

# WEST NORTHAMPTONSHIRE COUNCIL CABINET

7<sup>th</sup> MAY 2024

## CABINET MEMBER FOR ENVIRONMENT, TRANSPORT, HIGHWAYS AND WASTE SERVICES: COUNCILLOR PHIL LARRATT

---

**Report Title** Procurement of a Contract for the Operation and Maintenance  
of Gayton Closed Landfill – Leachate Treatment Plant

**Report Author** Fiona Unett, AD Waste  
[Fiona.unett@westnorthants.gov.uk](mailto:Fiona.unett@westnorthants.gov.uk)

### List of Approvers

Monitoring Officer	Catherine Whitehead	10/04/2024
Chief Finance Officer (S.151)	Martin Henry	10/04/2024
Executive Director Place, Economy and Environment	Stuart Timmiss	27/10/2024
Communications Lead/Head of Communications	Becky Hutson	10/04/2024

### List of Appendices

#### Appendix A – Plan of Gayton Closed Landfill

#### 1. Purpose of Report

---

- 1.1. The purpose of the report is to secure approval to commence procurement of a contract to support West Northamptonshire Council in its long-term project of remediation, restoration and aftercare of Gayton Closed Landfill. The Contract is for the Operation and Maintenance of Gayton

Closed Landfill – Leachate Treatment Plant (LTP), which will replace the existing contract that expires 30 September 2024.

- 1.2. To secure delegated authority to made decisions associated with the procurements and to award a contract at the conclusion of the procurement process.

## **2. Executive Summary**

---

- 2.1 West Northamptonshire Council is responsible for the management of historic closed landfills which are classed as contaminated land (Part 2A the Contaminated Land Regime and the Environmental Protection Act 1990). Gayton closed landfill is classified as contaminated land under this legislation.
- 2.2 There is an on-site leachate treatment plant at Gayton closed landfill which intercepts and treats leachate from the site and prevents uncontrolled discharge, thereby mitigating and reducing the risks that the site may otherwise present. This leachate treatment plant is managed by an operation and maintenance contractor in accordance with the Environment Agency’s required standards.
- 2.3 The current contract is due to expire on 30 September 2024 and it is proposed that a new contract is procured to commence on 1 October 2024 to ensure the Council’s statutory duties continue to be fulfilled.
- 2.4 It is proposed that the new contract specification will be similar in scope to the current contract. A competitive procurement process will be completed to secure the contract, which will enable the Council to achieve best value for money. The estimated financial implications of the new contract have been included in the Council’s medium term financial plan.

## **3. Recommendations**

---

- 3.1 It is recommended that the Cabinet:
  - a) Approve the commencement of procurement for a new contract for the Operation and Maintenance of Gayton Closed Landfill – Leachate Treatment Plant (LTP).
  - b) Agree to delegate authority to the Executive Director for Place, Economy and Environment in consultation with the Portfolio Holder for Environment, Transport, Highways and Waste Services to:
    - i) Finalise the specification for the contract; and
    - ii) Take decisions related to the procurement processes, to enable them to progress as planned; and
    - iii) Award the contract, provided the procurement reaches a satisfactory conclusion.

## **4. Reason for Recommendations**

---

- 4.1 To ensure the Council continues to proactively manage environmental emissions from Gayton closed landfill using a qualified and technically experienced operator, in order to be compliant with the associated discharge consent.
- 4.2 To ensure the Council fulfils its statutory duties for the remediation, restoration and aftercare of contaminated land required by the Environmental Protection Act 1990 and Part 2A the Contaminated Land Regime.
- 4.3 To ensure a compliant procurement process can be completed prior to the expiry of the existing contract, with new arrangements delivering value for money as a result of following a competitive procurement process.

## **5. Report Background**

---

### **History of Gayton Closed Landfill**

- 5.1 West Northamptonshire Council (WNC) has the environmental liability for Gayton closed landfill located at National Grid Reference SP715552. The site is roughly triangular in shape and occupies an area of approximately 12 hectares. Access is from Milton Road to the east of the site. The Grand Union Canal forms the northern boundary and a cutting for the main west coast rail line the southwestern boundary. Milton Road forms the third boundary on the southeastern side of the landfill.
- 5.2 The eastern part of the site was purchased in 1938 by Northampton Rural District Council for use as a refuse tip. Northamptonshire County Council assumed responsibility for site in 1974 and the site closed in 1988 when it was returned to pasture. The western part of the site is not owned by NCC and was operated under a lease. There is an estimated 800,000 m<sup>3</sup> of mainly domestic and commercial waste within the site. The site was designated as Contaminated Land by predecessor authority South Northamptonshire Council.
- 5.3 The surface of the closed landfill is domed at up to 16 m above the level of the adjacent canal. Surrounding land use is agricultural. The nearest dwelling is approximately 100 m from the closed landfill, on the other side of the railway cutting.

