

Report for: Cabinet – 8 November 2022

Title: Award of Contract for Remediation Works at The Paddock

Report authorised by: Eubert Malcolm, Acting Director of Environment & Neighbourhoods

Lead Officer: Simon Farrow, Head of Parks and Leisure

Ward(s) affected: Tottenham Hale

**Report for Key/
Non-Key Decision:** Key Decision

1. Describe the issue under consideration

- 1.1 The Council has committed to establish three new local nature reserves in the borough by 2026. The Council is also committed to improving access to parks and greenspaces and supporting the environment by reducing its use of pesticides.
- 1.2 This report seeks Cabinet’s approval to appoint a specialist company to treat the Japanese Knotweed and other non-native invasives species which have become endemic on The Paddock site, Tottenham Hale. The proposed works will be an important enabling step in a wider programme of improvement works at The Paddock to create the first new local nature reserve in the borough for over a decade.

2. Cabinet Member Introduction

- 2.1 The Japanese Knotweed remediation works are a key step in delivering the manifesto commitment to deliver three new local nature reserves by 2026. Significant progress has been made over the last few years in engaging local communities in improving The Paddock. A partnership with The Conservation Volunteers, working with the Friends of The Paddock, has delivered an exciting community engagement programme and developed a volunteer network that is actively managing the site, making a visible difference in the look and feel of The Paddock.
- 2.2 The Japanese Knotweed works will enable the next step to be taken in a comprehensive enhancement programme that will open up public access, improve perceptions of safety and underpin the creation of a new local nature reserve.
- 2.3 The remediation works are necessary to meet the Council’s statutory obligations, and our responsibilities under the heads of terms agreed with Thames Water for its land at The Paddock. The proposed approach is largely chemical-free, which is kinder to the environment and safer for the public. The capping method will provide a permanent solution to Japanese Knotweed at the site and reduce on-going revenue costs for the Council.

- 2.3 I recommend the award of the contract to enable the start of the next phase of this exciting project.

3. Recommendations

Cabinet is recommended:

- 3.1 Pursuant to Contract Standing Order 9.07.1(d), to approve the waiver of Contract Standing Order (CSO) 9.01 the requirement to obtain three competitive quotations as permitted by CSO 10.01.1a) and to approve the award of a contract to Ebsford Environmental Ltd. for a package of Japanese Knotweed remediation works at The Paddock, Tottenham Hale, for a maximum value of £545,752, subject to the further recommendation in the exempt report.

4. Reasons for decision

Statutory duty to treat

- 4.1 The Council has a statutory duty to treat Japanese Knotweed, which has been a long-standing maintenance issue at The Paddock. The Council has agreed heads of terms with Thames Water for the lease of its land at The Paddock to be incorporated into the new nature reserve, which also places a responsibility on the Council to treat the Japanese Knotweed.

Chemical-free approach

- 4.2 The proposed approach involves minimal use of chemical treatments, which would be unsuitable in close proximity to watercourses and in areas used by the public. Advice from invasive species remediation specialists has indicated that chemical treatment is not viable or effective long-term, and evidence indicates that a level of chemical resistance is developing within the knotweed strains on the site. Chemical treatment is therefore unlikely to provide a permanent solution and will require more extensive treatment measures within a few years.
- 4.3 Capping has been identified as the most effective remediation solution for the site. This methodology responds to the underlying site conditions (e.g., asbestos fibre contamination in areas of The Paddock), the ecology of the site and its use by members of the public rendering chemical treatments unsuitable, and the long-term nature of a capping solution, reducing ongoing revenue costs by undertaking one core package of capital works.

Habitat Protection

- 4.4 The Japanese Knotweed remediation works form the critical first phase of a capital works programme to enhance The Paddock. The Japanese Knotweed infestation risks significant damage to The Paddock's ecosystems, reducing the biodiversity of flora and fauna by out-competing native species. A large area of The Paddock is threatened by the spread of Japanese Knotweed, so its eradication will help protect the range of habitats on site, improve biodiversity

and enable implementation of the long-term management plan that is required to achieve local nature reserve status.

