

BARNSELEY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD

Date and Time:- Tuesday 3 February 2026 at 1.30 p.m.

Venue:- Rotherham Town Hall, The Crofts, Moorgate Street, Rotherham. S60 2TH

Membership:- Councillors Higginbottom (Chair), Jones and Marshall.

The items which will be discussed are described on the agenda below and there are reports attached which give more details.

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AGENDA

- 1. Apologies for absence**
- 2. Declarations of Interest**
- 3. Minutes of the previous meeting held on (copy attached) and any matters arising (Pages 3 - 5)**

To consider the minutes of the previous meeting.

- 4. BDR Managers Report (Pages 6 - 25)**

To consider the BDR Managers Report.

- 5. Renewi / Biffa Sale (Verbal Report)**

- Update on contractor
- Parent Company Guarantee rejection

- 6. Risk Register (Pages 26 - 30)**

To note the Risk Register.

- 7. Any Other Business**

The next meeting of the Barnsley, Doncaster and Rotherham Joint Waste Board will be held on 6 July 2026 commencing at 2.00pm in Rotherham Town Hall.



**JOHN EDWARDS,
Chief Executive.**

BARNSELY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD
Tuesday 7 October 2025

Present:- Councillor Higginbottom (in the Chair); Councillor Glyn Jones and Councillor Lynda Marshall.

Also in attendance were Paul Castle, Sam Barstow, Kellie Hopkins, Rhonda Fletcher, Carl Hewlett and Huw Russell.

27 APOLOGIES FOR ABSENCE

Apologies were received from Matt O'Neill.

28 DECLARATIONS OF INTEREST

No were no declarations of interest.

**29 MINUTES OF THE PREVIOUS MEETING HELD ON 24 JUNE 2025
(COPY ATTACHED)**

Resolved:- That the minutes of the meeting held on 24 June 2025, be approved as a true and correct record of the proceedings.

30 BDR MANAGERS REPORT

The Senior Contract Officer provided an update relating to the BDR Managers Report, during which the following was discussed and noted:

- There was a maintenance review conducted externally. This was conducted for two main reasons, the first being that the contract was ten years in so would be used to ensure that the contractor would be fulfilling their requirements to properly maintain the facility and equipment and the second was to ensure monitoring throughout the contract lifespan using this as a baseline going forward. No red flags or significant concerns were raised via the report and the main areas for improvement were minor, an example being that the data was not in the best format when provided and would be improved going forward.
- In relation to performance on site, there was no issues to raise relating to targets.
- There was an increase in complaints in August which related specifically to odour, all complaints were responded to via the contractor and many complaints were unfounded or unsubstantiated due to the distances involved. All complaints were fully investigated by the contractor and data provided to the Environment Agency when the complaints originated from them. There was a robust plan in place to keep complaints to a minimum, whilst ensuring that all complaints were be investigated properly.

- The last Liaison Committee Meeting was held in May, during which it was agreed that a Strategy Day would be held with the contractor instigating this, with all Council's being invited to attend. The intention was to hold the Strategy Day before the next BDR Committee meeting in November 2025.
- There was a recent fire at Barnsley Transfer Station, this was most likely caused by a vape or battery mixed in with waste mattresses that were loaded into the trailer stored outside the main building. Following the major fire at the Barnsley Transfer Station the previous year, this external storage was one of the changes made and as a result this fire was contained to just the trailer. This highlighted that the processes put in place following the fire last year, such as increased thermal imaging, CCTV and 24-hour monitoring had worked. The fire brigade attended the fire within twenty-five minutes.

The Chair thanked the relevant officer for the update and invited members present to ask any questions on this item, during which the following was discussed and noted:

- Councillor Marshall asked whether it would be possible for the previous year's figures to be included in future reports, to provide members with the opportunity to compare the previous and current year's figures. The Senior Contract Officer present advised that this could be done, however when the contract changed over to Biffa from Renewi, the monitoring system changed, therefore the categories had changed, and members were asked to bear this in mind when comparing previous and current figures moving forwards.

31 **RENEWI / BIFFA SALE**

Consideration was given to the report, which was included within the agenda pack, during which the following was discussed and noted:

- The sale to Biffa took place at the end of 2024, since the sale it was business as usual with no major changes to report.
- The reason for the purchase offer of the Private Finance Initiative (PFI), was to provide Biffa with PFI experience for any future PFI's.
- It was noted that the BDR project was well managed and provided a good evidence base for further PFI's.
- There were no future major changes to the contract or to the site planned and the contract was running well at present. Any potential arising issues would be reported back into the Board at a future meeting.

The Chair invited members present to ask any questions on this item and the update received, there were no questions asked.

32 RISK REGISTER

The risk register was recently presented to the Steering Group for a deep dive relating to risks. There were no new risks added and no further changes to report.

The Chair invited members present to ask any questions on this item and the update received, there were no questions asked.

33 ANY OTHER BUSINESS

A representative of the Department for Environment, Food and Rural Affairs (Defra) who was also the audit transactor for the project, was present at the meeting and advised the following:

- The contact operated well and there was support provided to the Senior Contract Officer, via networking groups for PFI Contract Managers.
- The representative from Defra was engaging with officials regarding the training scheme and the impact on waste facilities.
- The officer present would be on sabbatical for four months and the role would be completed in the interim by another experienced transactor.

34 DATE AND TIME OF NEXT MEETING

Resolved: - The next meeting of the Barnsley, Doncaster and Rotherham Joint Waste Board will be held on Tuesday 3 February 2026, commencing at 2.00 p.m. in Rotherham Town Hall.

BDR WASTE PFI CONTRACT

BDR MANAGER REPORT (February 2026)

1 Governance

1.1 BDR Team

1.1.2 The BDR Team continues to work flexibly but now works more at Council offices (across the BDR Partnership) and the PFI Waste Treatment facility at Bolton Road, and some home working.

1.1.3 **The BDR Team comprises:**

1.1.3.1 BDR Manager – Paul Hutchinson (extended absence as of September 2025).

PH outlined all the actions and tools at the Steering Committee meeting on 12.8.25 to enable the BDR Team to pick up the reins in his extended absence. Including arrangements for the BDR Legal and Financial Advisors to be available to function as mentors, support, gatekeepers, and critical friends for the BDR Team on matters contractual for the team. RMBC's Waste Manager is to function as mentor for the team on matters administrative within the RMBC system (Budgets, HR, Governance structure, and Rules).

Waste Managers from BMBC and CoDC to function as mentors for the team on matters of BDR Partnership and Council/Site interface.

1.1.3.2 Senior Contract Officer – Carl Hewlett (stepping up as BDR Manager in the interim)

1.1.3.3 Technical Officer / Admin– Rhonda Fletcher

1.2 External Support

1.2.2 The BDR Team continues to receive external legal, financial, and technical advice from specialists who have been advising the BDR Team on PFI matters and partnership working.

1.2.2.1 Neil Tindall (Legal)

1.2.2.2 Craig Pember (Finance)

1.2.2.3 Stantec UK Limited (Technical)

1.2.2.4 IDRisk (Insurance)

1.2.3 The BDR Team and their external advisers continue to work on major and minor variations to the contract to improve the overall service delivery, processes, performance, and contractual interaction between BDR and the contractor.

1.2.4 Advisors are / will be assisting with negotiation / due diligence on:

1.2.4.1 Ongoing contractual and financial due diligence following on from the sale of Renewi UK Services (the contractor) to BIFFA Ltd

1.2.4.2 Contract Parent company Guarantee change request - rejected.

1.2.4.3 Ferrybridge offtake contract Parent company Guarantee change request – Awaiting detail from Biffa.

1.2.4.4 Deliverable Matrix Variation

1.2.4.5 Dispute Resolution Panel agreement.

- 1.2.4.6 Landfill diversion Incentive (annually)
- 1.2.4.7 Change in Law implications for the contract (and cost mitigation) arising from the Environment Act 2021 (R&WS, EPR, DRS & Simpler Recycling, etc)
 - 1.2.4.7.1 Biffa indicated they wish to discuss potential implication to contract.
- 1.2.4.8 Joint Insurance Cost Report (Bi-annually – Version 5 Received Jan 25 - Rejected)
 - 1.2.4.8.1 Biffa indicated may wish to take to dispute.
- 1.2.4.9 Annual Insurance Placement (24/2/25 for 2026) and waiver request for some aspects of Insurance requirements
- 1.2.4.10 Change request to remove the old Fire suppression system.
- 1.2.4.11 Qualified Change in Law (QCiL) claim for Environmental Permit changes and installation of Best Available Technologies (BAT's)
 - 1.2.4.11.1 BDR Team awaiting technical and financial date from Biffa (for CiL claim) to allow due diligence and interrogation.
- 1.2.4.12 Changes/rebuild of AD Pasteurisation Tunnels and Acid Scrubber due to errors in the original design.
- 1.2.4.13 Review of New Carbon Emissions Trading Scheme (ETS) requirements on Energy from Waste (EfW) sites (Ferrybridge) and potential (2028) budgetary impact on BDR Councils. Possibly including financial burden mitigation options/initiatives
- 1.2.4.14 Review of maintenance Plans and Lifecycle of Bolton Road and equipment.
- 1.2.4.15 Any future amendments to managing Persistent Organic Pollutants (POP's) from EA directives.
- 1.2.4.16 Site condition survey and hand back obligation for Barnsley transfer station.

