

BARNSELEY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD

Date and Time:- Tuesday 7 October 2025 at 2.00 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.

Rotherham Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair or Governance Advisor of their intentions prior to the meeting.

AGENDA

- 1. Apologies for absence**
- 2. Declarations of Interest**
- 3. Minutes of the previous meeting held on 24 June 2025 (copy attached) (Pages 3 - 8)**
- 4. BDR Managers Report (Pages 9 - 26)**
- 5. Renewi / Biffa Sale (Verbal Report)**
 - Update on contractor
 - Parent Company Guarantee Rejection
- 6. Risk Register (Pages 27 - 31)**
- 7. Any Other Business**
- 8. Date and Time of Next Meeting**

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.



John Edwards,
Chief Executive.

BARNSELEY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD
Tuesday 24 June 2025

Present: - Councillor James Higginbottom (Chair), Councillor James Church, Councillor Lynda Marshall.

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

Apologies for absence were received from Councillor Glynn Jones and officer's Matt O'Neill and Dan Swaine.

19 APPOINTMENT OF CHAIR AND JOINT WASTE BOARD UPDATE

It was advised that it was previously agreed that the roles of the Chairperson and Vice-Chairperson of the Barnsley, Doncaster and Rotherham Joint Waste Board would rotate between the three Local Authorities on an annual basis. Therefore, the following was agreed:

Resolved:-

1. That Councillor James Higginbotham of Barnsley MBC be appointed as Chair of the Barnsley, Doncaster and Rotherham Joint Waste Board for the 2025/2026 municipal year.
2. That Councillor Lynda Marshall of Rotherham MBC be appointed as Vice-Chair of the Barnsley, Doncaster and Rotherham Joint Waste Board for the 2025/2026 municipal year.
3. With the exception of the decisions reserved to the Authorities for a unanimous decision under the IAA3, all other decisions in respect of the Principal Contract are delegated by the JWB to the chair of the BDR Steering Committee (the "Authorised BDR Steering Committee Member").
4. The Authorised BDR Steering Committee Member may elect to delegate certain decisions to the BDR Manager.
5. The BDR Manager may delegate any decisions delegated to them to a member of the Joint Waste Team (if the right to delegate is granted by the Authorised BDR Steering Committee Member).

(Councillor James Higginbottom in the Chair).

20 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Glynn Jones, Matt O'Neill and Dan Swaine.

21 DECLARATIONS OF INTEREST

There were no declarations of interests.

22 MINUTES OF THE PREVIOUS MEETING HELD ON 4TH MARCH, 2025 (COPY ATTACHED)

An update was provided in relation to page 11 of the minutes, where it stated that “It was reported that earlier in the year, Biffa were, uncharacteristically, failing to meet the annual target for Landfill Diversion of 96.68%. They had been pressed on this issue and had advised that they had ensured mitigation was now in place to ensure they met the target by year-end, 31 March 2025”. The Board was advised that Biffa had met the target at 98% by year-end.

Resolved:- That the minutes of the meeting held on 5 March 2025 be approved as a true and correct record of the proceedings.

23 BDR MANAGERS REPORT

Consideration was given to report included within the agenda pack, which highlighted the following matters relating to the Joint Waste Private Finance Initiative (PFI):

- Governance
- Financial
- Contract Delivery
- Complaints
- Environmental Report
- Other Updates/Issues
- Ferrybridge
- Barnsley Transfer Station- Grange Lane
- Health and Safety
- Community Education Liaison Officer (CELO)
- Joint Working and BDR Support 2025-2026.

Paul Hutchinson, BDR Manager introduced the report and provided a high-level overview. He explained that the PFI Waste Treatment Facility at Manvers had been running since 2015, this was a joint facility used by all three local authorities, to deliver residential waste to be processed. The BDR Board had had oversight of the project since the tendering stage, there was fifteen years left on the contract, with a potential extension of five years. To date, the site was successful, unlike the majority of other PFI's. However, the contract was not profitable, as a result the contract

had been sold twice to date.

