

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