# Update on Fires in Waste and Recycling Facilities

**Meeting**  
Strategy Committee  
8 March 2016

**Report by**  
Head of Communications  
FEP 2572

## Public

### Summary

This paper provides an update on work carried out by officers to tackle fires in waste and recycling facilities since Members considered FEP2404 in March 2015. This includes working to achieve better regulation and enforcement and developing national operational guidance on fighting fires at waste and recycling facilities. It also details the progress that has been achieved in London, including new partnerships and stakeholder relationships, the key deliverables that have been completed and covers the future programme of work. It also provides an update on the Waste4Fuel site in Orpington.

### Recommendation

That the report be noted.

### Background

1. As detailed in FEP2404, the recycling and waste management industry has been expanding in recent years with increased pressure to meet Government and European targets for recycling rates. There have been a number of high profile and protracted fires across London and the UK involving waste recycling, landfill and waste wood sites.

2. These fires have a huge impact not only on the local community and environment, but also on the wider economy due to enforced road closures and the commitment of significant firefighting and local authority resources.

3. The ensuing campaign strategy has focused on building relationships with key partners to ensure that rapid and effective action could be taken should a new at-risk site come to light; ensuring that existing powers were utilised rather than seeking to change existing legislation and regulation, while seeking to ensure that any proposed changes to changing regulation, such as cutting red tape in the sector, did not exacerbate the problem further.
Work stream one: better regulation and enforcement

Joint working agreement

4. To address these issues, LFB and its partners, including the Environment Agency (EA), have worked together to increase the safety and reduce the fire risk at these sites.

5. In August 2014 LFEPA signed a local Memorandum of Understanding (MOU) with the Environment Agency (EA). This then led to a national MOU with the EA which was formally signed in October 2015 after sign-off at the CFOA National Operations Committee. This MOU has four annexes which cover pollution, flood, communications and waste fires.

6. Officers from the Chief Fire Officers Association (CFOA) and the EA are now in the process of arranging nine regional workshops nationally to cascade the MOU through to local level to ensure the objectives of the agreement are delivered locally. The first of these workshops has been delivered in London where a local agreement has been signed. The London agreement was signed in August 2014 before the national agreement was in place. The agreement includes the joint targeting of high risk waste sites with joint inspections in order to reduce risk.

7. The evaluation of each joint inspection is based on a risk matrix. Each visit resulted in formal correspondence between the regulators and the site which clearly identified areas for improvement. Re-inspections were then organised to ensure the guidance had been complied with or to establish whether formal enforcement action was required. This approach underlines the principles of the Enforcement Concordat\(^1\) and better regulation. In London there are over 300 permitted waste sites. A pilot was set up in London to target the 76 most high risk sites and this pilot can be evaluated by looking at the risk scores for each site on the initial visits compared to the most recent visit to the site. The results of these inspections and the follow-up work is shown in the following chart.

Table 1: High, medium and low risk sites in London November 2014 – October 2015

<table>
<thead>
<tr>
<th></th>
<th>Nov-14</th>
<th>Oct-15</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Risk</td>
<td>18</td>
<td>21</td>
</tr>
<tr>
<td>Medium Risk</td>
<td>60</td>
<td>52</td>
</tr>
<tr>
<td>Low Risk</td>
<td>70</td>
<td>52</td>
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\(^1\) [http://www.publications.parliament.uk/pa/ld199899/ldselect/lddereg/111/11107.htm](http://www.publications.parliament.uk/pa/ld199899/ldselect/lddereg/111/11107.htm)
8. To ensure a legacy to this programme and continued strategic governance and partnership working, a National Coordination Group has been established between CFOA and the EA with each organisation taking turns to chair the group. The meeting is six-monthly and drives the continued delivery of the stated objectives within the recently agreed MOU. Each of the four annexes to the MOU have established working groups to monitor progress against each work stream to report into the National Coordination Group - creating a comprehensive joint structure and communication network.

9. As a result of the application of the risk-reduction principles there has been a demonstrable reduction in ‘at-risk’ sites. In London, following the re-inspections in October 2015, there were 3 high-risk and 21 medium-risk sites, compared with 18 high-risk and 58 medium-risk before. Officers continue to monitor and re-inspect these sites until fire safety compliance is reached. As Table 1 below shows, once the number of fires at the Waste4 Fuel site have been taken into account (see paragraph 11 on that), the number of fires in waste and recycling sites each have remained stable over the last three years, even with the continued expansion of the recycling and waste management industry in that time. The amount of resources required from the LFB was significantly lower in 2015 than in 2014.