In relation to the waste treatment performance, there had been very few issues contractually and minimal risks. There had been a request arising from the sale, for the Parent Company Guarantee to be changed from Renewi to Biffa. After seeking advice, the local authority declined the request, this was due to the new proposed guarantor not fulfilling the requirements of a guarantor, as set out in the contract.

Following changes in legislation, the Councils were working with the contractor for changes to the facility to meet contractual requirement and environmental permits. These included work on the ammonia scrubbing system.

A briefing paper was circulated as part of the agenda, which provided an update on the potential impacts from the changes in law in relation to the Potential Emissions Trading Scheme (ETS.) The local authority was watching the situation and had raised it as a risk via the finance department. A future update would be provided to the Board when any further details arose.

In relation to finances, there were two budgets for the PFI. There was a £20,000 underspend in the last financial year, this was mainly due to advice from legal services and technical savings. Members were advised that approval was required for the budget for the 2025/2026 financial year, it was anticipated that the same level of budget agreed in 2024/2025 would suffice for the upcoming year. An increase in budget was not anticipated, although there were projected increases relating to fee's for legal services, and pay rises for members and administrations, however this was already budgeted. The PFI Unitary charge had an annual indexation mechanism that was set by the January RPIX figure. The January 2025 figure was 3.2%. Waste arisings were anticipated to remain at the same levels as 2024/25, with no unexpected or unanticipated additional costs, expenditure, or income.

The PFI Unitary charge had an annual indexation mechanism that was set by the January RPIX figure. The January 2025 figure was 3.2%. Waste arisings were anticipated to remain at the same levels as 2024/25, with no unexpected or unanticipated additional costs, expenditure, or income.

The Herren Index, European Spot Gas Markets Price Assessment tracked gas prices, this was at a cost of a £28,000 subscription which was shared with Wakefield Council. It was advised that a subscription was not required for two years, as it was anticipated that there would be no gain over the next two years.

In relation to contract data, targets had been successfully met. For recycling there was a default trigger of 10%, this was currently at 14.35% for the year. The diversion from landfill was 98.31%, with the annual target set at 96.68%, it was advised that a small fraction was required to go to landfill, an example was provided of bulky items such as mattresses.

In relation to complaints, it had been a very good year in comparison to

previous years. The main issues were the noise of the plant travelling from Bolton to Dearne, odour and flies, due to the perception of a fly ingress into Bolton. The contractor had worked hard to manage the flies and had implemented entrance curtains, thorough checks for gaps and changed the fly delivery treatment to treat in the opposite direction, as a result there had been a major reduction in flies. The contractor had worked with Next to address their concerns relating to flies, and as a result an official thank you had been received for all of the reduction work completed. The complaints and concerns of the community had also reduced.

There was a requirement for the industry to reduce emissions with regulations being made more stringent, an example was provided of ammonia. The contractor wanted to trigger the changing law clause under the contract to claim against the local authority, as they felt it should not be their responsibility to pay for the costs towards this. The local authority checked that the correct clause was being sighted and would do due diligence on the claim to mitigate where appropriate. The local authority would assess what system was in place currently, what system Biffa would like to bring in and whether it's appropriate and sufficient. The local authority was waiting for data to be provided by Biffa, relating to their proposed technical solution, a further update on this would be provided in due course.

Every two years the insurance for the site was reviewed, to date five separate cost reports had been sent in and rejected by the local authority. This year the rejected cost report had not been pursued further; this was for the cost of additional insurance. This was not unique to this specific PFI and was very common across PFI's.

A question was asked by a member relating to the costs of newer employee's being lower than previous employee's, this was attributed to the grading salary band system and how all new employees began their role on the lower end of the salary band and would gradually move up the scale every two years.

Resolved:-

- 1) That the update be noted.
- 2) That the 2025-2026 budget be maintained in line with previous years and agreed.