5. Alternative options considered

Chemical treatment

- 5.1 Chemical spraying with a glyphosate-based treatment is the only other possible treatment method. This option was rejected as such a treatment programme would take three to five years, during which time no site improvement works could take place within the treated areas. This would delay any significant enhancement of The Paddock and cause prolonged disruption.
- 5.2 Previous attempts at chemical treatment of Japanese Knotweed in some areas of the site have not been successful. Furthermore, spraying chemicals in a busy public area and next to a watercourse would bring risks to other plant and animal life. Capping is a more permanent and predictable solution, resulting in the Japanese Knotweed issues largely being dealt with in one project phase, and reducing the likelihood of any future recurrence.

Re-tendering

- 5.3 The early engagement and soft market testing undertaken by the Council with several specialist suppliers has not resulted in a strong response to the procurement exercises undertaken. It is unlikely that going out to the market again would provide a stronger response to the specification, as the works are specialist in nature and would serve only to delay the project and impact on the delivery of the programme.

Not awarding the contract

- 5.4 The Council has a statutory duty to treat the Japanese Knotweed on the site. These works are the critical first phase of the Paddock enhancement programme, enabling the comprehensive landscape works to be undertaken. Using an alternative chemical treatment approach would not be effective or viable long-term and would require the comprehensive landscape scheme to be re-designed. This would lead to delays in the programme and in the delivery of benefits to local communities.

6. Background information

The Paddock Enhancement Programme

- 6.1 The Paddock in Tottenham Hale is a Metropolitan Site of Importance to Nature Conservation (SINC), which was historically used as playing fields for the Harris Lebus factory, a horse grazing paddock, and a waste site for materials from the Victoria Line construction. It has developed a unique ecology over time through natural colonisation, but is compromised through an extensive infestation of Japanese Knotweed and pockets of asbestos contamination.
- 6.2 Over the last decade, The Paddock had become a poorly-used and under-maintained green space which has, over time, deterred people from using the

space. However, investment in the site over the last two years is already starting to make a difference, with greater public usage and visible improvements to the site.

- 6.3 The Paddock Enhancement Programme aims to create a new publicly accessible local nature reserve in the east of the borough, delivering an exemplar site for ecology and biodiversity. This includes incorporating Thames Water land around the riverine edges into the site on a 125-year lease, to create an additional 1.9 acres of new publicly accessible greenspace in Tottenham Hale.
- 6.4 A comprehensive programme of capital works and long-term ecological and landscape management has been developed in collaboration with the local community and voluntary sector partners The Conservation Volunteers (TCV). Community engagement has played a central role in widening access, supporting the Friends of The Paddock and developing a viable volunteer network to assist in long-term management of the site.
- 6.5 TCV have been working on the site under an interim management contract with the Council, during which time they have made major in-roads in ecological management, path clearance, dead-hedge creation, wildflower planting, wildlife surveys, community engagement and volunteer development. The capital works programme will build on this work, delivering a new accessible path network, improved arrival spaces, new visitor centre/educational building, wildflower meadows and landscaping improvements.

Japanese Knotweed remediation

- 6.6 Japanese Knotweed remediation is the critical first phase of the capital programme. Following soft market testing with specialist providers, a capping methodology has been identified as the most effective approach to delivering a permanent, cost-effective solution. This involves the excavation, secure burial within a 'cell' of geotextile membrane (with a 50-year lifespan) and capping of the Japanese Knotweed stands. Some vegetation and tree clearance will be required to facilitate this and create new meadow habitats for greater biodiversity and to support the establishment of a local nature reserve.

Tree removals

- 6.7 Japanese Knotweed rhizomes (roots) have become established within below-ground asbestos fibres in several locations, meaning that disturbing the rhizomes is unsafe. In situ treatment is required, involving removal of above-ground stems and capping of the contaminated ground. This method will result in the removal of scrub including trees of various sizes and condition, of which only 6 are of high quality. Fifteen new trees will be planted on site through the capital works and the Council will plant more than 80 new trees as part of Haringey's tree-planting programme, to mitigate this tree loss. In addition, 1,500 new hedgerow trees have been planted in the Ferry Lane Estate as mitigation for tree felling by Network Rail.
- 6.8 Replacement trees cannot generally be planted in the capped areas due to the risk of piercing the secure membrane with their roots, although some smaller

species can be accommodated. The capped areas will be transformed into a wildflower meadow, significantly improving biodiversity and creating a new, potentially more diverse habitat. Information about the tree works will be communicated on site through new site signage and through The Paddock programme website on Commonplace.