2 Financial

2.1 25/26 Operational Management Budget Forecast

2.1.2 Table 1 - Operational Management Budget 2025/26

25/26 Budget Approved by JWB 24.06.25				2025/26 BDR Recharge split	
	Budget	Forecast	Variance		
Management	£150,000	£162,050	£12,050	BMBC	£90,242
Administration	£33,000	£30,539	-£2,461		
Call off Legal	£80,000	£79,010	-£77,990	DMBC	£92,738
External Finance	£52,000				
External Legal	£0				
External Technical	£20,000				
Insurance Advisors	£5,000				
Call off Finance	£0				
Call off Technical	£0				
HWRC Project	£0			£0	£0
Total	£340,000	£271,599	-£68,401	Total	£269,356
				Small discrepancy in total v forecast due to year end accrual recharge	

- 2.1.3** For 25/26, the BDR Manager proposed at the Joint Waste Board AGM on 24th June 2025 that the 25/26 budget remains as per the previous year of £340,000 (one-third paid by each Council), which should be sufficient to meet the Teams' anticipated requirements for 2025/26, which was agreed.
- 2.1.4** Expenditure has been re-profiled and recalculated to ensure the team meets all the anticipated workloads due in the 25/26 financial year and anticipates changes below:
- 2.1.4.1 New BDR team Staff profile
 - 2.1.4.2 New Consultants' Rates. Both Legal and Financial advisors' contracts ended and new
 - 2.1.4.3 agreements are now in place. They have been appointed through a specialist consultancy framework following the administering authorities' procurement rules, rates reflect the market rate + inflation.
 - 2.1.4.4 Advice required for technical specialities.
- 2.1.5** Potential re-profiling of individual budget header amounts may be required – changes in Staff Costs (Support may be required due to BDR Manager requiring a leave of absence/sickness), additional administration costs, and additional hours from External advisors.
- 2.1.6** The BDR team proactively manages its Operational Budget, but it is anticipated that all the 25/26 budget may be used, and it is not anticipated that significant budgetary savings will be possible in 25/26.

2.2 25/26 Unitary charge forecast.

2.2.2 The PFI Unitary charge has an annual indexation mechanism that is set by the January RPIX figure. The January 2025 figure was 3.2%.

2.2.3 Waste arisings are anticipated to remain at the same levels as 2024/25, and with no unexpected or unanticipated additional costs, expenditure, or income. The following Unitary Charge amount is anticipated for 2025/26.

2.2.4 Table 2 - 25/26 Unitary charge forecast.

Annual Forecast 2025-26				
Unitary Charge	Barnsley	Doncaster	Rotherham	Total
Invoice Payment to Biffa	£9,735,635.00	£11,409,231.00	£8,483,558.00	£29,628,424.00
Internal Adjustments				
Anticipated Credits	£2,057,323.00	£2,743,097.00	£2,057,323.00	£6,857,743.00
Budget Out-Turn	£7,678,312.00	£8,666,134.00	£6,426,235.00	£22,770,681.00

2.3 Energy Gainshare Payment.

2.3.2 2024/25 - As with the previous two years, an Energy Gainshare Payment from Enfinium (Ferrybridge Multi-Fuel) for 24/25 was agreed and paid in July 2025:

2.3.2.1 Total - £1,176,854

2.3.2.2 BMBC - £353,056

2.3.2.3 CoDC - £470,742

2.3.2.4 RMBC - £353,056

2.3.3 2025/26 - It is calculated that there will be no Energy Gainshare Payment in 2025/26. This payment is calculated over a three-year rolling average of electricity prices, and as prices have fallen sufficiently since their peak in 21/22 & 22/23, the rolling average will no longer fall within the calculation to trigger a payment.

3 Contract Delivery

3.1 Contract Strategic Meetings

- 3.1.2 BDR Liaison Committee Meeting** – Held every 6 months, the Liaison Committee meetings between the Councils, the contractor, and the operating contractor continue to be positive, the representatives across all parties have been in post for some time, and this allows for a collective understanding of contractual positions. The last meeting was held on 4th November 2025, the next is due in May 2026.
- 3.1.3** The May 2025 Liaison meeting was a great opportunity for the new contractor, Biffa to introduce themselves to the wider BDR governance structure and allow them to outline their vision for the management and running of the BDR PFI waste contract.
- 3.1.4** Biffa has indicated that they are keen to dialogue with the Councils over the implications of the incoming Simpler Recycling changes (EPR, DRS etc) and their implications on the contract. At this point, they have not supplied any details to allow the BDR team to follow up on this further, and this has been pushed back till 2026.
- 3.1.5 Operating Contractor (OpCo)** - Monthly meetings are held between the BDR team and Biffa, the operating contractor. At these meetings, the BDR team receives updated reports on plant performance and maintenance e, duty of care, health and safety, any projects, contractual performance, and site inspection outcomes. The BDR team raises any performance issues and agrees deductions that should be applied, and the Contractor is measured against contractual requirements.
- 3.1.6 Special Purpose Vehicle (SPV OpCo)** - Bi-monthly meetings are held between the BDR team (with its Legal and Financial external consultants) with the SPV Director(s) and Biffa contract director. At these meetings, the BDR team receives updated reports on contractual compliance, contractual variations, changes in law affecting the contract, Insurance, and performance of the PFI financially etc. The BDR team raises any (non-operational) contractual issues at this meeting.

3.2 Contract Data

- 3.2.2** Performance reports are produced by the contractor on the 14th of each month, including information up to the end of the previous month. As this meeting is held on the 3rd of February 2026 (with papers needing publishing in advance, by 23rd January 2026) the contractor's data available will only include information up to 31st December 2025.
- 3.2.3** By undertaking continuous monitoring of the contract through site inspections, report scrutiny, performance monitoring mechanisms, and procedures within the BDR Team, and direct communication with the contractor, we are satisfied with contractual performance, service delivery, and compliance. The BDR team currently has no major concerns with Biffa's delivery and will continue to monitor them in accordance with the contract and raise any issues with the Biffa management team as soon as possible for further discussion and investigation.

3.3 Waste Treatment

3.3.2 Bolton Road Facility, BDR waste received 25/26.

3.3.2.1 Table 3 – 25/26 Year-to-date Contract Tonnes Processed.

Inputs		2024/25	April	May	June	July	Aug	Sep	Oct	Nov	Dec	YTD 2025/26
	Contract Waste (Limbs)											
Barnsley	A (Household)	53620.92	4656.32	4574.94	3998.14	4691.80	4228.32	4236.50	4875.04	4188.98	4457.20	39907.24
	B (Commercial)	5230.24	450.88	430.38	396.54	482.82	353.92	429.00	456.48	406.08	417.20	3823.30
	C (HWRC)	5618.52	548.22	520.86	453.24	473.92	524.44	477.22	463.60	485.60	521.98	4469.08
	D (Public Highways etc)	1155.10	104.26	95.46	102.46	110.66	95.72	103.00	112.50	96.32	109.14	929.52
	E (Grounds Maintenance)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Doncaster	A (Household)	72829.78	6175.02	6419.00	5542.24	6368.30	5879.02	5815.60	6471.98	5939.84	6396.34	55007.34
	B (Commercial)	3942.32	296.60	283.60	266.50	252.28	186.14	229.36	235.80	192.00	234.04	2176.32
	C (HWRC)	7816.77	754.68	742.98	629.36	659.54	718.22	644.30	596.58	607.46	689.78	6042.90
	D (Public Highways etc)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	E (Grounds Maintenance)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Rotherham	A (Household)	52225.70	4494.72	4424.60	4165.92	4486.84	4045.28	4326.02	4519.16	4066.64	4350.02	38879.20
	B (Commercial)	2810.38	219.98	211.64	219.04	251.30	244.80	273.58	270.48	247.42	264.32	2202.56
	C (HWRC)	6430.42	643.60	611.42	558.18	523.62	653.10	568.90	539.02	546.60	603.36	5247.80
	D (Public Highways etc)	23.70	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	E (Grounds Maintenance)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.3.3 The BDR Team proactively reviews the anticipated tonnage forecast throughout the year and adjusts the monthly Unitary Charge payments accordingly to ensure accurate UC amounts to aid budget forecasting.