24

RENEWI/BIFFA SALE

A verbal update on the Renewi/ Biffa Sale was provided to the Board. The contract had been sold by Renewi to Biffa. Renewi was a European waste company with 6 PFI's, Renewi wanted to leave the UK market as their contracts were facing losses, as a result Renewi sold to Biffa, a UK waste company.

Since the sale of the contract, Biffa had not made any significant changes and there were no suggested upcoming changes. All employees on site had been retained and Biffa had taken on the Parent Company Guarantee. Biffa had taken over the contract to expand their expertise and knowledge as a company in this specific area.

There had been a request to change the Parent Company Guarantee from Renewi to Biffa, this was rejected by the local authority. Although the risk was minimal to the Authority at this point in the contract, it was being monitored for future implication.

Resolved:- That the verbal update be noted.

25 RISK REGISTER

Consideration was given to the Risk Register Report and a high-level overview was provided to the Board. The Risk Register was presented to the BDR Steering Committee and followed the relevant RMBC Governance processes.

It was confirmed that no new risks had been added to the Register since the last meeting. There had been seven risks reduced on the register (all were in Green and remain in Green), this was mainly due to continued understanding of correct risk profiling by the BDR PFI Manager after undergoing refresher training supplied by RMBC.

One risk had increased but still remained low and green, this was the insurance cost recharge to the Council, this was mainly due to understanding of the correct risk profile.

Resolved:- That the report be noted.

26 ANY OTHER BUSINESS

The Chair placed on record his thanks to the outgoing Chair of the Board, Councillor Mark Houlbrook and requested that the Board write a letter of thanks to the former Chair, for their contributions to the Board.

Members of the Board were advised that the minutes of the Community Liaison Group Meeting were attached for information only. The Meeting was an informal group meeting held on-site for members of the community to attend to encourage public engagement. There were no issues or concerns raised during the meeting.

The Chair extended an invite to new members of the Board, to visit the site in Mavers. The invitation was also extended to all other local authority Councillors who may be interested in learning how the plant operates.

Resolved:-

- 1) That a letter of thanks be issued to the out-going Chair of the Board.
- 2) That the minutes of the Community Liaison Group meeting held on 3 December 2024, be noted.
- 3) That any members wishing to visit the Mavers site contact the BDR Waste Partnership Manager, to arrange a visit.

BDR WASTE PFI CONTRACT

BDR MANAGER REPORT (Oct 25)

1. Governance

1.1 BDR Team

1.1.1 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.

1.1.2 The BDR Team comprises:

- 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.
- Senior Contract Officer – Carl Hewlett (stepping up as BDR Manager in the interim)
- Technical Officer / Admin– Rhonda Fletcher

1.2 External Support

1.2.1 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.

- Neil Tindall (Legal)
- Craig Pember (Finance)
- Stantec UK Limited (Technical)
- IDRisk (Insurance)

1.2.2 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.

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

- Ongoing contractual and financial due diligence following on from the sale of Renewi UK Services (the contractor) to BIFFA Ltd
 - Contract Parent company Guarantee change request - rejected.

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

2. Financial

2.1 25/26 Operational Management Budget Forecast

Table 1 - Operational Management Budget 2025/26

25/26 Budget Approved by JWB 26.9.24				2025/26 BDR Recharge split	
	Budget	Forecast	Variance		
Management	£155,000	£156,955	£1,955	BMBC	£99,421
Administration	£30,000	£30,522	£522		
Call off Legal	£80,000	£120,734	-£64,266	DMBC	£101,956
External Finance	£40,000				
External Legal	£20,000			RMBC	£107,527
External Technical	£27,000				
Insurance Advisors	£6,000				
Call off Finance	£0				
Call off Technical	£0				
HWRC Project	£0	£0	£0	Total	£308,905
Total	£370,000	£308,210	-£61,790	Small discrepancy in total v forecast due to year end accrual recharge	

- 2.1.1 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.
- 2.1.2 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:
- New BDR team Staff profile
 - New Consultants' Rates. Both Legal and Financial advisors' contracts ended and new 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.
 - Advice required for technical specialities.
- 2.1.3 Potential re-profiling of individual budget header amounts may be required – changes in Staff Costs (Support may be required due to Waste Manager requiring a leave of absence / sickness), additional administration costs, and additional hours from External advisors.
- 2.1.4 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.

