



**LONDON FIRE  
AND EMERGENCY  
PLANNING AUTHORITY**

Report title

## **Fires in Waste and Recycling Facilities**

---

Meeting

Strategy Committee

Date

9 September 2013

---

Report by

Assistant Commissioner, Fire Safety Regulation

Document Number

FEP 2118

---

Public

---

### **Summary**

Following a number of high profile fires at waste and recycling sites this report outlines the Brigade's work so far to help co-ordinate a multi-agency response to this developing trend of incidents which have an impact on both the Authority's resources and the communities in which these sites are located. Members are asked to advise on any further actions which they would wish to see taken.

### **Recommendations**

That:

1. The work being undertaken by the Brigade in conjunction with other authorities, notably the Environment Agency, to tackle the problem of fires in waste/recycling facilities be noted;
2. The Committee gives views on any further actions which it would wish to see taken in this regard;
3. The draft response to the DCLG's consultation on Updated national waste planning policy planning for sustainable waste management (attached as Appendix 2) be approved; and
4. The Chair of the Committee writes to DCLG highlighting the issues raised in this report and seeking their views on how best to deal with them.

## Background

1. Recycling has increased over recent years with increased pressure to meet Government and European targets for recycling rates and this increase has resulted in a number of sites being set up to deal with the processing, storage and transportation of these materials. There have been a number of high profile fires involving waste recycling, landfill and waste wood sites both nationally and here in London. In 2005, at Staples Corner in Cricklewood, a fire in a wood recycling yard involving huge piles of waste wood caused disruption to the local community and roads including closure of the M1 and North Circular Road. The incident continued over a prolonged period and used 109 pumps and other appliances, more Brigade resources than any other incident in recent history, including the London bombings which occurred two weeks before.
2. Amongst more recent incidents are:
  - A recycling centre on Chequers Lane in Dagenham provided the largest fire the Brigade has attended for many years. It occurred on the same day as the Olympics' closing ceremony and required a 40 pump attendance.
  - Six fire engines and the Brigade's fire boat attended a fire in a waste management centre in Canning Town. A number of gas cylinders were involved in the fire leading to an evacuation of the immediate area and disruption to the DLR.
  - A recycling centre on Cornwall Drive, Orpington, provided a protracted incident closing nearby roads and causing significant travel disruption in the area over a period of a week. The fire occurred on Monday 18 March 2013 and required an operational attendance until 2 April 2013. At this time the site contained approximately 6000 tonnes of recycling waste stored in the open air measuring 40m x 50m x 10m deep. The probable cause of this fire was self-heating due to decomposition of the stacked material. Our total attendance to this incident over this period was 195 pumping appliances and 23 senior officers. There had been a previous incident at this site from the 3 December 2011 which required our attendance until the 7 December 2011 (involving 81 pumping appliances over the period), the cause of this fire however was considered to be deliberate ignition. The combined notional cost of the Brigade's attendance at these two incidents is estimated to be above £300,000 for pumping appliances alone. Following the March 2013 fire there have been several other fires at this site (10 April, 22 April, 4 May, 5 May, 27 June and 16 July 2013) which have also required the Brigade's attendance. Some have been significant and others have been due to calls from the public sighting smoke from the smouldering piles.
  - A fire at a recycling plant Smethwick, West Midlands involving 50,000 tonnes of recycling materials resulted in nine firefighters being treated for injuries or exhaustion and a smoke plume rising two kilometres into the sky. At its height, some 200 firefighters were tackling the blaze at the site on the outskirts of Birmingham. Officers from London will be visiting West Midlands to discuss lessons learned and measures taken to address this problem.
3. These incidents bring into sharp focus the inherent risks that these sites pose to firefighting crews and the level of disruption this type of fire could cause. Due to the nature of the processes, the materials stored and the type of operation involved these sites present a possible increased risk of fire occurring. These sites also pose a risk of rapid and unpredictable fire spread and this, together with the other hazards prevalent at these sites, creates an increased risk to

operational personnel. Such incidents tend to be protracted and cause significant disruption and cost to both the responding emergency services, local authorities and the communities in which these sites are located. Depending on the location and timing of these incidents, their potential scale means that they can create significant media and political interest and thereby generate considerable reputational risk if not handled properly. The fire at the recycling centre at Orpington burned for over two weeks and required the attendance of 194 fire engines over the period, due to the sheer scale of the site and the amount of waste involved.