3.3.4 Waste Treatment – Bolton Road Facility - Third-party waste received.

3.3.5 Table 4 – 25/26 Year-to-date Third-Party Waste Tonnes Processed.

Inputs - 3rd Party	2024/25	April	May	June	July	Aug	Sep	Oct	Nov	Dec	YTD 2025/26
Biffa	8022.64	124.18	721.76	1659.74	1641.48	2228.78	558.44	1862.96	983.74	174.90	9955.98

3.3.6 The amount of third-party waste being accepted is monitored and managed by the Contractor against Council delivered tonnage to ensure sufficient capacity to process and prioritise BDR contract waste. This will also allow for smoother acceptance of the priority waste from the Councils and increased reception pit cleaning as part of Biffa's ongoing fly management measures.

3.4 Waste Treatment Performance

3.4.2 Annually, the two primary monitoring metrics for the contract are recycling performance and diversion from landfill. The contract sets targets for the facility of 17.5% recycling (with a default-termination trigger if below 10.5%) and more than 96.74% diversion of waste from landfill.

3.4.3 As CoDC now collect Pots, Tubs and Trays in their kerbside Dry mixed recycling from 1st April 2025, this has invoked a pre-agreed variation to the contract from that date and reduce the Recycling performance target for 25/26 from 17.5% to 17%.

3.4.4 This is the same agreed variation that saw the target reduce from 19% to 18% when RMBC introduced plastic collection kerbside and a chargeable garden waste service, and from 18% to 17.5 % when BMBC introduced Pots, Tubs and Trays collection in their kerbside Dry mixed recycling.

3.4.5 Landfill diversion is calculated by the total waste diverted from landfill divided by the total waste delivered. In several months, diversion is above 100%. This is due to the processing of waste taking 14 days (over a month-end). Therefore, in these months, more processed material may leave the site than is received. The landfill diversion target is annual.

3.4.6 Table 5 – 25/26 Year-to-date Bolton Road Performance

Performance	80.96	April	May	June	July	Aug	Sep	Oct	Nov	Dec	YTD 2025/26
Recycling (%)	14.36%	13.70%	15.70%	15.87%	14.12%	13.21%	15.55%	12.07%	14.23%	13.93%	14.26%
Diversion (%)	98.31%	88.33%	106.64%	97.50%	99.58%	88.30%	104.10%	92.77%	98.27%	95.27%	96.75%
Moisture Loss (%)	30.07%	28.01%	32.17%	23.16%	29.64%	26.43%	30.08%	31.73%	30.15%	27.53%	28.77%

3.4.7 Table 6 – 25/26 Year-to-date Bolton Road Process Outputs

Contract Outputs	2024/25	April	May	June	July	Aug	Sep	Oct	Nov	Dec	YTD 2025/26
Landfill	4303.84	101.66	104.26	87.26	116.42	84.5	113.44	101.28	107.12	619.82	1435.76
Recovery (RDF + Moisture)	185873.13	14398.00	17483.75	14066.95	16367.29	13373.06	15884.10	15580.32	14782.75	15374.91	137311.13
Ferrous	1278.20	91.65	112.99	116.42	89.62	103.55	112.55	65.53	118.19	123.15	933.65
Non-Ferrous	358.95	23.36	41.26	25.20	38.53	22.23	31.19	22.53	24.12	28.77	257.19
Fines	16283.90	1469.45	1653.69	1425.25	1466.57	1183.96	1412.63	1239.95	1368.41	1398.74	12618.65
Glass & Stone	1647.21	100.73	100.48	119.05	112.99	92.41	173.34	111.37	49.52	99.81	959.70
Plastic	2482.87	120.05	139.23	169.90	149.19	173.87	190.78	180.39	144.34	164.67	1432.42
Direct Delivered	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Recycling Sub-Total	22051.17	1805.23	2047.64	1855.83	1856.91	1576.02	1920.48	1619.77	1704.57	1815.14	16201.59
Ferrybridge Metals	2256.73	151.30	207.99	192.74	203.62	174.96	195.49	180.14	179.46	168.71	1474.95
AWM-Recycling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fines CLO Uplift	3048.93	275.16	309.66	266.89	274.62	221.70	264.52	232.19	256.24	261.92	2362.90
Recycling Total	27357.12	2231.69	2565.30	2315.45	2335.16	1972.68	2380.49	2032.09	2140.27	2245.77	20218.90
Outbound Total	212228.14	16304.89	19635.66	16010.03	18340.62	15033.58	17918.02	17301.87	16594.43	17809.87	154948.97

4 Complaints

4.1 25/26

4.1.2 Table 7 – 25/26 Complaints received by month.

2025/26	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Flies	0 (0)	0 (0)	0 (0)	0 (0)	1 (0)	1 (0)	0 (0)	0 (0)	0 (0)				2 (0)
Noise	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)				0 (0)
Odour	0 (0)	0 (0)	1 (0)	0 (0)	5 (0)	1 (0)	0 (0)	0 (0)	0 (0)				7 (0)

(#*) Classified immediately as unsubstantiated by the EA (Distance from site, wind direction, closeness to other sources, description of complaint levied (burning waste!) or Hygiene/lack of own fly management at complainant's address).

- 4.1.3** Fly activity has remained low due to the colder weather, and Biffa undertaking a minimum of one fly treatments a week in accordance with the fly management plan. As the seasons change and warmer/colder weather conditions prevail, fly treatments will be adjusted to suit.
- 4.1.4** As part of Biffa's ongoing fly management, a reviewed and updated Fly Management Plan (with additional preventive measures) has been submitted to the EA and approved by them. In addition, Biffa have adapted application of pesticides to drive flies deeper into the plant on application (not towards exit points), fully inspected the tipping hall to seal ant egress points. Air curtains installed on the entrance and exit of the tipping Hall to prevent fly egress and have reduced the time that vehicle entrance and exit doors take to open and close.
- 4.1.5** Biffa continues to dialogue (MD Keith Sinfield personally) with Next in respect of complaints of fly issues at their large warehouse that immediately neighbours Bolton Road site, as Next feels Biffa is attributable for the issue. Three-way dialog between Biffa, Next and the EA have been ongoing, and Biffa's fly management plan improvements have been welcomed by all parties, and the situation will be monitored and reviewed throughout the year.

5 Environmental Report

5.1 25/26

5.1.2 In 25/26, there have been 1 x environmental incidents and 13 x Car forms issued for receipt of:

- 5.1.2.1 5 x AIR 1 submission
- 5.1.2.2 2 x Ammonia
- 5.1.2.3 1 x Electrical interruption.
- 5.1.2.4 2 x M9 Bioaerosol Results
- 5.1.2.5 3 x Biogas release

5.1.3 In 25/26, there have been 7 x Schedule 5s submitted:

- 5.1.3.1 5 x relating to gas releases.
- 5.1.3.2 2 x permit testing – ammonia levels from AD stack.

5.1.4 Table 8 - Details of Communications with any relevant Authority in 25/26

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
EA inspections @ BDR Bolton Road												
EA inspection @ Barnsley Transfer Station												
CAR Received BDR Bolton Road	1	1	2	2	1	2	2	2	0			
CAR Received Barnsley Transfer Station												
Schedule 5 submitted to EA		2	1	1		1	1	1	0			
HSE Enforcement notices BDR Bolton Road												
HSE Enforcement notices Barnsley Transfer Station												
HSE Cautions BDR Bolton Road												
HSE Cautions Barnsley Transfer Station												
New Permits, Variations, Revocations & Suspensions issued. (All Operations)												

6 Other Updates / Issues

6.1 New Contractor – Biffa (Share Purchase of Renewi UK Services Ltd).

- 6.1.2** In respect of the purchase of Renewi UK Services Ltd by Biffa, the BDR team has liaised with the Waste Infrastructure Development Program (WIDP) transactor, Defra, external consultants, and colleagues from other authorities to assess options and contract implications.
- 6.1.3** The BDR Team has been assured by Biffa that no changes to the delivery of service will be sought. It intended to take between 6 to 12 months (now completed) to integrate its new acquisition into its wider organisation and look to improve the business utilising internal Biffa assets/contracts/opportunities. All Renewi staff on site have been retained and will continue to deliver the contract as specified.
- 6.1.4** At the May 2025 Liaison Committee meeting, we were joined by Mick Davis, Chief Operating Officer of Biffa's Resources & Energy Division. He introduced himself to the BDR Senior Managers and outlined why Biffa had acquired this contract (to gain knowledge and leading contractors in this waste field, to build Biffa's portfolio and gain that expertise for further expansion). Discussion also around Biffa's vision for the contract, working together and learning from each other, challenges ahead in municipal waste treatment and improving contract delivery.
- 6.1.5** The BDR Team and its legal, financial, and technical advisors are closely monitoring the situation and are in contact with Senior figures in Biffa, the retained personnel in both the SPV and OpCo. The Team is also liaising with other Councils with RUK's/BIFFA PFI's, WIDP, Defra and the Senior Lenders who finance the project, to take soundings, be aware of wider issues/requests and sense check the sale. So far, no significant issues, risks, or worries are circulating.
- 6.1.6** The only request arising from the sale is for the Parent Company Guarantee in the contract's various agreement documents to be changed from Renewi PLC to Biffa BidCo. After taking advice from our consultants this request has been rejected as the new proposed guarantor does not fulfil the requirements of a guarantor as set out in the contract. Renewi PLC remains the guarantor. Currently awaiting an update from Biffa.

