

KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

Jamie Henderson,
Cabinet Member for Environment, Coastal
Regeneration and Public Health

DECISION NUMBER:

26/00054

Executive Decision – key**26/00054 - Procurement for Waste Transfer Services Contract - Folkestone & Hythe - CN260748**

Decision:

As Cabinet Member for Environment, Coastal Regeneration and Public Health, I agree to

CEASE activity related to key decision 25/00068 and halt the continuation of development of the Junction 11 waste transfer station scheme

APPROVE the procurement and award of a Transfer Services contract to secure a commercial waste transfer solution through a compliant competitive process.

DELEGATE authority to the Director of Environment and Circular Economy to undertake all relevant actions to facilitate the procurement process.

DELEGATE authority to the Director of Environment and Circular Economy in consultation with the Cabinet Member for Environment, Coastal Regeneration and Public Health, to take relevant actions, including but not limited to, awarding, finalising the terms of and entering into the relevant contracts or other legal agreements, as necessary, to implement the decision: and

DELEGATE authority to the Director of Environment and Circular Economy, in consultation with the Cabinet Member for Environment, to award extensions of the contract in accordance with the relevant clauses within the contract.

Reasons for decision:

KCC needs to secure a compliant, deliverable waste transfer solution for Folkestone and Hythe before the current temporary arrangements expire in January 2028.

The previously approved Junction 11 scheme is no longer considered deliverable because of unresolved land acquisition issues, planning conditions that cannot be

discharged, increased programme and financial risk, and the likelihood that it cannot be delivered in time. Current arrangements are also insufficient and cannot provide a long-term solution.

The recommended decision is therefore to proceed with a competitive procurement for a commercial waste transfer service, as this is now considered the most viable way to maintain service continuity, meet KCC's statutory waste disposal duties, reduce delivery risk, and secure a medium to long-term solution within the required timeframe.

Financial implications:

The previous and current option have been assessed against cost, risk, deliverability and the need to secure a waste transfer solution before the current temporary arrangements end in January 2028.

Continuing with the Junction 11 scheme would require significant further capital investment and carries increased land, planning, cost and timescale risks. If the scheme stops, around £722k already spent would become abortive, with a further potential risk that up to £1.5m of CIL funding may need to be returned if an alternative use is not agreed.

The preferred procurement option is expected to cost more each year than operating a Council-owned facility but avoids further capital exposure on Junction 11 and offers the most realistic route to securing a compliant service in time. The contract is currently estimated at around £12.1m over a possible seven-year period, with a forecast annual budget of £1.729m for 2027/28. Final costs will be confirmed through procurement.

A further estimated £250k may be needed for infrastructure works at an existing KCC site if food waste is managed outside the contract. This would be funded from the waste reserve, avoiding a direct pressure on the revenue budget.

Legal implications:

KCC, as the Waste Disposal Authority, has a statutory duty under Section 51 of the Environmental Protection Act 1990 to arrange for the disposal of controlled waste collected in its area and to provide places where residents may deposit household waste for disposal.

Equalities implications:

The Equality Impact Assessment undertaken concluded that no protected characteristics will be impacted upon negatively as a result of this contract award.

Data Protection implications:

A Data Protection Impact Assessment (DPIA) screening was undertaken, and it concluded that due to the fact that no personal data is handled or stored, (employee or service user), no further assessment is required.

Cabinet Committee recommendations and other consultation:

This version of the PROD is included in the agenda pack for committee members to review ahead of the meeting.

Any alternatives considered and rejected:

Do nothing / continue current arrangements

- Current arrangements are not viable as existing sites face capacity and operational constraints, Ross Way cannot be extended beyond January 2028 without significant investment, and failure to act would risk KCC's ability to meet its statutory waste disposal duties.

Extend the developer contribution collection periods to 2045 or to 2040 to close funding gap to develop the J11 scheme

- This option is not deliverable because the additional land required has not been secured, planning conditions cannot be satisfied without it, and further progress would increase cost and delivery risk without meeting the January 2028 deadline.
- A new local authority-owned facility is not deliverable within the required timeframe because suitable alternative sites have been exhausted and securing land, permissions, construction and mobilisation would take too long.

Change to a design, build, finance, operate model (discarded).

- A design, build, finance and operate model is not considered deliverable because an alternative site would still need to be secured, the project is already too developed for early private sector input, and this would delay delivery beyond the required timeframe.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

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Signed

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Date