## **Legal Framework**

4. There are at least four different public bodies involved in the management of these sites.

### **Environment Agency**

5. These waste management sites (known as combustible waste sites) are regulated primarily by the Environment Agency (EA) and subject to certain conditions. If you keep, treat or dispose of waste a permit is required to operate that regulates the operation of the site in order to control the risk to the environment including the risk of fire. This licence uses generic statements which address site issues by the site owner providing a "site working plan" which has to be agreed as part of the licence.
6. As part of this process the EA will always ensure the appropriate planning process has been followed and suitable permissions have been granted. For all new applications the EA and local authority will ensure strict conditions are placed on the site however in some cases, including the site at Orpington, which have been in business for a long period of time then a Lawful Development Certificate for an Existing use will apply which generally exempts the site from any requirements the local authority may have.
7. The EA has greater powers to enforce and close sites through the use of their legislation. Fire is one part of the working plan that has to be addressed by control measures being put into place for both fire precautions and fire prevention.

### **London Fire Brigade**

8. The Regulatory Reform (Fire Safety) Order 2005 (RRO) allows Fire Safety Regulation (FSR) officers to inspect these premises and take appropriate action in order to ensure compliance and reduce fire risk. However, the Order is based on the principles of the operator's own assessment of fire risk, and it is not always possible for us to require specific safety measures using this piece of legislation.
9. A separate piece of legislation, the Greater London Council (General Powers) Act 1968, gives the Authority additional powers to control the storage of large quantities of flammable material at these and other sites. It is a criminal offence to maintain a stack of flammable materials (which would include timber, paper, rags or plastics) above a specified size without the prior consent of the Authority. The Authority's consent may attach terms and conditions such as over stack sizes, distances from boundaries and segregation of differing materials. However, any fines for non compliance are minimal and as such do not provide an incentive for site owners to comply.

### **Local Authorities**

10. For a new site (or an extension of an existing site) planning permission is needed with the application going through the local authority planning process (with possibility of appeal to the Secretary of State). Recycling and waste transfer sites (and scrap yards) are "sui generis" or unique in their characteristics so rather than falling within a planning class use such as B1 (light

industrial) planning approval is required for any change to or from waste transfer/recycling etc. Conditions can be applied to any approval by the local authority.

11. Local Authorities would also be the enforcing authority under public health legislation for dealing with "statutory nuisances".

### **HSE**

12. In respect of the HSE, "process" fire precautions together with other health and safety considerations fall within the Health and Safety at Work etc. Act 1974 and its subordinate provisions (regulations and some older Acts of Parliament). That should include (amongst other provisions) Section 3 of the 1974 Act which covers risk to persons not in the employment of the operator arising from how he/she conducts their undertaking. For the waste industry HSE itself is the enforcing authority rather than it being devolved to the local authority.

### **Brigade Activity**

13. In the light of these fires, Brigade officers have been fully engaged in reviewing policies and developing partnerships to ensure the Brigade fulfils its regulatory role and also ensures operational crews are made aware of both the location and risks that these sites pose.
14. The impact of this type of incident to the Brigade's resources and the wider political and public reaction to the incident demands a joint response by this Authority and other agencies led by the EA. This joint approach aims to bring together legal powers to more effectively manage the response to these sites and ensure such incidents are not repeated.
15. Concurrently Incident Management (IMT) and Operational Procedures department began revising existing guidance to ensure operational personnel have current and complete guidance regarding identified hazards and tactical considerations on operational risks. This has resulted in the production of two new draft operational procedures. The first is Interim Guidance dealing with Fires in Refuse Derived Fuel sites and this intended for immediate publication week commencing 15 July and the second is a full operational procedure which will cover more generally fires in refuse and at various waste sites. The latter will be based on the national Generic Risk Assessment that covers this topic and both documents will be underpinned by risk assessment and a request for an appropriate training solution (or amendment of extant training materials) to Babcock
16. Borough Commanders have been briefed at their communication day, highlighting these types of fires and providing interim guidance which includes advice to incident commanders on:
  - Rapid and unpredictable fire spread
  - Potential poor access
  - Difficulty in securing water supplies
  - Possible poor management of site
  - Impact on the environment.