6.2 Insurance

- 6.2.2** The Contractor obtained full cover of insurance for 2026. Although in general the insurance market for waste still sees difficulties in placement and higher premiums, the Contractor's previous insurance advisor Marsh Limited, stated that for the BDR PFI they have seen an increased appetite from insurers to accept more options, which has seen a slight decrease in premiums. This is due to the BDR Site demonstrating good fire prevention by investment into control measures, equipment, and fire risk reduction.
- 6.2.3** Following the sale to Biffa, the contractor has switched to AON as their insurance broker.

Following several meetings with them, they are reporting a similar position to Marsh previously and have seen an increase in appetite from the insurers also. Biffa confirmed that insurance had been placed by the deadline of the 24th of December as needed.

- 6.2.4** Insurance, cover, and availability will be scrutinised closely to ensure that under the new contractor (Biffa) it continues to be placed and that it is sufficient to cover and meet the contractual requirements.
- 6.2.5** The SPV has advised that they will be writing to obtain the same waivers to levels of insurance as they have in previous years, and we anticipate the following.
 - 6.2.5.1 A hot works condition applied to the Material (Property) Damage and Business Interruption
 - 6.2.5.2 A deductible for Material (Property) Damage, Machinery Breakdown, and Business Interruption.
 - 6.2.5.3 The Material (Property) Damage and Business Interruption policy has a Loss Limit.
 - 6.2.5.4 Deductibles for Public and Products Liability policy and individual aspects sub-limits
- 6.2.6** We have engaged IDRisk (Insurance Specialist) to undertake a review of these requests. Once received, the BDR Team will make a judgement on whether to grant the waiver.

6.3 Joint Insurance Cost Report (JICR)

- 6.3.2** The 5th JICR was received in February 2025, making an initial claim of £1.13M from the Councils for increased insurance costs. Full interrogation and due diligence of the report (for accuracy and against the Contract specification) had been undertaken by the BDR Manager with his Legal, Financial and Insurance advisors. The conclusion of all is a rejection of the JICR. A Rejection letter was sent to the Contractor on the 25th of March 2025, confirming rejection on the grounds of:
 - 6.3.2.1 Mathematical errors - Incorrect data used - Incorrect (or lack of evidence) for assumptions in the report - Incorrect interpretation of the contract.
 - 6.3.2.1.1 When the correct data is used, we calculate that the Councils are not liable to make payment.
- 6.3.3** Therefore, the position for the 5th JICR remains the same as the previous four iterations, rejecting any claim for payment from the contractor, citing the contract drafting and calculation. We now await a response from the Contractor if they wish to pursue their claim.
- 6.3.4** It should be noted that the BDR position on JICR is not unique and many PFI's JICR are not yet agreed. Further guidance from the Infrastructure Projects Authority (IPA) on the application of the contract about JICR has recently been issued but although it was anticipated to give clarity, on review this (non-binding guidance) seem watered down and lacking clarity.
- 6.3.5** We are still awaiting an official response from the SPV on our rejection letter. Although it should be noted that the time limit as stipulated in the contract to take our rejection through the Dispute process has lapsed. The Contractor has recently intimated that they may seek to take several JICR's (3 to 5) to adjudication and dispute. This could be in 2026, but they may initially pursue a "test case" with another PFI First.

6.3.6 The BDR team and its advisors will keep a review on the situation.

6.4 AD Pasteurisation Tunnel & Acid Scrubber

6.4.2 Biffa's legal action against the original contractor (JCBE) who designed and built the AD facility, has been to Adjudication in December 23 /January 24 and the adjudication was found in favour of Biffa.

6.4.3 JCBE has disputed the findings of the adjudication through the submission of a Notice of Dissatisfaction. Unless the parties agree on a position on liability, the case will now be heard in court. No dates have been set for this process. This should have no financial impact on the Councils.

6.4.4 As the Acid Scrubber is integral to the AD facility and is physically positioned on top of the AD plant, Biffa feel it may not now be as simple as making the original design work. Biffa is investigating if a new positioning or a new (enhanced) system may be required. The BDR team will ensure that any cost for any enhancing of the system above what is required is not passed to the Councils.

6.4.5 Biffa will continue to progress the rectification of the acid scrubber on the AD facility. The base for the course of action is a report they commissioned from Otto Simon. A design path has been chosen by Biffa, which is being worked through so a suitable contractor can be appointed to build and commission the equipment. Again, the BDR team will endure due diligence of the suggested solution is undertaken to mitigate any additional cost pass through to the Council.

6.5 Permit emission amendments (Best available Technologies – BATS)

6.5.2 Biffa has received a draft revised permit from the EA detailing the new required emissions levels from the acid scrubber stack. Biffa has formally written to the Councils to notify us that they believe this is a Qualifying Change of Law and therefore, once the changes in the permit have been analysed, there may be a claim for any additional resource/expenditure to meet the new permit requirements.

6.5.3 Biffa has also been set a hard delivery date in 2026 by the EA to comply with their permit requirement, and are being closely monitored by the EA.

6.5.4 The BDR Team has asked for Biffa to provide a detailed analysis of the changes and an in-depth justification for any Qualified Change in Law (QCiL) payment they feel is required from the council. Biffa have advised quotation and procurement for the solution has been undertaken and they are hoping to have further information in the near future (costings, Solution proposed, technical specification of solution, and technical specification of existing and cost to replace as is).

6.5.4.1 An update is now due by mid-February, following extra monitoring completed at the end of 2025.

- 6.5.5 Once received the BDR team will undertake due diligence of any claim, taking legal, financial, and technical advice from external experts to ascertain if payment is required or if a claim is to be rejected. Currently waiting for an update.
- 6.5.6 Technical consultants, Stantec, have been provided with details of the system and have provided an independent evaluation of the contractual performance baseline requirements. And they will assist with phase two – Analysis of the proposed solution by Biffa.

6.6 External Maintenance Review

- 6.6.2 The review conducted at the BDR Waste Treatment Facility examined lifecycle maintenance activities from 2019 to 2025, comparing Biffa's annual maintenance records against the original Schedule 46 – Lifecycle Works. The aim was to identify discrepancies in maintenance frequency and provide BDR Councils with a clearer understanding of the condition of key equipment. The analysis revealed several instances of non-conformance, with some assets maintained less frequently than scheduled and others more frequently. Biffa attributed these variances to factors such as third-party maintenance, asset descriptions, improved inspection regimes, and operational decisions based on the knowledge of operating the facility over the previous 10 years.
- 6.6.3 The findings from Stantec found no significant issues to raise regarding the ongoing maintenance and lifecycle activities at the facility. The findings also suggesting opportunities for cost savings through potential reductions in maintenance frequency for certain equipment, provided these changes are justified and agreed upon. Conversely, where increased maintenance is necessary, Biffa should supply detailed explanations to ensure transparency and support future contract hand back planning.
- 6.6.4 The findings by Stantec have given the BDR team confidence that Biffa is managing maintenance and lifecycle activities well. The report also recommends improving the format and clarity of future maintenance data sharing—preferably in Excel—to facilitate easier analysis and consistent terminology. Going forward this data will be used by the BDR team annually to review the planned and actual maintenance, promoting better contract management and informed decision-making.