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

2.2.2 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.

Table 2 - 25/26 Unitary charge forecast.

Annual Forecast 2025-26				
Unitary Charge	Barnsley	Doncaster	Rotherham	Total
Invoice Payment to Biffa	£9,802,311.98	£11,424,072.10	£8,491,072.10	£29,717,456.19
Internal Adjustments				
Anticipated Credits	-£2,057,322.52	-£2,743,096.69	-£2,057,322.52	-£6,857,741.73
Budget Out-turn	£7,744,989.46	£8,680,975.41	£6,433,749.58	£22,859,714.46

2.3 Energy Gainshare Payment.

2.3.1 **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:

- **Total - £1,176,854**
 - BMBC - £353,056
 - CoDC - £470,742
 - RMBC - £353,056

2.3.2 **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

- 3.1.1 **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 14th May 2025, the next is due 4th Nov 2025.
- 3.1.2 The May Liaison meeting was a great opportunity for the new contractor, Biffa to introduce themselves to the wider BDR governance structure and allow them to set outline their vision for the management and running of the BDR PFI waste contract.
- 3.1.3 Biffa have indicated that they are keen to dialog with the Councils over the implications of the incoming Simpler Recycling changes (EPR, DRS etc) and its implication on the contract. At this point they have not supplied any detail to allow the BDR team to follow up on this further.
- 3.1.4 **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, 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.
- 3.1.5 **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

- 3.2.1 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 7th of October 2025 (with papers needing publishing in advance, by 22nd September 2025) the contractor's data available will only include information up to 31st August 2025.
- 3.2.2 By undertaking continuous monitoring of the contract through physicality, site inspection, report scrutiny and performance scrutiny mechanisms and procedures within the BDR Team, and direct communication with the contractor, we are satisfied with contractual performance, service delivery and compliance, and the BDR team has no major concerns with Biffa's delivery at the current time.

3.3 Waste Treatment

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

Table 3 – 25/26 Year-to-date contract tonnes processed.

Inputs		2024/25	April	May	June	July	Aug	YTD 2025/26
	Contract Waste (Limbs)							
Barnsley	A (Household)	53620.92	4656.32	4574.94	3998.14	4691.80	4228.32	22149.52
	B (Commercial)	5230.24	450.88	430.38	396.54	482.82	353.92	2114.54
	C (HWRC)	5618.52	548.22	520.86	453.24	473.92	524.44	2520.68
	D (Public Highways etc)	1155.10	104.26	95.46	102.46	110.66	95.72	508.56
	E (Grounds Maintenance)	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	30383.58
	B (Commercial)	3942.32	296.60	283.60	266.50	252.28	186.14	1285.12
	C (HWRC)	7816.77	754.68	742.98	629.36	659.54	718.22	3504.78
	D (Public Highways etc)	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
Rotherham	A (Household)	52225.70	4494.72	4424.60	4165.92	4486.84	4045.28	21617.36
	B (Commercial)	2810.38	219.98	211.64	219.04	251.30	244.80	1146.76
	C (HWRC)	6430.42	643.60	611.42	558.18	523.62	653.10	2989.92
	D (Public Highways etc)	23.70	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

3.3.1 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.

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

Table 4 – 25/26 Year to date Third Party waste tonnes processed.

Inputs - 3rd Party	2024/25	April	May	June	July	Aug	YTD 2025/26
Biffa	8022.64	124.18	721.76	1659.74	1641.48	2228.78	6375.94

3.3.3 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

3.4.1 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 96.68% diversion of waste from landfill.

- 3.4.2 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%.
- 3.4.3 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.
- 3.4.4 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.

