



Enforcement notice number: **ONR-EN-25-03**

## **REGULATORY REFORM (FIRE SAFETY) ORDER 2005** **ARTICLE 30**

### **Enforcement Notice**

Notice requiring steps to be taken under on its behalf by the Office for Nuclear Regulation pursuant to Article 26(1) of the Regulatory Reform (Fire Safety) Order 2005.

Name of  
responsible  
person

Nuclear Restoration Services Limited

Address of  
premises where  
notice is to apply

Nuclear Restoration Services Limited  
Dungeness A Power Station  
Dungeness Road, Lydd, Kent, TN29 9PP

I, [REDACTED], Fire Safety Inspector, on behalf of the Office for Nuclear Regulation, hereby give you notice that the Office for Nuclear Regulation are of the opinion that, as a person being under an obligation to do so, you have failed to comply with the requirements placed upon you by the Regulatory Reform (Fire Safety) Order 2005 in respect of the above named premises and the persons who may be on the premises or who may be affected by a fire on the premises.

The provisions of the Regulatory Reform (Fire Safety) Order 2005 which have not been complied with are:-

**Article 9.—(1)** - Risk assessment. The responsible person must make a suitable and sufficient assessment of the risks to which relevant persons are exposed for the purpose of identifying the general fire precautions he needs to take to comply with the requirements and prohibitions imposed on him by or under this Order.

**Article 11.—(1)** - Fire safety arrangements. The responsible person must make and give effect to such arrangements as are appropriate, having regard to the size of his undertaking and the nature of its activities, for the effective planning, organisation, control, monitoring and review of the preventive and protective measures.

**Article 13 — (1) - Firefighting and fire detection.** Where necessary (whether due to the features of the premises, the activity carried on there, any hazard present or any other relevant circumstances) in order to safeguard the safety of relevant persons, the responsible person must ensure that the premises are, to the extent that it is appropriate, equipped with appropriate firefighting equipment and with fire detectors and alarms.

The matters which in the opinion of the Office for Nuclear Regulation result in the failure to comply with the aforementioned provisions of the Regulatory Reform (Fire Safety) Order 2005 are specified in the schedule to this notice.

I am also of the opinion that the steps identified in the schedule to this notice must be taken to remedy the specified failure(s) to comply with the Regulatory Reform (Fire Safety) Order 2005.

The schedule requires you complete the actions listed to return to compliance with Articles 9, 11 and 13 of the Regulatory Reform (Fire Safety) Order 2005. Unless the steps identified in the schedule to this notice have been complied with by 30 September 2025 you will be regarded as not being in compliance with this notice and the Office for Nuclear Regulation may consider a prosecution against you. You may, however, apply for an extension to this time limit. (See notes)

You have the right to appeal against this notice (see notes), by way of complaint for an order, to the Clerk to the Court of the Magistrates acting for the petty sessions area in which your premises is located. If you wish to bring an appeal, you must do so within 21 days of the date this notice is served on you. The Magistrates' Courts Act 1980 will apply to the proceedings. The bringing of an appeal shall have the effect of suspending the operation of this Enforcement Notice until the appeal is finally disposed of, or, if the appeal is withdrawn, until the withdrawal of the appeal.

Signature ..

Date ....14 July 2025

*(on behalf of and duly authorised by the Office for Nuclear Regulation)*

**SCHEDULE REFERRED TO IN ENFORCEMENT NOTICE ONR-EN-25-03  
REQUIRING STEPS TO BE TAKEN UNDER ARTICLE 30 OF THE REGULATORY  
REFORM [FIRE SAFETY] ORDER 2005 ISSUED BY THE OFFICE FOR  
NUCLEAR REGULATION ON 14 July 2025**

Name and Address of Premises	Nuclear Restoration Services Limited Dungeness A Power Station Dungeness Road, Lydd, Kent, TN29 9PP
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Where appropriate, a plan may form part of this Schedule to illustrate the action which, in the opinion of the Office for Nuclear Regulation, needs to be taken in order to comply with the Regulatory Reform (Fire Safety) Order 2005.