7 Barnsley Transfer Station – Grange Lane

7.1 Dilapidation Works

- 7.1.2** All dilapidation works have now been completed for some time. BMBC Asset Management have commissioned a survey of a schedule of conditions to record a standard for Biffa to keep the site in a good and tenable condition to the end of the contract, which was being reviewed by BMBC (two years ago).
- 7.1.3** The BDR manager has been pushing BMBC asset Management (without response to numerous e-mails) to allow the survey to be reviewed and agreed by Biffa, to allow a variation to the BTS contract to be drawn up to agree on the maintenance of the facility moving forward, how the paintwork on the steel should be managed, and more specifically and agreed hand-back condition expected by BMBC from Biffa at contract end.
- 7.1.4** The BDR team (after numerous unanswered requests) is still awaiting a response from the BMBC Assets team to engage in this process, and for the BMBC condition survey to be supplied for the contractor to review.
- 7.1.5** Biffa are now seeking to undertake their own condition survey and supply proof that all conditions of their tenancy have been met to create a baseline condition required on hand-back. This is due to the lack of engagement or supply of requirements from BMBC asset Management.
- 7.1.6** Recently, we have been contacted by the group leader for BMBC Estates and are currently in the process of working through the outstanding works to enable an agreement between the contractor and BMBC as soon as possible. The Biffa condition survey is now on hold.

7.2 BTS Mattress Fire

- 7.2.2** In August, a fire involved a Sherwood's trailer loaded with mattresses external to the building, this shows that the previous actions taken were positive and do work to ensure damage is kept to a minimum. A site action plan was conducted off the back of the fire with some positive improvements in storage and housekeeping.

8 Health and Safety

8.1 25/26

8.1.2 Table 9 – 25/26 Year-to-date Health and Safety

Events By Type									
Event Type	2025-04	2025-05	2025-06	2025-07	2025-08	2025-09	2025-10	2025-11	2025-12
Observations	26	49	49	52	79	63	55	51	38
Near Miss	3	4	12	14	7	8	8	5	6
Damage to Vehicles, Property or Plant	2	3	4	6	2	13	4	4	3
Injury	1	2	0	0	1	1	1	1	0
Environmental	1	2	1	0	3	0	0	1	0
Fire/Explosion	0	0	4	0	4	3	3	2	2
Process Safety	0	0	0	0	0	0	1	0	0
Security	0	0	0	0	0	0	1	0	0

8.1.3 Table 10 – 24/25 Health and Safety Data for Comparison

Event Type	2024-04	2024-05	2024-06	2024-07	2024-08	2024-09	2024-10	2024-11	2024-12
Close Call	55	118	75	98	116	63	100	79	40
Accident less than 3 days	0	0	1	3	2	2	2	1	0
Accident more than 3 days	0	0	0	1	0	1	1	0	0
Non RIDDOR	0	0	0	0	0	0	0	0	0
RIDDOR dangerous occurrence	0	0	0	0	0	0	0	0	0
RIDDOR more than 7-day injury	0	0	0	1	1	0	0	0	0
Major RIDDOR	0	0	0	0	0	0	0	0	0
Environmental	0	1	0	0	0	0	2	1	0

8.1.4 As requested, the tables above show the current and previous year's data for H&S incidents. As noted in previous reports, this will not be a 1-2-1 comparison due to Biffa changing its reporting system in 24/25. Both systems were run concurrently until the beginning of 25/26. This means that several event types do not match exactly. Below are some descriptions of the new event types to help better understand how the current year's data compares to the previous years:

- 8.1.4.1 **Observation** – incorrect PPE, housekeeping, positive observation, weather conditions, etc.
- 8.1.4.2 **Damage to Vehicle, Property, or Plant** – vehicle collision, collision with bollard or building.
- 8.1.4.3 **Fire / Explosion** – one category containing Fire, Explosion, False alarm due to dust,

steam etc.

8.1.4.4 **Injury** – first aid, no first aid, <3 days, >3 days, RIDDOR reportable.

8.1.4.5 **Process Safety** – can include missing guarding, not following correct SOP's etc.

8.1.5 Observations (previously Close calls) sought to be raised and can both be positive and negative. By reporting issues where improvements can be made, or where expected levels of behaviour/working have not been maintained, it will increase learning and improve safety across the site.

8.1.6 Once we are in the next reporting year, there will be a full year's data to compare against using the same reporting system, so a direct 1-2-1 comparison can be made.

8.1.7 H&S data for January 2026 will not be contractually available until 13th February 2026 (after this report is issued).

9 Community Education Liaison Officer (CELO)

9.1 25/26

9.1.2 Press Releases –

- 9.1.2.1 Easy Ways to Save at Christmas
- 9.1.2.2 Community Talks - Love Your Clothes
- 9.1.2.3 International E-waste Day Campaign
- 9.1.2.4 Corporate Social Responsibility (CSR) Fund
- 9.1.2.5 Site Tour Dates 25/26
- 9.1.2.6 Food Waste Action Week 2024
- 9.1.2.7 Recycle Week
- 9.1.2.8 BBQ Waste
- 9.1.2.9 Keeping batteries out of waste
- 9.1.2.10 How to get started composting at home.
- 9.1.2.11 Reducing recycling contamination
- 9.1.2.12 Reducing waste at Christmas
- 9.1.2.13 Composting during the winter months

9.1.3 Social media - Currently, there have been one hundred and thirty-eight posts across all social media with a total of 215,213 views for 2025/26 (until end of December). 100's of individual posts, daily, weekly, and monthly have been co-ordinated on the Less Waste South Yorkshire media channels.

9.1.4 Food Waste Action Week - The 2026 campaign will be 9th -13th March and the resources are not yet available.

9.1.5 Food Waste Reduction Campaign – Phase 2 All the resources for Phase 2 of the campaign have been designed and produced, event bookings are underway and the campaign will begin in February 2026.

9.1.6 Recycle Week - Took place between the 22nd - 28th September 2025, the theme this year was 'Rescue me' and focused on commonly overlooked recyclables. For the Waste Less South Yorkshire campaign, only the posts featuring items recycled by all South Yorkshire Councils were included.

9.1.7 International Composting Awareness Week – Took place between 4th - 10th May 2025.

9.1.8 Educational Visits – Seven education sessions took place to the end of December including a careers event, 3Rs workshops, and Rubbish Adventure workshops.

9.1.9 Batteries, Vapes and Small WEEE Campaign

- 9.1.9.1 An interim campaign plan has been submitted to the Councils to highlight the need for safe, correct disposal of batteries, vapes and small WEEE items, including scoping trials of community WEEE disposal options. Conversations took place around the permits required for storage of the material and possible combined working. Conversations have taken place with the Environment Agency, Biffa's compliance advisor, and HW Martin.

9.1.9.2 A discussion has been held with the Environment Agency and storage of batteries, vapes or WEEE at BDR would require the site to apply for a hazardous waste permit. This would be prohibitively expensive and as such the campaign will not proceed. Cancelling this target was discussed and agreed with CWG.

9.1.9.3 In the November comms working group a battery and vapes livery campaign with the fire service was discussed, the fire service has since said this was not possible. They could distribute leaflets instead. In December, the Councils asked to utilise the budget for vehicle livery instead.

9.1.10 Right thing, Right Bin pick'n'mix campaign –

9.1.10.1 A 'Sort It Out' design concept has been produced and agreed with the Councils. The Councils have been asked to provide feedback on how they wish to spend their individual budgets. Barnsley and Doncaster have given initial direction for their spend.

9.1.11 International E-Waste Day Campaign

9.1.11.1 The CELOs will be responsible for distributing and delivering content in support of International E-waste Day took place on 14th October 2025. The campaign was designed to raise awareness of E-waste recycling.

9.1.12 Biffa BDR Community Social Responsibility (CSR) – grants and volunteer hours

9.1.12.1 In December, funds were made available to four of the five selected applicants. The final group is awaiting confirmation from the Biffa financial team.

9.1.12.2 Applications have now been evaluated, and successful projects have been selected, and all applicants have been contacted with their outcome.

9.1.12.3 A new information sheet and application form, and an online form have been created. The fund was launched with a deadline set for applications by the 28th of September.

9.1.12.4 In December, funds were made available to three of the five selected applicants, with a further applicant in the process of receiving funds. The final group is awaiting confirmation from the Biffa financial team.

9.1.13 Community Engagement

9.1.13.1 Thirteen site tours have taken place so far in 2025/26, involving a total of eighty-two people.

9.1.13.2 Two community talks have taken place in 2025/26 about Love Your Clothes and waste and recycling in Barnsley.

9.1.13.3 A new webpage added to the BDR online with details of booking community talks and a booking form for both in-house and outreach presentations.

9.1.14 Compositional Analysis

9.1.14.1 The Autumn compositional analysis took place in September/October 2025, and results have been provided to the councils.

9.1.14.2 The spring 2025 analysis took place in March, and results have been provided to the councils.

9.1.14.3 Spring 2026 analysis has been scheduled for 2nd to 27th March 2026.

9.1.15 BDR Website

9.1.15.1 In October, a full website check took place, and changes were requested.

9.1.15.2 In August, changes were requested, including the addition of information about the Community Environment Fund.

9.1.15.3 In July, changes were requested. This included changes to the homepage, the addition of the community talks page, and the deletion of previous years' CSR documents.