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

Performance	80.96	April	May	June	July	Aug	YTD 2025/26
Recycling (%)	14.36%	13.70%	15.70%	15.87%	14.12%	13.21%	14.52%
Diversion (%)	98.31%	88.33%	106.64%	97.50%	99.58%	88.30%	96.07%
Moisture Loss (%)	30.07%	28.01%	32.17%	23.16%	29.64%	26.43%	27.88%

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

Contract Outputs	2024/25	April	May	June	July	Aug	YTD 2025/26
Landfill	4303.84	101.66	104.26	87.26	116.42	84.5	494.1
Recovery (RDF + Moisture)	185873.13	14398.00	17483.75	14066.95	16367.29	13373.06	75689.05
Ferrous	1278.20	91.65	112.99	116.42	89.62	103.55	514.23
Non-Ferrous	358.95	23.36	41.26	25.20	38.53	22.23	150.58
Fines	16283.90	1469.45	1653.69	1425.25	1466.57	1183.96	7198.92
Glass & Stone	1647.21	100.73	100.48	119.05	112.99	92.41	525.66
Plastic	2482.87	120.05	139.23	169.90	149.19	173.87	752.24
Direct Delivered	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	9141.63
<i>Ferrybridge Metals</i>	2256.73	151.30	207.99	192.74	203.62	174.96	930.61
AWM-Recycling	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	1348.03
Recycling Total	27357.12	2231.69	2565.30	2315.45	2335.16	1972.68	11420.28
<i>Outbound Total</i>	212228.14	16304.89	19635.66	16010.03	18340.62	15033.58	85324.78

4. Complaints

4.1 25/26

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)								0 (0)
Noise	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)								0 (0)
Odour	0 (0)	0 (0)	1 (0)	0 (0)	5 (0)								0 (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).

- 4.1.1 Fly activity has remained low due to Biffa undertaking a minimum of two fly treatments a week in accordance with the fly management plan. As the seasons change and warmer weather conditions prevail, fly treatments will be adjusted to suit.
- 4.1.2 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, approved capital expenditure to install substantial air curtains 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.
- 4.1.3 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 into the spring and reviewed.

5. Environmental Report

25/26

- 5.1.1 In 25/26, there have been 1 x environmental incidents.
6 x Car forms issued for receipt of:
- 2 x AIR 1 submission
 - 1 x Ammonia
 - 1 x A blip in electricity surge.
 - 1 x M9 Bioaerosol Results
 - 1 x Biogas release
- 5.1.2 In 25/26, there have been 4 x Schedule 5s submitted:
- 3 x relating to gas releases.
 - 1 x permit testing – ammonia levels from AD stack.

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							
CAR Received Barnsley Transfer Station												
Schedule 5 submitted to EA		2	1	1								
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).

- 6.1.1 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.
- 6.1.2 The BDR Team has been assured by Biffa that no changes to the delivery of service will be sought. It intends to take 6 to 12 months (already 6 months into the process) 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.
- 6.1.3 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.
- 6.1.4 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 major issues, risks, or worries are circulating.
- 6.1.5 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.

6.2 Insurance

- 6.2.1 The Contractor obtained full cover of insurance for 2025. Although in general the insurance market for waste still sees difficulties in placement and higher premiums, the Contractor's 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.

- 6.2.2 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.
- 6.2.3 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.
- A hot works condition applied to the Material (Property) Damage and Business Interruption
 - A deductible for Material (Property) Damage, Machinery Breakdown, and Business Interruption.
 - The Material (Property) Damage and Business Interruption policy has a Loss Limit.
 - Deductibles for Public and Products Liability policy and individual aspects sub-limits
- 6.2.4 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)

- 6.3.1 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:
- Mathematical errors - Incorrect data used - Incorrect (or lack of evidence) for assumptions in the report - Incorrect interpretation of the contract.
- When the correct data is used, we calculate that the Councils are not liable to make payment.
- 6.3.2 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.
- 6.3.3 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.
- 6.3.4 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.
- 6.3.5 The BDR team and its advisors will keep a review on the situation.