Note: Notwithstanding any consultation undertaken by the Office for Nuclear Regulation, before you make any alterations to the premises, you may need to apply for approval from the Local Authority Building Control or an Approved inspector and/or the approval of any other bodies having a statutory interest in the workplace.

## SCHEDULE

<b>The location and details of matters, which are considered to be failures to comply with The Regulatory Reform (Fire Safety) Order 2005, are detailed in the column below</b>	<b>The action considered necessary to remedy the failures are detailed in the column below</b>
<b>Location and details</b> <p>Nuclear Restoration Services Ltd (NRS) Dungeness A (DNA) site failure to comply with Articles 9, 11 and 13 of the Regulatory Reform (Fire Safety) Order as detailed below.</p>	<b>Action considered necessary.</b> <p>NRS are to complete the actions listed below to return to compliance with Articles 9, 11 and 13 of the Regulatory Reform (Fire Safety) Order 2005 as detailed below.</p> <p>Note: an alternative approach that satisfies the requirements of the Schedule and Action may be acceptable.</p>
<b>Article 9.—(1) - Risk assessment</b> <p>I judge that the failure to make suitable and sufficient assessment of risk constitutes an offence under Article 9.—(1) of the Regulatory Reform (Fire Safety) Order 2005.</p> <p>The extant Fire Risk Assessment (FRA) for the Fill House at Dungeness A at the time of the event was not adequate because it did not identify shortfalls in fire alarm provision thereby putting relevant person at risk.</p> <p>The FRA indicated that the fire alarm system was being maintained but it was not. The FRA stated that the Fill House had a fully functioning fire system, but it did not. I also consider that the FRA does not consider key fire safety factors in sufficient detail, and represents a high-level tick box approach.</p>	<b>Article 9.—(1) - Risk assessment</b> <p>Provide a committed and resourced plan, the adequacy of which shall be subject to the agreement of the Office for Nuclear Regulation (ONR), to review and ensure that arrangements for the making of suitable and sufficient assessment of the risks in relation to fire safety are adequate. The review should include consideration of the Fill House at DNA, on-site arrangements at DNA and corporate guidance for the production, review and acceptance of adequate fire risk assessments, particularly with respect to the commissioning of facilities or projects that employ multiple phases or organisational handovers.</p>
<b>Article 11.—(1) - Fire safety arrangements</b> <p>I judge that the failure to manage fire safety arrangements constitutes an</p>	<b>Article 11.—(1) - Fire safety arrangements</b> <p>Provide a committed and resourced plan, the adequacy of which shall be</p>

<p>offence under Article 11.—(1) of the Regulatory Reform (Fire Safety) Order 2005.</p>	<p>subject to the agreement of ONR, to review and ensure that the arrangements for the effective planning, organisation, control, monitoring and review of fire safety are adequate.</p>
<p>The failure to manage fire safety arrangements resulted in fire safety deficiencies, as identified in this Enforcement Notice, thereby putting relevant persons at risk.</p>	<p>The review should consider arrangements for handover of Examination, Maintenance, Inspection and Testing of fire safety processes and procedures for projects that have multiple phases, to ensure a clear definition of the roles and responsibilities for each stage of a project undertaken at site (operations, construction, commissioning etc).</p>
<p>The original as-built design of the system was not adequate. The design of the electrical system of the Fill House did not allow supplies to be maintained to the fire system while other areas were isolated so they could be worked on. This led to isolation methods being applied which did not conform with the Duty-holder's arrangements such as defeating an interlock and not record it and masking a standing alarm from the fire system to the site's main fire system through software. The defeat of the interlock was not identified as a site modification, and it was not tracked according to the site's procedures.</p>	<p>The review should encompass both corporate guidance and site-focussed requirements and arrangements.</p>
<p>There is no procedure in company commissioning arrangements for enforcing fire protection when a new facility is occupied as no formal handover to engineering and maintenance teams is required by company procedures.</p>	
<p>There was ambiguity about the requirements for the fire system and the status of the building throughout the building's life.</p>	
<p>There was confusion about what state the building was in with regards to initial construction, building fit-out, and start of inactive and active commissioning, nor was it clear what was required during these phases.</p>	
<p>I consider that there have been numerous occasions of non-adherence</p>	