Table 1: Fires in waste and recycling facilities in London 2013-2015

<table>
<thead>
<tr>
<th>Year</th>
<th>Total incidents in London</th>
<th>Notional cost</th>
<th>Incidents at W4F site(2)</th>
<th>Incidents not at W4F site</th>
</tr>
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<tbody>
<tr>
<td>2013</td>
<td>154</td>
<td>£969,394.00</td>
<td>13</td>
<td>141</td>
</tr>
<tr>
<td>2014</td>
<td>223</td>
<td>£1,156,538.00</td>
<td>84</td>
<td>139</td>
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<tr>
<td>2015</td>
<td>253</td>
<td>£744,404.00</td>
<td>115</td>
<td>138</td>
</tr>
<tr>
<td>Total</td>
<td>630</td>
<td>£2,870,336.00</td>
<td>212</td>
<td>418</td>
</tr>
</tbody>
</table>

Waste4Fuel site in Orpington

10. Following the work commissioned by LFB in January 2015 to break up the excessive waste on site fire calls significantly reduced – initially from one call a day to around one-two a month. However, there is still no agreement on who will remove the remaining waste and there has recently been an increase in small fire activity on site as the waste continues to breakdown and decompose resulting in an increase in calls to the Brigade of around three or four a week. Local crews continue to carry out visual audits on a daily basis and are working with colleagues within the council and EA to find a longer term solution.

Working with local authorities

11. In May 2015, the Head of Communications (Interim) at LFB attended a meeting with London Councils’ Officers Advisory Panel on Waste (OAPW) to set out the impact that fires at waste and recycling sites have had on the Brigade’s resources and to inform members of the work LFB has been undertaking to tackle the issue.

12. As a result of this meeting, LFB arranged a discussion meeting in late July with some of the OAPW representatives in order to look at ways that we could work together to tackle the issue further. Officers returned to the next OAPW meeting in October to progress the issues discussed. These meetings with OAPW representatives discussed a number of ways in which local authorities could be involved, with three key ideas emerging:

\(\text{Notional cost is calculated based on the length of time rounded up to the nearest hour spent by Pump, Aerial and FRU appliances at the incident and charged at the Brigade standard rate of £298 per hour.}\)
- There needs to be improved dialogue between the LFB, EA and local authorities on ‘at-risk’ sites, particularly on the two-way information flow and the process that should be followed should the local authority or LFB/EA become aware of a problematic site.
- There could be a ‘toolkit’ that sets out the powers each of the different public bodies have available to them when a waste site is identified as ‘at-risk’ or a new site gives cause for concern through complaints or referral from other authorities.
- Local authorities could look at their own arrangements for waste collection to ensure that waste isn’t being taken to an ‘at-risk’ site and what should happen should it transpire that council waste was being taken to non-compliant site. We have also been liaising with the London Waste and Recycling Board (LWARB) about the wording of contracts.

13. To take these three points forward, officers met the Local Government Association (LGA) on 22 February 2016 to discuss involving the LGA in a LFB-led forum on waste fires to discuss how local authorities could also support this work by closer partnership with the Fire and Rescue Service and EA at local level. The aim is to use this meeting to create the toolbox of local powers and regulation that are available to be applied to waste operators who fail to concord with fire prevention requirements. This forum is also an opportunity for prompting local authorities to recognise their part in sustainable and appropriate waste recycling as they are a major contributor to the waste volumes at local level and they must ensure they direct their waste to operators who are conforming to the principles of the Fire Prevention Plan (FPP).

14. Officers are also planning a roundtable in the spring of 2016 in order to bring together key partners in the capital to take these issues forward. This would include the EA, LGA, CFOA, LWARB, representatives from key local authorities and the main waste contractors operating in London.

Local Resilience Forums
15. Following the original letter to all Local Resilience Forum (LRF) chairs in November 2014 (reported in FEP 2404), officers will write again to those chairs in March 2016 to outline our continued concerns over waste fires and their impact on local communities and establish what amendments the LRF has made to the local risk register.

16. Centrally, LFB is working with the Cabinet office and the Department for Communities and Local Government (DCLG) to draft a business case to include Waste Site Fires as a specific hazard on the National Risk Register and arranging a follow-up forum for 2016 for LRF colleagues to attend and discuss these ongoing issues.