6.4 AD Pasteurisation Tunnel & Acid Scrubber

- 6.4.1 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.
- 6.4.2 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.
- 6.4.3 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.
- 6.4.4 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 ensure 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)

- 6.5.1 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.
- 6.5.2 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.
- 6.5.3 The BDR Team has asked for Biffa to provide a detailed analysis of the changes and an in-depth justification for any CIL 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 (costings, Solution proposed, technical specification of solution, and technical specification of existing and cost to replace as is).
- 6.5.4 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.

- 6.5.5 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

- 6.6.1 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.
- 6.6.2 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 handback planning.
- 6.6.3 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

- 7.1.1 All delays 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).
- 7.1.2 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.

7.1.3 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.

7.1.4 Biffa are now seeking to undertake their own condition surgery and supply proof of all conditions of their tenancy have been met to create a base-line condition required on hand-back. This is due to the lack of engagement or supply of requirements from BMBC asset Management.

7.2 BTS Mattress Fire

7.2.1 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

8.1.1 Close calls are actively sought to be raised. 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.

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

2025/26	Close Call	Accident less than 3 days	Accident more than 3 days	Non RIDDOR	RIDDOR dangerous occurrence	RIDDOR more than 7-day injury	Major RIDDOR	Environmental
April	33	0	0	0	0	0	0	0
May	7	2	0	0	0	0	0	0
June	10	0	0	0	0	0	0	0
July	13	0	0	0	0	0	0	0
August	7	0	0	0	0	0	0	6
September								
October								
November								
December								
January								
February								
March								
YTD Total	70	2	0	0	0	0	0	6

8.1.2 H&S data for September 2025 will not be contractually available until 14 October 2025 (after this report is issued).

9 Community Education Liaison Officer (CELO)

9.1.1 Press Releases –

- Corporate Social Responsibility (CSR) Fund
- Site Tour Dates 25/26
- Food Waste Action Week 2024
- Recycle Week
- BBQ Waste
- Keeping batteries out of waste
- How to get started composting at home.
- Reducing recycling contamination
- Reducing waste at Christmas
- Composting during the winter months

9.1.2 **Social media** - 100's of individual posts, daily, weekly, and monthly have been co-ordinated on the Less Waste South Yorkshire media channels. Currently there have been sixty-nine posts across all social media with a total of 138,191 views for 2025/26 (until end of August).

9.1.3 **Food Waste Action Week** - Food Waste Action Week 2025 took place from 17th to 23rd March 2025. The theme of the campaign will be to encourage buying loose fruit and vegetables. The Campaign toolkit was released at the end of January.

9.1.4 Food Waste Reduction Campaign

Phase 2 of the food waste reduction campaign commenced in September 2024 with the CELO contacting Fresh Pod to discuss coordination for delivery of the campaign in 2025/26. The CELO has begun working on the campaign to be delivered in the CELO plan 25/26. Materials and interventions were purchased to run the campaign next year. This includes a label printer, shopping lists, reveal wheels, and fresh pods. The questionnaire platform has been selected, and the first draft has been written. The business post license has been renewed.

9.1.5 **Recycle Week** - Recycle Week took place between the 14th to 20th of October 2024 and this year's campaign will focus on rescuing forgotten recycling. The campaign characterises some forgotten materials such as toilet roll tubes and perfume bottles. For the Waste Less South Yorkshire campaign, only the posts featuring items recycled by all South Yorkshire Councils were included.

9.1.6 International Composting Awareness Week

Took place between 4th to 10th May 2025.

9.1.7 **Educational Visits** - In March, a document highlighting what the education team can offer schools across the region was created, this is now approved and available upon request. In March, two assemblies took place at Waverly School in Rotherham for Global Recycling Day. There were approximately 560 pupils in both assemblies. Updates to School resources have also taken place. These will be updated online in April, in line with changes to Doncaster's recycling collections.