Information is also being sent out in the September edition of Operational News to support this guidance.

17. The Brigade has obtained from the EA a list of the licensed sites in London (Appendix 1) and this information has been shared with the relevant Borough Commanders and FSR Team Leaders who have been instructed to carry out joint inspections on all the licensed sites to familiarise themselves with the location and risks present. Where appropriate, FSR officers will ensure that the site has made an application under the General Powers Act.

18. Where deficiencies are found, appropriate action is taken. For example, Fire Safety Regulation (FSR) officers have inspected the site at Orpington and the Brigade has worked closely with the EA and has agreed that the Brigade's requirements will also form part of the permit (licence) to operate that the EA will issue once the requisite standards of site operation have been achieved.
19. The information collected by these joint inspections will inform the re-inspection programme carried out by FSR department to ensure standards are maintained in the future and it will be made available via the Mobile Data Terminals on fire engines to responding crews in the event of an incident to provide information about access arrangements, local water supplies and any significant hazards present at the site.
20. The EA have already had notable success with Kent Fire and Rescue Service in carrying out a series of proactive site visits to ensure that both environmental and fire safety risks are mitigated thus doing all that is reasonable to ensure the prevention of these types of incidents. At the same time Kent crews collect vital operational risk information to inform tactical plans.

### **Next Steps**

21. The aim is to develop the local joint working between Brigade officers and the EA in order to ensure compliance is met and sites are operated in a safe and suitable manner. A Memorandum of Understanding (MoU) is being prepared between the Brigade and the EA. This will promote future information sharing and help to ensure that all future visits are based on a joint attendance by Brigade and EA officers, in order to agree the requirements for the site within one licence which the EA will enforce. This influence on the site licence by Authority officers is and will be, a more robust method of ensuring compliance with legislation. The Authority can ensure that issues with regard to fire, fire safety and operational commitment, can be met through the "site working plan" which is controlled through the EA permit. It is also recommended that the Chair of Strategy Committee writes to DCLG highlighting the issues raised in this report and seeking their views on how best to deal with them.
22. In July DCLG issued a consultation document on updated national waste planning policy: planning for sustainable waste management. Link to consultation document below: <https://www.gov.uk/government/consultations/updated-national-waste-planning-policy-planning-for-sustainable-waste-management>. Currently, national waste planning policy is contained in Planning Policy Statement 10 which provides a national planning framework to enable local authorities to put forward, through local waste management plans, planning strategies that deliver sufficient opportunities for new waste management facilities of the right type, in the right place and at the right time. Officers believe that, given the concerns expressed in this report, it would be appropriate for the Authority to respond to this consultation and a draft response, using the response form provided, is attached as Appendix 2. The consultation closes on 23 September 2013.

### **Conclusion**

23. As the recycling and waste management industry expands the risk and likelihood of an increase in fires and disruption is likely to escalate. To address this issue Brigade officers are working alongside external partners to increase the safety and reduce risk at these sites. The current legal powers available to the Authority through the RRO and the General Powers Act are limited when dealing with these sites although by partnership working with the EA it is anticipated that our requirements can be met through the current licencing process applied by the EA. An information sharing protocol and MoU with the EA is being considered to ensure that this partnership approach is formalised and a risk based programme of inspections is planned.

Brigade officers are visiting all known sites in London and ensuring that the intelligence gathered is recorded to inform future fire safety inspections and crews attending incidents at these sites.

### **Head of Legal and Democratic Services comments**

24. The Head of Legal and Democratic Services has reviewed this report and comments are included within the body of this report.

### **Director of Finance and Contractual Services comments**

25. The Director of Finance and Contractual Services has reviewed this report and has no comments.

### **Sustainable Development Implications**

26. Fires of this size and duration, involving the types of materials stored in these facilities, have obvious and major environmental implications. For this reason, the Brigade is working with other partners to minimise the risk and take appropriate action to make sure sites used for this purpose are properly controlled and managed. A number of waste facilities border Sites of Special Scientific Interest (SSSI's), increasing the potential risk to these sites and the operational procedure referred to in this report will make reference to the heightened risk to neighbouring SSSI's.

### **Equalities Implications**

27. There are no equalities implications arising from this report.

---

### **List of Appendices to this report:**

Appendix 1: List of licensed sites in London.