Procurement

- 6.9 The remediation of Japanese Knotweed at the Paddock is a specialist task. Soft market testing was undertaken to refine the scope of works for this specialist environmental service.
- 6.10 Following completion of the soft market testing, a procurement exercise was undertaken in Spring 2021, against the extensive specification developed as part of the soft market testing. The procurement was abandoned as the bid submissions exceeded the budget allocated for the work. The specification was revised and simplified following further soft market testing with five suppliers, and a second procurement exercise was undertaken in July/August 2022. Four suppliers were invited directly, and the opportunity was published on HPCS on 5th July 2022 as a Request for Quotation (RFQ).
- 6.11 One submission was received in response to the request for quotes opportunity, from Ebsford Environmental Ltd. The initial pricing of the bid exceeded the available budget. Through a clarification process, the supplier's price submission was clarified resulting in a pricing submission of £545,752.

Key risks

- 6.13 **Programme risks:** preliminary works will need to be completed before March 2023 (outside the bird-nesting season). Delays in agreeing a contract will risk remediation works encroaching on bird-nesting season. This would lead to a significant impact on the overall works programme, delaying the works phase until Autumn 2023. As the tree works form the first stage of the remediation works, the risk of encroaching on bird-nesting season is limited.
- 6.14 **External risks:** the need for tree removals has been communicated to the community and stakeholders throughout the programme. The need and justification for this has been well-received. A communications programme is being developed to ensure that there is a clear message about the need for tree removals to facilitate the remediation of the non-native invasive species. Advance communications will be required to ensure transparency and to mitigate any negative responses.
- 6.15 **Cost risks:** An estimated £350,000 budget was allocated for the remediation works. This was based on a proposed soil-sieving methodology that has since been revised following more detailed scoping of the site conditions and soil types, with the clay soil on the site rendering this method unsuitable.
- 6.16 Costs are higher than expected, reflecting the extent of the works required and the limited options for permanent treatment methods. This will have an impact on the overall project budget, requiring cost savings to be identified within the main works programme. The costs will be met through the committed project funding of £1.55m (£1m LBH Capital and £0.55m Section 106), and by

reviewing the scope of the Phase 2 main landscape works. Funding options will be reviewed concurrently, and the works programme will be delivered in phases.

- 6.17 Environmental risks:** the risks of working in close proximity to asbestos have been mitigated through securing specialist advice from environmental contractors to develop an appropriate remediation methodology, reviewed by Environmental Health colleagues. Preliminary soil contamination surveys have been used to identify locations affected by asbestos, with the proposed capping methodology focussing on specific areas of the site, and areas which cannot be disturbed being chemically treated. Any unforeseen asbestos hotspots will be removed securely off-site in compliance with environmental standards. The works area will be secured and public access to The Paddock will be limited during remediation works.
- 6.18 The site remediation works present biosecurity risks through the potential transfer of Japanese Knotweed to non-affected areas of The Paddock as well as off-site through works activity and human and vehicle movements. Public access to the Paddock will be limited during the works to support biosecurity and ensure site safety. Suitably qualified and experienced contractors have been procured, and strong bio-security measures put in place to mitigate the transfer of Japanese Knotweed off-site, including:
- a) demarcation of clean and dirty work areas;
 - b) cleaning of plant, machinery and PPE when exiting work areas;
 - c) designated exit routes from site to prevent tracking over contaminated areas; and
 - d) underfilling wagons to avoid spillages.

