What are the changes for wood waste processing sites?

For the new wood waste SPs, we are now consulting on a requirement for the site to be more than 200m from a dwelling or workplace and a reduction to the maximum **annual tonnage** from 75,000 down to 5,000 tonnes. If an operator cannot comply with any of the SP conditions, then they will need to make an application for a bespoke permit if they wish to continue to operate.

The consultation on the new SPs will close on 6 March 2015. A consultation response document will be published followed by publication of the new set of SPs.

#### 5. Why have we reduced the permitted annual tonnage for wood waste so significantly?

We have had to respond to a number of high profile wood fires recently and these have included sites storing 5,000 tonnes of wood or more. A number of these incidents have resulted in unacceptable impact on the local community and also in the amount of effort expended by emergency responders and the costs of clean-up following the incident. It has become apparent that the previous tonnage limit (75,000 tonnes annual throughput and 10,000 tonnes stored at any one time) presents a potentially significant risk which can only be adequately controlled through a bespoke permit.

#### 6. What is the risk for transfer station activities conducted without a building?

For those SPs allowing treatment or storage of combustible material outside a building, we are introducing limits on the duration of waste storage for a maximum of 3 months in total. This is to limit the risk of spontaneous combustion.

#### 7. What about the other SPs which allow several combustible wastes including waste wood?

For SPs which allow several waste streams, up to 5,000 tonnes of combustible waste in total can be accepted per year if storage/treatment is to take place outside. No combustible waste may be stored

for longer than 3 months in total. None of the SPs involving only combustible wastes can be used for sites operating within 200m of dwellings or work places. However, for waste wood only, the justification presented in the generic risk assessment is based on a fire scenario. This justification applies equally to all combustible wastes but the justification presented in the risk assessments for the SPs dealing with several waste types is based on noise / odour. The risk assessments will be updated.

We use a loss of containment scenario to exclude use of SPs for sites close to controlled waters, SSSIs, RAMSARs etc. This approach has been extended to cover a fire-risk scenario.

## 8. Why are we using a fire prevention plan condition and not using the Management System condition?

Using a specific permit condition, means that we are being explicit about the need for and the contents of a fire prevention plan. In particular, for existing permitted sites, the new condition will specify 12 elements that we need to see covered in a plan. As a minimum, the plan must be compliant with our regulatory standards and if not, then it must be of equivalent or superior standard (see Question 2).

For new applicants for these SPs, we require a fire prevention plan approved by us, before we issue a permit. This enables us to apply stricter controls and refuse a permit for those operators providing an unsatisfactory fire prevention plan.

## 9. What happens to existing SP holders who are impacted by this change?

Existing SP holders will have to produce a fire prevention plan within 18 months of the changes, or immediately following a fire. How soon after the changes, will be dependent on our assessment of the risk.

Operators of wood waste sites caught by the changes (distance from dwellings/workplace or tonnage limits) will need to decide whether they intend to:

- bring their activities into compliance with the revised SP;
- cease operations; or,
- make a new application for a bespoke permit.

Small scale transfer stations without a building will need to demonstrate within their fire prevention plan how they intend to manage the storage of materials such that no combustible waste is stored for longer than 3 months.

## 10. Is this tied in with the withdrawal of the Regulatory Position Statement for dockside storage of RDF and wood chip?

We have two Regulatory Position Statements (RPSs) which allow Operators to store up to 8,000 tonnes of wood waste and 10,000 tonnes of Refuse Derived Fuel (RDF) at a dock pending export without the need for a Permit. We have now extended the availability of these RPSs (RPS 128 and 131) to 30 April 2015. On 30 April, these RPSs will be withdrawn and Operators must have:

- ceased all activities and cleared the site, or

- submitted an application for an appropriate SP or bespoke permit.

## 10. What permit type should Operators currently benefitting from the RPS apply for?

Until the new set of SPs are published and made available, Operators can apply using the existing SPs but these will be superseded once we publish the new standard rules set (see Question 3 and 4).

Operators should note the proposed changes. If they apply for an existing SP but cannot comply with the SP when amended (probably May / June time) they will need to apply for a bespoke permit. We advise that the Operator meets the new limit of a maximum of 5,000 tonnes of combustible waste each year and a maximum storage time for combustible materials of 3 months from the outset to avoid having to make two applications.

Operators that wish to continue activities and are unable to comply with the conditions of the relevant SP must submit an application for a bespoke permit.

## 11. How will we notify Operators using the RPSs of the changes?

We would like Area staff to notify their Operators carrying out dock-side storage of waste wood and/or RDF that that the RPS will be withdrawn. A letter template is provided in Annex A. E&B have informed the Wood Recycling Association, Environmental Services Association and the Associated British Ports of the changes and new requirements.

All holders of the relevant SPs have been written to directly.

## 12. Where can I get further information or advice?

Operators can speak to their local area officer for further advice. E&B contacts are Pete McGillivray or Howard Leberman.

This FAQ will be updated as we move through this transition period.

06 January 2015

## Appendix A

Letter template to Operators carrying on a waste activity under RPS 128, RPS 131

Dear [Insert Name],

**Waste activities operating under Regulatory Position 128, 131 or SR2015 No7: Household, commercial and industrial waste transfer station with treatment (no building).**

On the 30 April 2015, we are withdrawing our Regulatory Position Statements which allow dock-side storage of refuse derived fuel and waste wood without the need for a permit – RPS 128 and 131.

If you wish to continue to operate your waste activity, you must submit an application to us by 30 April 2015 for either a standard rules permit or a bespoke permit.

You can submit a standard rules application using SR2015 No7: Household, commercial and industrial waste transfer station with treatment (no building) or other appropriate standard rules application.

Do note that we are also consulting on changes to our standard rule set for the storage and treatment of combustible wastes. Our consultation on the new standard rules will end on 6 March 2015 and publication of the revised rules will then follow. Our proposals for the new rule set introduce the following requirements:

- All new waste operations will require a fire prevention plan approved by the Environment Agency.
- All existing waste operations will require a fire prevention plan, approved by the Environment Agency, within 18 months of publication of the new standard rules or sooner depending on an Agency initiated risk assessment of the process.
- For waste wood and other combustible wastes, the maximum annual throughput will be 5,000 tonnes and the maximum storage period, 3 months.
- For waste wood and other combustible wastes, sites must be greater than 200m away from a work place or dwelling.

Although the existing standard rules do not reflect these requirements, we recommend that you are able to comply with these new requirements if you wish to continue under a standard rules permit. If you cannot, you should apply for a bespoke permit.

You can find further information in the attached Frequently Asked Questions.

Yours faithfully/sincerely

[Insert Area Officer name]