In January 2025, an Explorers group took part in the Rubbish Adventure workshop in the Visitors Centre. Twenty young people took part in the workshop.

In October, two sessions with Redscope Primary School in Rotherham on the 3Rs, and a Rubbish Adventure session with a local scout/beaver group took place.

- 9.1.8 **ESA's Take Charge Campaign – Zombie Batteries** - ESA did not release new materials for this year's campaign. Therefore, materials produced for previous years campaigns will be used. Seven posts have been posted so far receiving 11,628 impressions on social media.

9.1.9 **Batteries, Vapes and Small WEEE Campaign**

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 partnerships. Conversations have taken place with the Environment Agency, Biffa's compliance advisor and HW Martin.

9.1.10 **Right thing, right bin pick'n'mix campaign**

The CELOs have developed designs for a suite of communication resources highlighting the importance of placing the correct items in the correct containers. Each Council will then be able to utilise their individual budget in a combination of their choosing for the procurement of resources. The initial concepts of the campaign were designed and shared with the Councils. This included one in Waste Less branding, one in the style of the Hubbub campaign, and a new concept made by the designer which incorporated a more conversational design and messaging. The Councils gave feedback on the concepts.

9.1.10 **International E-Waste Day Campaign**

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

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

A new information sheet and application form, and online form have been created. The fund will launch and it is now open for applications with a deadline set for the 28th of September.

- 9.1.12 **Community Engagement** – Fourteen site tours were conducted in 2024/25 and eight have taken place so far in 2025/26 (including 1 in September), involving a total of 117 people in 2024/25 and 50 in 2025/26 so far. Three community talks have taken place in 2025/26 about Love Your Clothes and waste and recycling in Barnsley. and a new webpage added to BDR online with details of booking community talks and a booking form for both in-house and outreach presentations.

- 9.1.13 **Compositional Analysis** - The spring 2025 analysis took place in March and results have been provided to the councils.

The Autumn compositional analysis is due to take place in September/October 2025.

9.1.14 BDR Website

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

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.

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.

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.

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.

Due to the completion of the Renewi sale to Biffa, changes were requested to change any Renewi logos to Biffa ones. Updates have been made to the 'Latest News' section of the site to reflect the press releases that have been made. The site tour dates for 25/26 have been published on the BDR online website. This included an update to the booking form.

Joint working and BDR support 25/26

9.2 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 likely be required to implement changes to contracts and services.

9.3 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:

BMBC

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

CoDC

- Finalisation and Support for delivery of new HWRC contract

- Legal support for review of Collection Contract

RMBC

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

B.D.R

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

Report Contact:

- Paul Hutchinson, BDR Manager – Paul.hutchinson@rotherham.gov.uk
- 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:	7 October 2025
	LEAD OFFICER:	Paul Hutchinson – Waste Manager Carl Hewlett – Senior Contract Officer
	TITLE:	BDR PFI Project Risk Register
1. Background		
1.1	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.	
1.2	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.	
1.3	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.	
1.4	The BDR Joint Waste Board last considered the risk register at its previous meeting on 24 th 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 August 2025 Meeting.	
1.5	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.	

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	Sep 2025 (Jun25 position)	Target RAG Rating	Sep 2024 (Jun25 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). Carbon 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	01/09/25	
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	01/09/25	
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	01/09/25	
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	01/09/25	
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	01/09/25	
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	01/09/25	
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	01/09/25	

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	01/09/25	
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	01/09/25	
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	01/09/25	
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	01/09/25	
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	01/09/25	
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	01/09/25	
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 inter-operating 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 advice from market leading consultant to stress test BDR interpretation of contract and position	3	1	3	BDR MANAGER	01/09/25	

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	01/09/25	
15 (CSS 13)	Recycling Markets	Lack of recycling markets impacts on Contractors ability to achieve recycling rate	Reviewing disposal points, 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	01/09/25	
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	01/09/25	
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	01/09/25	
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	01/09/25	