### **Statutory Responsibility for Closed Landfills**

- 5.4 West Northamptonshire Council has a number of historic closed landfills which have been 'inherited' due to changes in Local Government Regulations. The Council has liabilities and responsibilities for the management of historic closed landfills which are classed as contaminated land (Part 2A the Contaminated Land Regime and the Environmental Protection Act 1990). The Council is required to investigate, identify, manage and mitigate identified pollution linkages from these sites and where appropriate disconnect these linkages in line with remediation plans.

- 5.5 As a consequence, these historic closed landfill sites require both routine and non-routine environmental monitoring, ongoing management and inspection and site maintenance of systems and infrastructure.

### **Management of Gayton Closed Landfill**

- 5.6 As noted above, Gayton closed landfill slopes towards the canal and therefore there is a risk of uncontrolled drainage of leachate into the canal. To mitigate this risk there is a leachate treatment plant installed on site, which is part of a number of proactive environmental management measures which include remedial works, restoration and long term after care.
- 5.7 The leachate treatment plant was originally constructed in 2001 and has undergone several upgrades to increase both the capacity, efficiency and effectiveness of treatment. The leachate treatment plant operates well within all consent parameters and provides the Council with the most environmentally and economical viable way to manage leachate from Gayton closed landfill.
- 5.8 Treated landfill leachate is discharged under gravity to an un-named tributary of the Gayton Arm of the Wootton Brook. This is under a formal discharge consent with the Environment Agency (No PRNNF12093).
- 5.9 Under the conditions of the consent, the Council proactively monitors the closed landfill site and the treatment processes at the leachate treatment plant along with compliance testing of the discharge. The robust maintenance and monitoring protocols and quality assurance systems show that the leachate treatment plant is operating effectively and the leachate discharged is well within the consent parameters.
- 5.10 Under current contract arrangements, on a continual basis (24 hours a day, 7 days a week) the leachate treatment plant is monitored remotely and if an issue is detected, a technically competent person attends the site in person. From time to time, the leachate treatment plant requires maintenance to ensure it treats leachate to the required standards. This 'operation and maintenance' contract is due to expire 30 September 2024 and therefore it is proposed that a new contract is procured in order to maintain the safe and effective operation of the leachate treatment plant.

### **Proposed Procurement**

- 5.11 It is proposed to procure a new contract for the operation and maintenance of the leachate treatment plant at Gayton Closed landfill. Gayton is the only closed landfill in West Northamptonshire which has a leachate treatment plan, so there are no economies of scale to be gained from including other sites. Therefore, the specification for the contract will be similar to the current specification, taking into account any lessons learnt from these arrangements.

- 5.12 The proposed contract length is 5 years with the option of a possible extension of 2 years, which will allow the council good value for money and a consistent contractor.
- 5.13 The proposed procurement will commence in June and a competitive open procedure will be followed, with contract award planned for end of August/early September.
- 5.14 The outcome of the procurement process will be a technically experienced operator appointed to operate and maintain the leachate treatment plant from 1 October 2024.

## **6. Issues and Choices**

---

- 6.1 The current contract for the operation and maintenance of the leachate treatment plant at Gayton has been extended to its maximum length. Therefore, to “do nothing” is not an option: a new contract must be procured in accordance with procurement regulations.
- 6.2 The Council has other contracts for the management of the closed landfills that it has responsibility for, but the operation and maintenance of the leachate treatment plant requires a specialist contractor and it is unlikely there would be a benefit in packaging this contract with other requirements.
- 6.3 The option to operate the leachate treatment plant using WNC officers has been considered. However, the operation and maintenance of the treatment system is a very specialist service and WNC officers do not have the required skillset or capacity (bearing in mind the 24/7 monitoring).
- 6.4 Another option for managing leachate from this site is to remove it via road tanker for treatment at a suitably environmentally permitted Treatment Works and cease to operate the leachate treatment plant. However, this option would be much more expensive than the current system (during peak flows approximately 5 HGVs per day may be required) and also require capital investment in the site roadways to ensure HGVs can access the site.
- 6.5 An Equalities Assessment Screening Form has been completed and this has not identified that there are any equalities impacts that require further action.

## **7. Implications (including financial implications)**

---

### **7.1 Resources and Financial**

- 7.1.1 The estimated cost of the new contract is included within existing budgets and the medium term financial planning process.
- 7.1.2 The contract length will be 5 years with the potential for an extension of up to two years, which is expected to secure the Council best value.
- 7.1.3 No additional officer resources are required to procure or manage the contract.