9.1.15.4 In March, changes to the Education pages on the BDR online website were requested. This includes changes to the content, layout, and structure of the pages. A booking form will be embedded into the pages to make the booking process easier.

9.1.15.5 Existing education resources are currently being updated to include further teaching notes, updated data, and reflect changes to collections. These will be updated on the website in April to coincide with Doncaster collection changes.

9.1.15.6 Work has been done to make a simplified document and website copy of what the education team can offer. This will be handed to schools and community groups when requested.

9.1.16 CELO Budget

9.1.16.1 Below shows the agreed 25/26 budget and current spend used by the CELO to deliver the projects for the councils.

9.1.16.1.1 Agreed 25/26 CELO Budget: £165,881.25

9.1.16.1.2 Current Spend as of end of December 2025: £65,316.44

10 Joint working and BDR support 25/26

10.1 Updates

10.1.2 The BDR team and its External Advisors have been assisting Barnsley, Doncaster, and Rotherham councils with joint and individual projects. There is additional support as required, from a legal locum, internal and external technical advisors, and financial advisors, for more complex matters. It should be noted that the increase in consultation activity from central government departments is putting pressure on resources. Once the outcome of the consultations is known, more resources will be required to implement changes to contracts and services.

10.1.3 Listed below are the current projects and areas where the BDR team is helping to support the individual Councils or co-ordinate joint work 25/26:

10.1.4 BMBC

- 10.1.4.1 Support on Paper and Card recycling off-taker re-contracting and specification.
- 10.1.4.2 Support on Dry Mixed Recycling off-taker re-contracting and specification.
- 10.1.4.3 Support on Skips and Bulky Waste off-taker re-contracting and specification.
- 10.1.4.4 Finalisation and Support for delivery of new HWRC contract
- 10.1.4.5 Support for re-tender of Garden Waste Contract

10.1.5 CoDC

- 10.1.5.1 Finalisation and Support for delivery of new HWRC contract
- 10.1.5.2 Legal support for review of Collection Contract

10.1.6 RMBC

- 10.1.6.1 Support for re-tender of Garden Waste Contract
- 10.1.6.2 Support for delivery/take-back of new HWRC contract.

10.1.7 B.D.R

- 10.1.7.1 Co-ordination, collation, and submission to numerous Government/Defra consultations from around the waste sector.
- 10.1.7.2 Assisting with HWRC contract variation requirements
- 10.1.7.3 Lobbying Government on the delays on the R&WS outcomes
- 10.1.7.4 Changes required due to Resource and Waste Strategy
- 10.1.7.5 Pre-work on Strategic Review of SYMWS as requested at JWB.

10.2 Report Contact:

10.2.2 Paul Hutchinson, BDR Manager (on sick leave) – Paul.hutchinson@rotherham.gov.uk

10.2.3 Carl Hewlett, BDR Senior Contract Officer – Carl.Hewlett@rotherham.gov.uk

<h1 style="margin: 0;">BRIEFING</h1>	TO:	Barnsley, Doncaster and Rotherham Joint Waste Board
	DATE:	3 rd February 2026
	LEAD OFFICER:	Paul Hutchinson – Waste Manager Carl Hewlett – Senior Contract Officer
	TITLE:	BDR PFI Project Risk Register
1. Background		
1.1	<p>Barnsley MBC, City of Doncaster Council and Rotherham Borough Council (the Councils) entered into a principal agreement called the Project Agreement (the PA) in March 2012 with 3SE (Barnsley, Doncaster and Rotherham) Limited (the Contractor). The agreement is to build, design and operate a facility to manage the residual waste for the Councils from July 2015 to end of June 2040 and manage Barnsley Transfer Station. The PA also requires the Contractor to achieve agreed levels of recycling and landfill diversion.</p>	
1.2	<p>The Contractor is a special purpose vehicle company set up purely for this PFI project, meaning it has no significant balance sheet strength or assets. It sub-contracts its service obligations, and most of its PA obligations, to Biffa PLC a waste management service company as its operator (the Operator). The Operator produces solid recovered fuel (SRF) from contract waste, which is shipped to Enfinium Multi-Fuel, Ferrybridge for thermal treatment. The Councils pay a unitary charge each month to the Contractor who then pays the Operator through an operating contract. The total Councils' payments between 2015 and 2040 are approximately £721M (as forecast at PA signature) so this scheme is, for each Council, one of the highest value contractual commitments.</p>	
1.3	<p>Initially, the Contractor was initially owned by two of shareholders in the proportion 75:25 through a Renewi investment vehicle and an SSE investment vehicle. In October 2020 SSE announced the sale of their "Multifuel Energy" business (Ferrybridge FM1 and FM2 energy from waste facilities plus other assets) and the Contractor ownership changed. Following SSE's exit from Ferrybridge, Renewi became full owners of the Contractor through an investment vehicle and renamed as Renewi BDR Limited. In 2024 Renewi PLC announced their desire to exit the UK market and in October 2024 subsequently sold the UK division Renewi UK Services Ltd (that owned Renewi BDR Limited) to Biffa PLC. Although the ownership of the Contractor has changed twice, there is no change in the PA between Biffa and the BDR Councils, nor the offtake supply contract terms between Biffa and the offtaker at Ferrybridge so the SRF will continue to be supplied to that offtaker throughout the term of the PFI contract which ends in 2040.</p>	
1.4	<p>The BDR Joint Waste Board last considered the risk register at its previous meeting in June 2025. Since that date, the Risk register has been updated bi-monthly. In April 2025 a deep dive of the project risks was undertaken by the BDR Manager and submitted to Steering Committee for review by BDR Assistant Directors. The register was last reviewed at their December 2025 Meeting.</p>	
1.5	<p>The risk categories are split between red, amber, and green (RAG) representing varying degrees of exposure. Each category contains a range of risk scores, and the table below shows how the RAG rating and score are derived.</p>	

LIKELIHOOD (A)	Almost Certain 5	5	10	15	20	25
	Probable / Likely 4	4	8	12	16	20
	Possible 3	3	6	9	12	15
	Unlikely 2	2	4	6	8	10
	Very unlikely / Rare 1	1	2	3	4	5
		Insignificant/ Negligible 1	Minor 2	Moderate 3	Major 4	Critical/ Catastrophic
		IMPACT (B)				

2. Key Issues

2.1 Changes

2.2 There have been no new risks added to the Register.

2.3 There have been no increases or decreases to the currently listed risks following a review prior to the last Steering Committee meeting and the Joint Waste Board meeting. These will continue to be reviewed by the BDR Waste Manager / Senior Contract Officer which any changes noted.

2.4 Summary of Risks

Current RAG Rating	Feb 2026 (Sep25 position)	Target RAG Rating	Feb 2026 (Sep25 position)
Red	0 (0)	Red	0 (0)
Amber	2 (2)	Amber	0 (0)
Green	17 (17)	Green	19 (19)
Total	19 (19)	Total	19 (19)

Risks continue to be considered against for the current perceived risk profile of – Council Changes, recent legislation changes, planned legislation changes and recently purchase of contract by Biffa PLC and economic and ecological landscape.

The risks contained in the register require ongoing management action. In some cases, additional resources may be necessary to implement the relevant actions or mitigate risks. Any additional costs associated with the risks are reported to the BDR Steering Committee for consideration.

3. Key Actions and Timelines

3.1 Monitoring

The PFI project risk register is reviewed by the BDR Steering Committee at their regular meeting every 4 months and reported corporately every 2 months via the individual Councils' risk registers. Additionally, the BDR Manager reports to the Joint Waste Team and draws attention to issues to allow internal challenge.

The BDR Manager and the Council's core contract management team will review and update the risk register on a two-month cycle to ensure risks are able to be effectively monitored and managed.

4. Recommendations

4.1 BDR Joint Waste Board is asked to consider and note the attached updated risk register and, after consideration, advise of any further risks to be added to or deleted from the risk register.