<p>to the Duty-holder's company standards, and that these have happened across multiple job roles throughout the lifetime of the plant.</p>	
<p><b>Article 13 — (1) - Firefighting and fire detection</b></p>	<p><b>Article 13 — (1) - Firefighting and fire detection</b></p>
<p>I judge that the failure to ensure that the area was equipped with fire detectors and alarms represents an offence under Article 13 — (1) of the Regulatory Reform (Fire Safety) Order 2005.</p>	<p>Review and ensure that adequate arrangements for the provision of appropriate fire detectors and alarms within the Fill House at DNA are in place.</p>
<p>The failure to ensure that the area was equipped with fire detectors and alarms put relevant persons at risk, in the event of a fire, because the fire may have developed undetected, the alarm may have not been raised and relevant persons may not have successfully evacuated the building.</p>	<p>Provide a committed and resourced plan, the adequacy of which shall be subject to the agreement of ONR, to review the adequacy of the extant provision, and consider any reasonably practicable measures to reduce risks further at other Fill Houses and similar buildings on NRS sites.</p>
<p>Personnel had been using the building for a period of up to 10 months without an operational fire detection and alarm system.</p>	
<p>Information on the fire system's status was not clearly and reliably passed between teams responsible for the fire system and Fill House.</p>	
<p>The fire alarm system was not adequately maintained. The Fill House call points were not included in weekly fire system checks due to not being added to the site's Statutory Maintenance Schedule, and this was not noticed for several years.</p>	
<p>During previous work in the building, the fire alarm system had been deactivated due to the presence of standing alarms, as a consequence of the design of the electrical systems.</p>	

**NOTES TO ACCOMPANY ENFORCEMENT NOTICE  
SERVED UNDER ARTICLE 30 OF  
THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005**

1. Application to premises. The Regulatory Reform (Fire Safety) Order 2005, subject to paragraph 2 (1)(a) to (g) below, applies to any premises.

2. The Order does not apply in relation to:-

- a. domestic premises;

**Note:** Where the premises are, or consist of, a house in multiple occupation this Order applies in relation to those parts of the premises which are not domestic premises;

- b. an offshore installation within the meaning of regulation 3 of the Offshore Installation and Pipeline Works (Management and Administration) Regulations 1995.
- c. a ship, in respect of the normal ship-board activities of a ship's crew which are carried out solely by the crew under the direction of the master;
- d. fields woods or other land forming part of an agricultural or forestry undertaking but which is not inside a building and is situated away from the undertaking's main buildings;
- e. an aircraft, locomotive or rolling stock, trailer or semi-trailer used as a means of transport or a vehicle for which a licence is in force under the Vehicle Excise and Registration Act 1994 or a vehicle exempted from duty under than Act.
- f. a mine within the meaning of section 180 of the Mines and Quarries Act 1954, other than any building on the surface at a mine; and
- g. a borehole site to which the Borehole Sites and Regulations 1995 apply.

3. You may appeal (under Article 35 of the Order) against an enforcement notice served (under Article 30 of the Order). The appeal is made, within 21 days from the day on which the notice is served, to the magistrates' court for the area in which your premises is situated and may be brought on the grounds that you think that:

- a. the service of an enforcement notice was based on an error of fact;
- b. the service of the enforcement notice was wrong in law; and
- c. the Office for Nuclear Regulation erred in the exercise of their discretion in serving the enforcement notice.

Without prejudice to the breadth of the grounds of appeal set out in paragraph (a) to (c) above, examples of situations in which an appeal may lie are where:

- a. You dispute any of the facts in the notice, which detail the steps, which have to be taken in order to comply with any provision of the Order.
- b. You think that an unreasonable time period has been set for the taking of the steps set out in the notice.