Appendix 2: Draft response to DCLG consultation

<b>LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985</b>	
<b>List of background documents</b> Regulatory Reform (Fire Safety) Order 2005	
Proper officer	Steve Turek, Assistant Commissioner, Fire Safety Regulation
Contact officer	Neil Marsden
Telephone	020 8555 1200 ext 30803
Email	mark.andrews@london-fire.gov.uk



**LONDON FIRE  
AND EMERGENCY  
PLANNING AUTHORITY**

**Appendix 1: List of licensed sites in London.**

Site name	Address	Waste type	London Borough
Keltbray Hunt	75 - 77 Chequers Lane, Dagenham Essex , RM9 6QJ	Mixed Waste. Refuse derived fuel (RDF)	Barking & Dagenham
McGrath Bros	54 - 58 River Rd, Barking IG11 ODW	Commercial waste, RDF, wood and tyres	Barking & Dagenham
First London	80 River Road, Barking , Essex IG11 0DS	Large quantity of wood	Barking & Dagenham
Edwards Waste Paper Ltd	Gallions Close (off Thames Road), Barking , Essex, IG110DS	Large quantity of shredded paper and cardboard	Barking & Dagenham
Prime Biomass	7 Dovers Corner, Rainham, RM13 8QT	T6- Treatment of waste wood and waste plant matter by chipping, shredding, cutting or pulverising	Barking & Dagenham
McGrath Bros	54-60 River Rd Barking Essex	Refuse derived fuel	Barking & Dagenham
Keltbray Hunts	75 - 77 Chequers Lane, Dagenham Essex	Refuse derived fuel	Barking & Dagenham
Temporary storage of RDF for Keltbray Hunts	Thames Avenue, Beam Park, New Road, Dagenham Essex RM9 6DE	Refuse derived fuel	Barking & Dagenham
APS Ltd	Barking Wharf, 80 River Road, Barking, Essex	Refuse derived fuel	Barking & Dagenham
PB Donoghue(Haulage & Plant Hire) Ltd	Former BR sidings, Claremont Road, Cricklewood, NW2 1RR	Wood chipping exemption Large amount of wood chip stored on site	Barnet

Site name	Address	Waste type	London Borough
Winters Haulage Ltd	BR sidings, Oakleigh Road South, Southgate, London, N11 1HJ	Refuse derived fuel	Barnet
GBN Services Ltd	Oakleigh Road South, Friern Barnet, N11 1HJ	Refuse derived fuel	Barnet
Metropolitan Waste Management (WR) Ltd also known as METROPOLITAN	185 Manor Road, Erith, Kent DA8 2AD	RDF storage and chipped and un-chipped wood storage	Bexley
L & B Haulage	Hannah Close, Central Way, NW10 0UX	Wood	Brent
Waste4fuel Limited	Waste4fuel Transfer Station Stone Yard, Cornwall Drive, St Pauls Cray, Kent BR5 3JB	Approx 3,000 tonnes of general waste (wood/plastic/carpets/etc currently on site.	Bromley
Larner Pallets Ltd	Lewis Works, Jule Lane Brimsdown Enfield, Middlesex EN3 76PJ	Large amount of wooden pallets	Enfield
Connect Waste Management( easy chip)	Unit 5 Denver Site Ferry Lane, Rainham Essex RM13 9BU	Large amount of RDF stored on site	Havering
Bishopgate Iron & Steel	Thames Rd, Silvertown, E16 2EZ	7- 40ft containers containing tyres. A large quantity of mixed waste also stored on site	Havering
Envirowayste (London) Ltd	Trout Lane Depot, Trout Lane, Yiewsley, West Drayton UB7 7SA	Large volumes of wood/combustible waste	Hillingdon
George & Ryan Castell t/a Goldstar Commercials	Unit C1, Pier Road North Feltham Trading Estate, Feltham, Middlesex TW14 0TW	Construction and demolition waste, mixed waste and wood	Hounslow
London Waste (CA SITE)	Hornsey Street Re-Use and recycling Centre, N7 8HU	Refuse derived fuel	Islington