Risk Number	Risk	Consequence /effect: - What would actually happen as a result? How much of a problem would it be? To whom and why?	Existing actions/controls - What are you doing to manage this now?	Risk Score with existing measures (See scoring table)		Current Score	Further management actions/controls required - What would you like to do in addition to your controls?	Target Score with further management actions/controls		Target Score	Risk Owner (Officer responsible for managing risk and controls)	Risk Review Date	Movement
				I	L			I	L				
23 (CSS13)	Changes in Technology due to innovation or Government Law/Regulations (Carbon Capture) at Energy from Waste Plant	Potential financial implications if due to change in law. Initial negotiation with Biffa and Enfinium. Biffa/Enfinium may wish to cascade effects. Would trigger clauses covering this scenario (changed to EFW downstream contract). Cardon Capture required at Enfinium facility, likely to become mandatory - Additional Persistent Organic Pollutant restraints and disposal tech' needed. Likely new Acid Scrubber tech needed at site to meet permit requirements.	Procedure incorporated in the Contract Conditions. Impact and actions to be jointly agreed with the Contractor to negate or mitigate costs as far as possible. In-depth negotiation will be undertaken with (already procured) Legal and Financial expertise working for the Councils. Application of the downstream Changes to EFW contract Clauses within the contract. Enfinium requested to supply situational update via monthly OpCo meeting.	3	4	12	In-house Legal & Financial expertise has worked on the PFI Contract from inception - Large in-depth knowledge of PFI contract and clauses. Experienced negotiators to be brought on board Changes and/or claims for additional Financial costs from Biffa/ Enfinium to be monitored, challenged and evaluated. Instructed Technical consultants to undertake evaluation and due diligence on ETS, POP's and Permit position and conditions.	2	3	6	BDR MANAGER	22/01/26	
22 (CSS13)	Lack of resources due to contractor staff restructures, staff resignations, or leaving company. Failure to have a knowledge of current level of management of facility and contract. Current contractor selling business or handing facility back	Failure to deliver the contract effectively, and deliver the terms of the contract to ensure not in breach of the contract requirement. Reduction in the good working relationship between contractor and client. Loss of key staff through either Sale of Business by Biffa or handing facility back.	Documentation, Spreadsheets and process in BDR PFI team to monitor that contractual requirements are being delivered. Used, maintained and updated weekly and when changes occur. Checks that knowledge of contractual processes and procedures to be held on contractors management system. Checks on Staff training and development. Continued dialogue (site visits weekly, Meetings monthly) with current contractor and staff. Sale of RUCK to Biffa know finalised (Oct24) and Biffa take-over of staff and site completed .	3	3	9	To ensure regular operational meetings where staffing and contingency is discussed. Obtain prior knowledge of staff changed due. Work with new staff members to maintain client Contractor relationship and adherence to contract delivery. Further work to improve Contract Monitoring and recording within the BDR team. Requires continued monitoring of working practices of Biffa in the initial first 12 months as they incorporate the BDR PFI in to their organisation to ensure no reduction in Staff, their productivity, training and competences.	3	2	6	BDR MANAGER	22/01/26	
17 (CSS13)	Contractor is in Financial Default due to financial failure of contractor	Funders assess the position and decide whether to step in and avoid Contractor Default. If they do not then the Contractor could be terminated by the Councils.	Contractor to limit exposure to unnecessary costs and protect income during any negotiations of change. Councils have standard HMT approved contract drafting to manage termination process. Due diligence and review of financial situation undertaken with sale of RUKS to Biffa (Biffa received £100m cash injection from RUKS for sale)	4	2	8	Ensure appropriate application and understanding of the contract. Continue to maintain a good contractual relationship with SPV and directors. SPV meeting held every 2 months, Liaison Meeting every 6 months. BDR PFI team's Financial Advisor keeping financial oversight of Biffa.	4	1	4	BDR MANAGER	22/01/26	
2 (CSS13)	Contractor default needing emergency action and/or leading to contract termination.	Service disruption. Temporary full or partial closure of facilities.	A series of performance bond and Parent Company Guarantees exist to provide and/or pay for interim/alternative arrangements to be made. Funders would work with BDR to bring in a new contractor to deliver the service. Contingency arrangements may be implemented in the short term. Robust contract monitoring procedures. Due diligence and review of contractual situation undertaken with sale of RUKS to Biffa (Biffa received £100m cash injection from RUKS for sale)	4	2	8	Ensure appropriate application and understanding of the contract. Ensure monitoring staff are sufficiently skilled to manage this situation. Continue to maintain a good contractual relationship with SPV and directors. SPV meeting held every 2 months, Liaison Meeting every 6 months. BDR PFI team's Financial Advisor keeping financial oversight of Biffa. Liaison with DEFRA, WIDP and other PFI Contract Managers to keep oversight and knowledge transfer.	4	1	4	BDR MANAGER	22/01/26	
6 (CSS13)	Serious injury/death of a member of staff or public through service operation (MAJOR INCIDENT AT ITS/AD)	Personal tragedy. Health and Safety Executive intervention. Possible service disruption. Possible corporate liability offence	Contractor has completed and regularly reviews full Risk Assessments. Staff training, H&S Inspections, Contract Monitoring and performance deductions for non compliance. External Audit has been undertaken by Consultants and RMBC Health and Safety Team Regular monitoring of the Contractual requirements in relation to Health and Safety Consistent application of the Payment Mechanism	4	2	8	Regular visits by health and safety officers. Quarterly health and safety meetings. Continued H&S training of BDR PFI team to ensure ability and skills to assess H&S on site during Monthly physical site inspections, and assessment of practices, documentation and records.	4	1	4	BDR MANAGER	22/01/26	
14 (CSS13)	Insurance for the BDR Waste Treatment Plant is not available	The Councils would become the insurer of last resort. The Contractor would have to approach the market every 4 months to attempt to obtain insurance/ Contract would be terminated. Also sale of business or hand back of facility may see new owner/Council have more issues obtaining insurance.	Contractor in liaison with Insurer is progressing upgrade of the Fire Protection systems. Insurance broker is working with Insurance market to build confidence. Regular meetings with insurance broker, two month leading up to renewal to understand where contractor is with placement of insurance & any issues, movement away by insurers and cover obtained.	3	2	6	For 2025, improvements seen in ability to place insurance, and breadth of insurers willing to insure BDR. Ensure current collaborative approach on being informed of insurance placement duplicated is new owner. Work with Council Insurance teams and external advisors if facility handed back. Look at Self insurance? For 2025, independent Insurance advise sought to review market position to fully understand insurance placement and position.	3	2	6	BDR MANAGER	22/01/26	