4. The Office for Nuclear Regulation may grant, at their discretion, an extension (or further extension) of time specified for the steps to be taken if an appeal against the notice is not pending. Application for an extension of time should be addressed to:- The Office for Nuclear Regulation [Type in address of ONR Office].

5. Failure to comply with any requirement imposed by an enforcement notice served under Article 30 of the Order within the time specified in the notice (or such further time as the Office for Nuclear Regulation may, at their discretion, grant) is a criminal offence under Article 32(d) of the Order. A person guilty of such an offence shall be liable,

- a. on summary conviction to a fine not exceeding the statutory maximum; or
- b. on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.

6. In any proceedings for an offence referred to above, where the commission by any person of an offence under the Order, is due to the act or default of some other person, that person is guilty of the offence, and a person may be charged with and convicted of the offence whether or not proceedings are taken against the first mentioned person.

7. Nothing in the Order operates so as to afford an employer a defence in any criminal proceedings for a contravention of those provisions by reason of any act or default of an employee or person nominated to implement measures for fire-fighting and procedures for serious and imminent danger and for danger areas, and appointed to assist him/her in undertaking such preventive and protective measures as necessary.

8. Subject to Note 9, in any proceedings for an offence under the Order, except for a failure to comply with articles 8(1) (Duty to take general fire precautions) or 12 (Elimination or reduction of risks from dangerous substances), it is a defence for the person charged to prove that he/she took all reasonable precautions and exercised due diligence to avoid the commission of such an offence.

9. If you are the responsible person you are under an obligation to comply with the provisions of the Order or any regulations made under it. If you have failed to comply and you and the Office for Nuclear Regulation cannot agree on the measures

which are necessary to remedy the failure(s), under Article 36 of the Order, you and the Office for Nuclear Regulation may agree to refer the question, as to what measures are necessary to remedy the failure(s), to the Secretary of State for a determination.

10. It should be noted that in order to satisfy the "Environment and Safety Information 1988" the Office for Nuclear Regulation is obliged to enter details of any enforcement notice into a register to which the public have access. If you feel that any such entry would disclose secret or confidential trade or manufacturing information then you should appeal in writing to the Office for Nuclear Regulation within a period of fourteen days following the service of the notice.

11. To assist with administration procedures, it would be helpful if you could quote the reference number (at the top of this notice) when dealing with the Office for Nuclear Regulation.

## **STANDARD TERMS AND DEFINITIONS**

**FIRE RESISTING (FIRE RESISTANCE):** The ability of a component or construction of a building to satisfy, for a stated period of time, some or all of the appropriate criteria specified in the relevant British Standard.

**INTUMESCENT STRIPS:** A strip of material placed along the door edges (excluding the bottom edge), or frame, that will react to heat by expanding to form a seal to the passage of hot gases and flame.

**SMOKE SEAL:** A flexible strip of material (often used in conjunction with an intumescent strip) placed along the door edges or frame to limit the spread of cold smoke during the early stages of a fire.

**SELF-CLOSING DEVICE:** A device, which is capable of closing the door from any angle and against any latch fitted to the door. Rising butt hinges are not acceptable.

**AUTOMATIC DOOR RELEASE:** A device, linked to (or operated by the sound of) the fire alarm system, that when fitted to a fire resisting self-closing door, enables it to be held open during normal working conditions.

**EMERGENCY ESCAPE LIGHTING:** That part of the emergency lighting system provided for use when the electricity supply to the normal lighting fails so as to ensure that the means of escape can be safely and effectively used at all times.

**RISK ASSESSMENT:** An organised appraisal of your activities and premises to enable you to identify potential fire hazards, and to decide who (including employees and visitors) might be in danger in the event of fire, and their location. You will then evaluate the risks arising from the hazards and decide whether the existing fire precautions are adequate, or whether more needs to be done. It will be necessary for you to record your findings (if you have five or more employees), and to review and revise when necessary.