



National
Operational
Guidance

Section

Environmental legislation



NFCC
National Fire
Chiefs Council

Developed and maintained by the NFCC



Contents

Environmental legislation 3



Environmental legislation

Environmental damage

Under the following regulations, fire and rescue services must take steps to prevent or reduce environmental damage:

- [Environmental Damage \(Prevention and Remediation\) \(England\) Regulations](#)
- [Environmental Damage \(Prevention and Remediation\) \(Wales\) Regulations](#)
- [The Environment Liability \(Scotland\) Amendment Regulations](#)
- [The Environmental Liability \(Prevention and Remediation\) Regulations \(Northern Ireland\)](#)

They must notify the appropriate regulatory authority or organisation of:

- Damage to a site of special scientific interest (SSSI)
- Damage to species and habitats outside SSSIs
- Serious long-term damage to ground or surface water that results in a decline in water status under:
 - [The Water Environment \(Water Framework Directive\) \(England and Wales\) Regulations](#)
 - [Water Environment and Water Services \(Scotland\) Act](#)
 - [The Water Environment \(Water Framework Directive\) Regulations \(Northern Ireland\)](#)
- Contamination of land by substances or organisms that cause significant risk to human health

For more information refer to [Foundation for environmental protection - Fire and rescue services acts and orders](#).

Pollution to ground or surface waters

Under the following regulations, it is an offence to cause or knowingly permit the release of pollution to ground or surface waters. Causing pollution must involve an active operation, or the failure to take action. To knowingly permit involves the failure to prevent pollution, where there is knowledge of it occurring. In Northern Ireland there is no differentiation between a person committing an offence, knowingly or otherwise.

These offences apply unless the release is allowed by [an environmental permit](#) or exemption under:

- [The Environmental Permitting \(England and Wales\) Regulations](#)



- [The Environmental Authorisations \(Scotland\) Regulations](#)

Similar regulations are under development in Northern Ireland; in the meantime separate legislation applies, including [The Water \(Northern Ireland\) Order](#) regarding discharge consents and water pollution enforcement, and the [Environmental Better Regulation Act \(Northern Ireland\)](#).

Defence for exceptional circumstances

In normal circumstances there is no defence against a breach of regulations. However, there is a defence for fire and rescue service actions taken in exceptional circumstances to avoid danger to human health. As the criteria vary for each country's regulations, detailed information is provided at [Foundation for environmental protection – Legal defences: pollution](#).

Prevention and remediation

The regulatory authority or organisation may require fire and rescue services to carry out preventive and remediation measures. It may also be necessary to pay costs for any environmental damage caused. For protected sites and species, a fire and rescue service may be liable if damage is deliberate or caused by negligence.

It is an offence to release polluting material into a sewer without having consent from the sewerage undertaker. Sewerage undertakers must be informed when accidental releases occur. For more information refer to:

- [Foundation for environmental protection - Protecting sewerage and drainage](#)
- [Protocol for the disposal of contaminated water and associated wastes at incidents](#)

Associated legislation

- [The Control of Major Accident Hazards Regulations](#)
- [Radioactive Substances Act](#)
- [The Hazardous Waste \(England and Wales\) Regulations](#)
- [The Waste \(England and Wales\) Regulations](#)
- [Water Industry Act](#)
- [The Water Environment \(Controlled Activities\) \(Scotland\) Regulations](#)
- [Sewerage \(Scotland\) Act](#)
- [The Special Waste \(Scotland\) Regulations](#)
- [The Environmental Liability \(Scotland\) Regulations](#)
- [The Water \(Northern Ireland\) Order](#)
- [The Water and Sewerage Services \(Northern Ireland\) Order](#)
- [Groundwater Regulations \(Northern Ireland\)](#)