Site name	Address	Waste type	London Borough
Hinkcroft Transport Ltd	Landman Way, Lewisham. London, SE14 5RS	At any one time the site can store the following: RDF (pre-process) - 500 tonnes, RDF (processed & loose) - 200 tonnes paper & cardboard ( loose & baled) - 50 tonnes mattresses permitted at any one time	Lewisham
SITA Waste Handling Ltd - Benedict Wharf TS, Mitcham (AKA Mitcham Eco Park)	Benedict Wharf, Benedict Road, Mitcham Surry, CR4 3BQ	This site can store the following at any one time RDF (loose) - 100 tonnes wood - 100 tonnes mixed recyclables loose - 50 tonnes baled recyclables	Merton
GB compressor Hire Ltd	Unit 2, Thames Wharf, Dock Road, Silvertown E16 1AF	Wood and waste	Newham
IOD Skip Hire Ltd	32 Stephenson Street Canning Town, London E16 4SA	Commercial and industrial mixed waste	Newham
Bywater	Unit J, Prologis Business Park, Twelvetrees Crescent, Bromley by Bow London E3 3JH	Paper and plastic	Newham
Brewsters Waste Management Ltd	Thames Wharf Dock Rd Silvertown, London E16 1AF	Commercial and industrial waste ( mixed waste)	Newham
Docklands Waste Recycling Ltd	Thames Wharf , Dock Road, Silvertown E16 1AF	Large amount of wood and general mixed waste	Newham
Bywaters (Leyton) Ltd	Unit J, Prologis Business Park, Twelvetrees Crescent E3 3JH	Refuse derived fuel	Newham
777 Demolition & Haulage Ltd - 77 Recycling Centre	Coomber Way, Beddington, Croydon, Surrey CR0 4TE	RDF waste - 100 tonnes at any one time	Sutton

Site name	Address	Waste type	London Borough
McGrath	McGrath House, Hepscoth Road, London, E9 5HH	Mixed waste and wood	Tower Hamlets
GBN Services Ltd	Estate Way, Church Road, Leyton E10 7JN	Refuse derived fuel	Waltham Forest
Bywaters (1986) Ltd	Gateway Road, Leyton, E10 5BY	Refuse derived fuel	Waltham Forest



**LONDON FIRE  
AND EMERGENCY  
PLANNING AUTHORITY**

## **APPENDIX 2: DRAFT RESPONSE TO DCLG CONSULTATION**

### **Consultation Questions**

**Question 1: Existing national waste planning policy in Planning Policy Statement 10 has been well-supported, so the Government has focussed on streamlining the policy in line with National Planning Policy Framework principles rather than introduce radically new proposals. Do you agree with this approach? Do you think there is anything fundamentally missing from the updated policy that must be included?**

The Authority agrees with this approach but is concerned about fires in waste and recycling facilities. Due to the nature of the processes, the materials stored and the type of operation involved these sites present a possible increased risk of fire occurring. These sites also pose a risk of rapid and unpredictable fire spread and this, together with the other hazards prevalent at these sites, creates an increased risk to operational personnel. Such incidents tend to be protracted and cause significant disruption and cost to both the responding emergency services, local authorities and the communities in which these sites are located, both in terms of the physical disruption caused and by the environmental hazards they generate.

Additionally the Authority is aware that three of these waste and recycling facilities are adjacent to Sites of Special Scientific Interest that pose heightened risk from fire water run-off in the event of fire.

**Question 2: The updated policy states that local planning authorities should ensure that the planned provision of new capacity and its spatial distribution is based on robust analysis of available data and information. Do you think that sufficient data and information exists to allow waste planning authorities to adequately plan for provision of new capacity? What change the updated policy, if any, do you consider are necessary to achieve this?**

No comment.

**Question 3: The policy sets out the requirements for identifying sites for new development, including the proximity principle and assessment criteria. Do you agree with the requirements set out for identifying sites, including the policy additions on the potential for utilising heat and the siting alongside waste sewage treatment works in respect of energy from waste schemes?**

The Authority agrees with the requirements, but is concerned that they do not adequately stress the need for due regard to the co-location of energy from waste facilities and sites with occupants that are vulnerable to fire. Namely hospitals and care facilities that could otherwise be considered complimentary activities as large users of heat.