Accredited training and qualifications
17. A new level 2 and 3 Qualifications and Credit Framework standard (QCF) Waste Sector Technical Fire Competence qualification has been drafted jointly with the Fire Protection Association (FPA) and the Chartered Institute of Waste Management (CIWM). These standards for waste operators, which are supported by the insurance sector, provide fire safety competence for staff on site. This will assist in producing fire prevention plans and reduce the burden on the fire service and EA and improve sector competence overall. The draft standards are currently with the CIWM for final approval before circulation to awarding bodies.

Insurance Industry
18. The CFOA group has two representatives from the insurance sector (Willis and FPA). Jointly, officers have arranged three seminars where major insurance brokers and providers have contributed to debate and discussion to support the fire prevention agenda and new guidance. This forum has resulted in a greater understanding of the value of the waste risk and better
relationships between the two sectors and opportunities to discuss more competitive premiums in the future.

**Regulation**

19. In March 2015, the EA launched new regulations imposing the requirement for all permitted waste sites to have a Fire Prevention Plan (FPP). Following pressure from both the waste industry and CFOA, the initial guidance is being reviewed and currently out for consultation. In line with the Hampton principles\(^3\) CFOA are keen to ensure there is no overlap with fire regulation and FPP and fire risk assessments can be considered to be one and the same document for inspection and enforcement purposes.

20. The current Waste Industry Safety and Health (WISH) Fire Prevention guidance written as a collaboration between CFOA, LFB, EA and waste sector representatives is also being considered in line with the revised guidance in an effort to align national guidance and improve consistency and standards in waste site fire prevention guidance.

**Waste Fire Testing Programme**

21. A series of ground-breaking tests began in January 2016 at a waste site in Barling in Essex. This is a joint project between CFOA, EA and WISH to produce scientific data to support the future guidance on waste stack sizes and separation distances. This is critical as currently the data and advice on stack sizing is inconsistent and based on outdated and untested figures.

22. These are the first tests of their kind and are being widely anticipated by the waste industry as it will have a big impact on the fire prevention culture across the industry and will inform the revised FPP and WISH guidance. 11 waste products are being tested in both loose and bailed form from wood, plastics, rubber through to more contemporary products such as Refuse Derived Fuels. The testing will continue through a 10 week programme and is being supported by Bureau Veritas and the Fire Prevention Association to ensure the appropriate scientific rigour so that the data is indisputable in its application.

23. Fire fighting techniques will also be tested in order to determine the most appropriate and efficient methods to tackle the different types of materials. Foam, a compressed air foam system (CAFS) and positive pressure ventilation (PPV) and other contemporary methods will be utilised with the outcomes being incorporated into National Operational Guidance and ultimately improve the fire service response to these incidents.

**Showcasing the fire testing programme**

24. A CFOA press and media event is planned for the 23 March at Essex Fire Service HQ to showcase the progress and early findings of the fire testing programme. Firefighting techniques will be demonstrated and the implications of the fire testing discussed. Stakeholders from across the sectors will be invited based on the original Fire Futures Forum delegation.

25. Public Health England (PHE) are also involved to test and monitor the smoke generated by the fires to assist with guidance on evacuation scales in the event of major fires.

\(^3\) [http://webarchive.nationalarchives.gov.uk/+/http://www.hm-treasury.gov.uk/budget/budget_05/other_documents/bud bud05_hampton.cfm](http://webarchive.nationalarchives.gov.uk/+/http://www.hm-treasury.gov.uk/budget/budget_05/other_documents/bud_bud05_hampton.cfm)
Work stream two: national operational guidance on fighting fires at waste sites

**National Operational Guidance**

26. The Waste and Recycling Fire National Operational Guidance (NOG) has now been completed following extensive consultation. The guidance replaces the existing generic risk assessment for waste sites and covers landfill and modern waste processing plants. The guidance links strongly with Hazardous Materials and Operational Tactics guidance building on the basic NOG principles.

27. The guidance will be finalised and published in March and will be reviewed in six months following the outcomes of the waste firefighting tests to influence future firefighting techniques.

**Data Sharing**

28. Officers from CFOA are meeting PHE and the Better Regulation Delivery Office (BRDO) to discuss a joint project on data sharing and gathering to improve the process by which waste fires are recorded and catalogued nationally. The aim is to be able to track and monitor waste fires to identify trends and inform future targeting of prevention activity. This work will link into a review of incident data to provide better statistics on where and what impact waste fires have in the future.