## 7.2 Legal

- 7.2.1 Under the Environmental Protection Act 1990, Part 2A, there is a system for identifying and remediating land that has been designated as contaminated land. This legislation also provides a risk-based approach to the identification and remediation of land and under this legislation, Gayton closed landfill has been designated as contaminated land. Section 78N, Environmental Protection Act 1990, Part 2A, grants the Council power to do what is appropriate by way of remediation to the relevant land or waters.
- 7.2.2 Consequently, the Council is following a risk based approach to for the management and remediation of this site, because it has an on-going statutory duty to manage the risks associated with Gayton closed landfill and it would be responsible for any pollution incident resulting from uncontrolled discharge of the leachate. The proposed procurement of a contract for the operation and maintenance of the leachate treatment plant will mitigate and reduce the risks so far as reasonably practicable by securing suitable technically competent operators.
- 7.2.3 There are no property implications applicable with this proposal.
- 7.2.4 Due to the estimated contract values, fully compliant, above threshold tender processes are required following the Cabinet decision. The proposed value of this contract will exceed the procurement threshold (currently £214,904 inclusive of VAT) and consequently, the Council must ensure that the procurement process complies with the Public Contracts Regulations (2015) (“PCRs (2015)”). The procurement will be subject to Procurement Gateway Group approval prior to commencement and the proposed approach will be an open procurement.
- 7.2.5 The Council’s legal and procurement teams will be involved in the procurement and award of the proposed new contract to ensure compliance with its Contract Procedure Rules (CPRs) and procedures. This includes, ensuring that the contract and any legal agreement arising from the matter described in this report is in a form approved by Legal Services on behalf of the Director of Law and Governance.
- 7.2.6 It is proposed that the Executive Director Place, Economy and Environment in consultation with the Portfolio Holder for Environment, Transport, Highways and Waste Services have delegated authority to make decisions relating to this procurement.

## 7.3 Risk

### 7.3.1 The key risks are:

	<b>Risk</b>	<b>Mitigation</b>
i.	The current contract for the Operation and Maintenance (O&M) of Gayton Closed Landfill Leachate Treatment Plant may expire prior to procuring new	Secure new arrangements to replace existing contracts as per proposals within this paper.

	arrangements and the Council will not be able to fulfil its statutory duties.	
ii.	New arrangements will not be in place prior to the expiry of existing contracts due to a delay in the procurement programme.	The programme to secure new arrangements will be rigorously managed and delegation of associated decisions will ensure timely decisions.
iii.	The new arrangements will be more expensive than the current arrangements.	<p>The existing contract for O&amp;M services Gayton Closed Landfill LTP was procured more than 4 years ago by the predecessor authority. The existing contract did not have any inflationary indices included and was a fixed cost over the life of the contract.</p> <p>The extraordinary inflation in recent years means it is likely there will be a step change in the costs of this service.</p> <p>Industry feedback is inflation should be included in the new contract, otherwise there is a risk that the contract won't be attractive to the market or that the risk will be priced into the tendered price.</p> <p>It is expected that a longer length contract will mitigate price uplift along with a mechanism for inflationary pressures.</p> <p>Procurement will be competitive and will aim to secure best value services.</p> <p>An increase in the costs of this contract has been estimated and included in the 24-25 medium term financial planning process.</p>

## 7.4 Consultation and Communications

7.4.1 There is no requirement for consultation. The proposal is procurement of a new contract to replace an existing service contract. The systems and technology are part of the site's

infrastructure and the Council's requirement is for a replacement Operation and Maintenance Service Provider.

7.4.2 The communications team will share the outcome of the Cabinet meeting and the necessary next steps via the Council's communications channels to reassure residents of the Council's commitment to continue to manage the risks posed from its historic, closed landfills. By procuring this contract, the Council will ensure it remains compliant with the formal discharge consent parameters.

## 7.5 **Consideration by Overview and Scrutiny**

7.5.1 This contract has not been considered by Overview and Scrutiny committee.

## 7.6 **Climate Impact**

7.6.1 The Council take a proactive approach to manage the environmental impact and risks posed from legacy waste operations and the resultant closed landfill sites. The proposed contract forms part of the Council's ongoing commitment to remediate, restore and provide long-term aftercare of Gayton Closed Landfill.

7.6.2 The Council's investment in the on-site Gayton closed landfill leachate treatment plant ensures that leachate is consistently and sufficiently treated to a high standard (as required by the Discharge Consent).

7.6.3 Treating landfill leachate on-site and discharge via a formal consent with the Environment Agency limits carbon emissions compared with other options for managing the removal of excess landfill leachate. This is because the alternative option would be to use multiple HGV tankers to transport the leachate from site and treat it at a suitable environmentally permitted Treatment Facility (for example a foul water treatment works).

## 7.7 **Community Impact**

7.7.1 There is limited community impact from the closed landfill or on-site leachate treatment plant. The leachate treatment plant (LTP) was constructed in the early 2000's to manage and mitigate leachate build up within the site and to stop uncontrolled emissions. Using the leachate treatment plant, landfill leachate is comprehensively treated and discharged under an Environment Agency consent.

7.7.2 The location of the leachate treatment plant is well within the site boundary and cannot be seen by the local community/residents. The closed landfill itself is fully restored to grassland.

## 8. **Background Papers**

---

8.1 None



# Appendix A – Plan of Gayton Closed Landfill