When considering the location of sites the Authority also believes it is important to take into account not only such issues as the access to the site for large numbers of emergency service vehicles, the proximity of the site to local communities affected by such a site but also the potential disruption that would be caused to other infrastructure should a fire occur. This would include the potential disruption to road and rail routes which have been severely effected by the effects of smoke and fire that occurs for often prolonged periods, and the effects of smoke drift on neighbouring businesses and schools etc again for often long periods of time.

**Question 4: The Government considers that, with minor amendment, the locational criteria which should steer selection of the suitability of areas or sites for waste are still appropriate and comprehensive. Do you agree with the locational criteria? If not, what should be changed?**

No comment.

**Question 5: Are you content with the proposed policy approach concerning the consideration of proposals for waste facilities in the Green Belt?**

No comment

**Question 6 Guidance: Alongside this consultation exercise, the Government will be preparing guidance to support the policy in line with the principles set out by Lord Taylor of Goss Moor. Are there any specific parts of the existing Planning Policy Statement 10 Companion Guide, or Guidance to local authorities on implementing the EU Waste Framework Directive, that you wish to see carried forward? Are there any other areas where guidance is required?**

Guidance on relative responsibilities of the various agencies involved and how to promote partnership working between them would be useful.

#### **Other comments:**

There are at least four different public bodies involved in the management of these sites – the Environment Agency, Local Authority, Health and Safety Executive and the fire and rescue service. Whilst between these various authorities there are sufficient legal powers to deal with these sites, it requires a mutual understanding of the respective roles and responsibilities. The Environment Agency (EA) has the lead and this Authority is seeking to agree a Memorandum of Understanding and information sharing with it to ensure that this partnership approach is formalised and a risk based programme of inspections is planned.

The current legal powers available to this Authority through the Regulatory Reform (Fire Safety) Order 2005 and the Greater London Council (General Powers) Act 1968 are limited when dealing with these sites.

The RRO allows the Authority inspect these premises and take appropriate action in order to ensure compliance and reduce fire risk. However, the Order is based on the principles of the operator's own assessment of fire risk, and it is not always possible for us to require specific safety measures using this piece of legislation.

The Greater London Council (General Powers) Act 1968, gives the Authority additional powers to control the storage of large quantities of flammable material at these and other sites. It is an offence under s20 of the Act to form or maintain a stack of such material beyond a specified size without the consent of the Authority. The Act allows the Authority to refuse consent or put conditions on that consent only in so far as is necessary to prevent fires or danger from spread of fire and to facilitate extinguishing fire. The potential disruption to transport or neighbours is something that strictly we cannot use as the basis for a refusal or conditions since these are not a "danger" from fire (although that is often the biggest issue with a waste site fire).

There are three particular practical difficulties we have experienced with the GP Act offences:

- The maximum fines are small – only £1,000 fine. This obviously provides no deterrence. To prove the offence a costly volumetric survey of the stack is required. If the operator prevents access to the site it will be impossible to prove the main offence. The best the Authority can then do is prosecute for a secondary offence of obstructing an inspector. This carries only a £200 maximum fine.
- There is no Directors' consent, connivance or neglect provision. With H&SWA 1974 and RRO offences a company director can be personally joined into a prosecution by showing the company committed the offence with the Director's consent, connivance or neglect. The GP Act does not have this. The Authority is forced to proceed against a company only. It is then easy for the Director to choose to let that company fail and start again on the same site operating through a new company. The Director avoids a conviction so escapes without penalty and has a clean record.
- There appears to be no contempt of court liability for non-compliance with an order made under s20(2) of the Act to remove or modify a stack. The Act gives the court a power to make an order that the stack be removed or modified. However, should the operator breach that order s/he faces a negligible fine of £20 a day until he complies. Our view is that this statutory remedy is likely to be enough to prevent non-compliance with an order being taken to be a contempt of court, which could then be given a much more serious penalty.

Although these sites are covered by the RRO the Authority considers that there continues to be a need for specific offences around poor fire safety at them. This is because waste site fires can be very large and cause huge economic loss and disruption across a very wide area even when they have been caused by fire safety deficiencies that would not be an offence under the RRO. Offences under the RRO require proof that the breach put at risk of death or serious injury persons on or in the immediate vicinity of the premises. Running fire safety risks at a waste site might not be dangerous in these terms, while still being a sufficient public mischief that it merits criminal sanctions.