**Other activity**

29. Over the last year, officers have also made use of opportunities to submit evidence to decision-makers about the impact these fires have had on the Brigade’s resources and the local community. Submissions made to government departments and parliamentary committees are:

- In May 2015, written evidence was submitted to the DEFRA consultation on enhanced powers to tackle waste crime. The Government published its response to the consultation in October 2015 and LFB awaits the publication of further consultations that will look at specific aspects of regulation.

- In August 2015, written evidence was submitted to the House of Commons Environmental Audit Select Committee inquiry on the ‘Government’s Approach to Sustainable Development’.

- In September 2015, a response was submitted to the Department of Business, Innovation and Skills (BIS) Cutting Red Tape – review of waste sector.

30. Officers have also sought opportunities to raise the profile of the prevention work, for example by updating MPs whose constituents have been affected by the Waste4Fuel site and giving a progress report to London Councillors at an event that LFB hosted in November on the topic of Fire Safety in London.

**Conclusion**

31. Overall, significant progress has made towards tackling the issue of problematic waste and recycling sites over the last year. There are very strong stakeholder relationships now firmly established with key deliverables complete. There remains work to do specifically with the wider roll out and cascade of the principles of the national joint agreement which should ensure the results demonstrated in London can be repeated elsewhere and with the development of the toolkit in order that key agencies and partners are best equipped to tackle at-risk sites should they arise in the future.

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4 [https://consult.defra.gov.uk/waste/enhanced_powers_to_tackle_waste_crime](https://consult.defra.gov.uk/waste/enhanced_powers_to_tackle_waste_crime)
6 [https://cutting-red-tape.cabinetoffice.gov.uk/waste/](https://cutting-red-tape.cabinetoffice.gov.uk/waste/)
Head of Legal and Democratic Services comments
32. Waste sites are premises subject to the Regulatory Reform (Fire Safety) Order 2005 in the usual way. However, this requires fire precautions only to safeguard employees and other people in case of fire. Waste site fires rarely involve a life risk, and there is only limited scope to use this to enforce measures to prevent nuisance fires, no matter how frequent. The new requirement for specific Fire Prevention Plans as part of the EA permitting regime therefore fills a significant regulatory gap. LFEPA and several other fire authorities also enforce local legislation to control stacks of flammable materials, such as at Waste4Fuel. The outcome of the tests referred to in paragraphs 21 to 23 will inform what conditions on stacks could reasonably be imposed and whether the public interest test for prosecution is passed.

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

Sustainable development implications
34. The European Union has been working towards setting a ban on landfill for some time, most recently reaching agreement to ban recyclable materials from landfill by 2025. This will continue to push the industry towards greater recycling and more waste to energy facilities. Moving towards greater improvements in resource and waste management will support the Authority targets on recycling and the aims of the Brigades Waste Management Plan 2011-16 (CMB 189 30/11/11). Increased fire safety and the ability to control poor practices at these sites will ensure the industry as a whole operates to a professional standard and that they provide the benefit to the community and the environment for which they are intended.

35. The opportunity for the Authority’s waste and recycling contract to include further provisions to ensure appropriate fire safety measures are in place will be considered when the contract is due for retender.

Staff Side consultations undertaken
36. None.

Equalities implications
37. There are no equalities implications arising from this report.

List of Appendices to this report:

None
## LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

### List of background documents

1. Hampton review of regulatory inspection and enforcement

2. DEFRA consultation on enhanced powers to tackle waste crime
   [https://consult.defra.gov.uk/waste/enhanced_powers_to_tackle_waste_crime](https://consult.defra.gov.uk/waste/enhanced_powers_to_tackle_waste_crime)

3. Written evidence submitted to the House of Commons Environmental Audit Select Committee inquiry on the ‘Government’s Approach to Sustainable Development’

4. Department of Business, Innovation and Skills (BIS) Cutting Red Tape – review of waste sector
   [https://cutting-red-tape.cabinetoffice.gov.uk/waste](https://cutting-red-tape.cabinetoffice.gov.uk/waste)

<table>
<thead>
<tr>
<th>Proper officer</th>
<th>Commissioner</th>
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</thead>
<tbody>
<tr>
<td>Contact officer</td>
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<tr>
<td>Email</td>
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