8 (CSS13)	Changes to Collection services and that impact on the PFI Contract - waste volumes change	Potential to impact on the performance of the plant. Potential to impact on the Third Party Revenue Share due to the Councils. Implications on PFI Credits. Implications on Inter Authority Agreement. Introduction of Deposit Return Scheme, Extender Producer Responsibility and Simpler Recycling could impact.	Inter Authority Agreement measures. Significant collection change clause in the PFI Contract. Current WIDP/DEFRA position in terms of Credit Allocation position requires BDR to abide by the terms and conditions in the Promissory letter and the Final Business Case. Further clarity of R&W legislation changes and Councils current conforming delivery has helped ease the risk.	3	2	6	Dialogue with WIDP/DEFRA and between BDR Councils. Test potential impacts to the contract/Councils against the IAA3. Lobby Government on recycling definitions.	2	2	4	BDR MANAGER	22/01/26	
13 (CSS13)	Closure of facility or inability to provide the service due to a force majeure event (major incident at ITSAD Facility)	Service disruption. Temporary full or partial closure of facilities.	Contractual conditions provide a shared responsibility to agree measures to mitigate the effects and facilitate the continuation of the service. There is a contractual requirement to have contingencies plan and other controls within the contract to divert waste to other waste facilities.	3	2	6	Use contingency sites and/or other contracts where possible e.g. Use emergency procurement if absolutely necessary. Currently developing a "contingency Play-book", mapping out likely issues and What/Who/Where/When responses for 12h, 24h, 28h & 72h+ - Outlining who does what, who needs contacting, where waste goes, whose responsibility.	2	2	4	BDR MANAGER	22/01/26	
9 (CSS13)	Changes in Government Law/Regulations including W&RS (Legislative Change)	Potential financial implications due to change in law triggering negotiated changes to BDR PFI contract and financial model to cover the required service / disposal change. Councils could take more risk than anticipated	Procedure incorporated in the Contract Conditions. Impact and actions to be jointly agreed with the Contractor to mitigate costs as far as possible. In-depth negotiation will be undertaken with (already procured) Legal and Financial expertise working for the Councils. Application of the Change in Law Clauses within the contract. Further clarity of R&W legislation changes and Councils current conforming delivery has helped ease the risk.	3	2	6	Consider the need for the Change in Law retention fund. Ensure contribution to consultations. In-house Legal & Financial expertise has worked on the PFI Contract from inception - Large in-depth knowledge of PFI contract. Legislation changes are currently happening. Contingency planning, dialog with other councils and within the waste sector, understanding contractors position and from taking expert advice isn't foreseeing a detrimental risk profile at this point. Further clarity of R&W legislation changes and Councils current conforming delivery has helped ease the risk.	3	1	3	BDR MANAGER	22/01/26	
11 (CSS13)	Failure of plant and/or major equipment results in withdrawal of credits (Review of WICS)	Reputational damage and adverse publicity emanating from poor performance of state of the art facility. Potential for Local/National interest. Budget impact	Regular contract meetings/Monitoring and review procedures/Contingency facilities in place/Performance deduction, Step in provisions exist. It is likely that the Funders would step in an appoint another Contractor if performance is poor. Alternately the Councils could step in until the Contract could be retendered	3	2	6	Ensure monitoring staff are sufficiently skilled to manage this situation. Liaison with other PFI Contract Managers, knowledge transfer close liaison with DEFRA. Contractor has improved the refinement and is introducing further measures to ensure plant performance continues to improve	3	1	3	BDR MANAGER	22/01/26	
12 (CSS13)	Lack of resources due to restructures, and insufficient staff retention. Failure to maintain a knowledge of PFI contract requirements in BDR PFI team (Business Continuity - BDR)	Insufficient capacity/ability to monitor the contract effectively, resulting in failing performance of contractor, inadequate oversight of maintenance of PFI Plant and incorrect financial accountability or failure to make payments resulting in contractual breach.	Contract manuals to document the processes and procedures and Performance/Action spreadsheet created to map a full years monitoring/contractual requirement checks by. To be continually maintained and updated when changes occur, with transparency through the team. Contract information held on CIPFA site and on a Sharepoint portal. Staff training and development. Knowledge management plan. Team currently fully staffed - Senior Contract Officer into post Aug24	3	2	6	Staff retention could be improved if a clear career path existed. CIPFA Asset Management system to hold all relevant documentation for staff access. Review of PFI structure to ensure fit for purpose and building skill of existing staff through training and upskilling. Timely succession planning to be undertaken (PFI Manager currently 55). Ensure new members of team learn contract and contract management to ensure continue succession planning. Senior Contract Officer into post Aug24, becomes fully proficient with position requirements / Deputising for Contract Manager.	3	1	3	BDR MANAGER	22/01/26	
16 (CSS 13)	Operating sub-contractor exits UK Municipal market due to financial pressures	This could be in the form of "selling" the business or Handing back to facility to the Council. This may see a new operator who may wish to re-negotiate the contract or change operating procedures, or may see the councils having to take over the running of the facility. All may cause Service disruption, financial pressures, risk transfer to the Councils.	The PFI model anticipates several stages where the private sector entities - Operating Sub-Contractor, Contractor (Equity and Junior Debt Investors) and Senior Lenders - all progressively take risk (and lose their investment/loans) before the Councils bear additional costs risk. The Contractor would be required to replace the Operating Sub-Contractor and pay the costs of doing so. Compensation would be payable by operating sub-contractor in addition to the letter of credit they have in place.	3	2	6	The Councils will identify areas where they could work with the Contractor and operating sub-contractor to help reduce the losses they are currently facing whilst maintaining the intended risk transfer and achieving the required service performance. However, they should ensure that they outcome of any negotiations does not result in the Council being liable for increased compensation on termination costs should a termination still be likely as a result of the contract being considered more valuable on a market tendering exercise. Ensure appropriate application and understanding of the contract. Continue to maintain a good contractual relationship with operator and key staff. Contingency planning, dialog with exiting contractor, planned dialog with new potential contractor, understanding contractors position in waste sector and from taking expert advice isn't foreseeing a detrimental risk profile at this point.	3	1	3	BDR MANAGER	22/01/26	
21 (CSS13)	Changes in Local Authority policy.	Potential financial implications due to change in service negotiated for changes to BDR PFI contract and financial model to cover the required service delivery.	Procedure incorporated in the Contract Conditions. Impact and actions to be jointly agreed with the Contractor to mitigate costs as far as possible. In-depth negotiation will be undertaken with (already procured) Legal and Financial expertise working for the Councils. Risk may be transferable to Council if changes requested by them and not national change in law.	3	2	6	In-house Legal & Financial expertise has large in-depth knowledge of PFI contract, will ensure that if possible any changes are covered under contract change protocols, or minimise risk and costs re-charged to the Authority. Councils to have a Joint Waste Strategy. Changes driven by Government legislation still within in local authority gift on how to interoperate and implement and BDR team will contribute to discussion with Waste Team.	3	1	3	BDR MANAGER	22/01/26	

24 (CSS13) (New Apr25)	Increased Insurance Costs for the BDR Waste Treatment Contract becoming due by the Councils	Within the contract there is an mechanism (Reviewed every 2 years accompanied by Joint Insurance Cost Report) that the Contractor is interoperating to calculate that Council is liable to pay the increased insurance premiums or the Waste Treatment Plant. Currently 5 JICR have been produced, latest Feb25.	Correct interpretation of the Contractual Position (BDR Managers interpretation after advise significantly different to Contract). Taking advice from Defra & WIDP, as well as the BDR's external Legal and Financial Advisors. Also liaising with other Waste PFI contractors, both ones with Biffa Contract as well as PFI's with other contractors. Ensuring a consistent approach to interpretation of the contract and responses in rejection of claim to contractor. Contractor has left previous 4 JICR in abeyance, not pushing claim but not conceding claim.	3	2	6	Continue with consistent approach on interpretation and rejection. Look to push contractor to either take to dispute to resolve matter once and for all or concede claims. Seeking additional external insurance advise from market leading consultant to stress test BDR interpretation of contract and position	3	1	3	BDR MANAGER	22/01/26	
10 (CSS13)	Environmental Impact to Local Area from Noise/Odour/Flyes/Vermin etc (Compliance)	Reputational damage and adverse publicity from pollution emanating from State of the Art Facility. Potential for Local/National interest	Contractual controls and performance measures. Monitoring the contract. Pro-active engagement with the local community. Sharing data Regular monitoring outside the perimeter of the plant. Biffa in close liaison with the Local Environment Agency officer agree Fly and Odour Management Plans. New Treatments in recent years (confirmed by data) has seen a dramatic reduction in fly numbers inside the plant. Further improvements and preventative measures introduced by Biffa winter 24/25	2	2	4	Increased fly spraying during the fly season. Use of different insecticides. Increased pit management and emptying. Communicate to householders to wrap waste. Ensure biofilters are adequately maintained. Continued EA monitoring.	2	1	2	BDR MANAGER	22/01/26	
15 (CSS 13)	Recycling Markets	Lack of recycling markets impacts on Contractors ability to achieve recycling rate	Contingency plan in place. ensuring Contractor has contingency in place. Contract now with Biffa. As a UK based Waste Management Company with a wide ranging portfolio, the Company now has larger internal operation to place material for recycling or disposal.	2	2	4	Councils may consider taking on more risk (as long as this is properly assessed) to deliver savings. Encourage market development of local Waste Treatment / recycling infrastructure through Waste Management Plan and DPD	2	1	2	BDR MANAGER	22/01/26	
18 (CSS13)	Pandemic	Lack of staff/consumables due to a Pandemic results in facility not being able to function	Contingency plan in place. Staff able to work from home social distancing measures in place. Provision of information to staff on preventative measures e.g. hygiene measures. Minimising the amount of person to person contact. Minimising sharing of handheld equipment. Use of PPE e.g. gloves. Closely monitoring all developments internationally as well as advice from Governments and local health experts	2	2	4	Work closely with partners to monitor situation and communicate if any cases occur locally. Escalate risk as appropriate. BDR team work from home where necessary, also have meetings virtually from home if situation escalates to minimise chance of cross infection. Testing/immunisation program for contractors staff and household members. Liaison with Statutory bodies to ensure waste operators have essential status for accessing PPE if necessary. Source several suppliers.	2	1	2	BDR MANAGER	22/01/26	
19 (CSS13)	UK having exited the European Union / Global Economis up-heaval - impacts on supply chain	Potential financial implications to cover the cost of supply chain if involves markets in the EU.	Contractor to limit exposure to unnecessary costs and delays in supply chain from the EU. Ensuring long term planning of stocks and supplies. Ensuring waste off-take is primarily UK based.	2	2	4	For main off-take of EFW is contracted long-term to UK based Ferrybridge MF EFW facility. Encourage development of local development of supply chains for key equipment through DPD.	2	1	2	BDR MANAGER	22/01/26	
4 (CSS13)	Fraud	Contractor could attempt to charge for more than they are entitled to/Client team could collude with Contractor	Process for checking Tickets from each Council is in place. Financial and Legal Officers form part of team. Information shared across all 3 Councils Direct debit mandate is in place for Barnsley and Doncaster to pay Rotherham. All deductions are accounted for in line with the IAA3. Guaranteed minimum tonnage requirement for the Councils. Regular reports to Steering Group/Joint Waste Board. Systems in place to pay the Contractor Internal and External Audits undertaken	3	1	3	Continue to ensure open door policy maintained and easy access to information (contract requirement) continues. Regular site visits. Maintain good contractor client relationship. Duty of care audits with 3rd party off-takers	3	1	3	BDR MANAGER	22/01/26	