7. Contribution to strategic outcomes

Building a fairer, greener borough – Haringey Labour Manifesto 2022-26

- 7.1 Following the local elections in May 2022, the Council's ambition and priorities are based on putting residents at the heart of everything the Council does. For the remainder of 2022 and into 2023, the Council will work with residents to develop the Haringey Local Deal. The Haringey Local Deal will seek to empower communities to make change, putting local people at the forefront of decision-making.
- 7.2 The Paddock Enhancement Programme will directly deliver or support the delivery of the Haringey Local Deal and, in turn, the manifesto commitments, in relation to:

Inclusion and Wellbeing Aim

Directly deliver:

- Community gardening and tree planting on estates and trees
- Co-produce designs for pocket parks, community gardens and street-side verges

Support:

- Assist in developing a community health and wellbeing network

Climate Change and Sustainability Aim

Directly deliver:

- Plant street trees until each ward reaches 30% canopy cover
- Plant 10,000 new trees by 2030
- Invest in sustainable drainage systems to reduce flooding
- Work to create three brand new nature reserves by 2026 and introduce Sites of Importance for Nature Conservation
- Increase recycling in parks to 50% by 2030

8. Statutory Officer Comments

8.1 Finance

8.1.1 This report seeks approval for a contract award to Ebsford Environmental Ltd for a package of Japanese Knotweed remediation works at The Paddock Tottenham Hale, at a value of £545,752.

8.1.2 The full cost of this proposal will be fully met from the Council's capital programme plan, under capital scheme 401 – Tottenham Hale Green Space. In this financial year 2022/23, there is circa £1.25m budget earmarked for the Paddock Enhancement Programme, with nil spend as at end of quarter two.

8.2 Strategic Procurement

8.2.1 Prior to the procurement process commencing the scope was reviewed and the relevant CPV (Common Procurement Vocabulary) code determined the requirement to be a works category procurement and subject to the relevant public procurement threshold.

8.2.2 A pre-tender estimate, in accordance with CSO 6.01, estimated the requirement would be below the works category public procurement threshold and an RFQ process would be an appropriate route to market.

8.2.3 In accordance with CSO 9.01 a procurement process was undertaken to seek at least three competitive quotations, although as stated in section 6.11 only one response was received. In accordance with CSO 10.01.2d) i and ii the market was investigated, and a procurement process undertaken which ultimately provided only one quotation; in the circumstances this justifies that CSO 9.01 the requirement to obtain three quotations can be waived and that it is in the Council's overall interest to do so.

8.2.4 In accordance with CSO 9.07.1 d) all contracts valued at £500,000 or more may only be awarded by the Cabinet.

8.2.5 Strategic Procurement confirm that the procurement was undertaken in a compliant manner and the report recommendation to waiver and award a contract is appropriate.

8.3 Legal

- 8.3.1 Legal Services has been consulted in the preparation of this report which is proposing the award of a contract for Japanese Knotweed remediation works.
- 8.3.2 The pre-tender estimate for the contract proposed for award was below the thresholds both under the Public Contract Regulations 2015 (PCR 2015) and under Contract Standing Orders (CSOs) requiring a contract to be advertised for tender on the open market. Under CSO 9.01, contracts for works with a pre-tender estimated value of between £160K and £500k, as in this case, may instead be procured by a process of requesting at least 3 quotations from selected suppliers without advertising the opportunity. Under CSO 10.01.1 Cabinet may approve a waiver of the full requirement of CSO 9.01, given that only one quotation was obtained, once any of the grounds given in CSO 10.01.2 is established.
- 8.3.3 Strategic Procurement has advised that the procurement was undertaken in a compliant manner and has supported a waiver of the 3-quotation requirement on the grounds in CSO 10.01.2 concerning market conditions and the Council's overall interest in proceeding in this way.
- 8.3.4 Pursuant to CSO 9.07.1(d), the award of a contract valued at £500,000 or more must normally be approved by Cabinet.
- 8.3.5 The Head of Legal and Governance is not aware of any legal reasons preventing the Cabinet from approving the recommendations in this report (Part A or B).

8.4 Equality

- 8.4.1 The Council has a Public Sector Equality Duty under the Equality Act 2010 to have due regard to the need to:
- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
 - Advance equality of opportunity between people who share those protected characteristics and people who do not
 - Foster good relations between people who share those characteristics and people who do not
- 8.4.2 The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.
- 8.4.3 The decision is to approve the award of The Paddock site remediation contract. This decision has no disproportionate impacts on individuals or groups with any of the protected characteristics. The works will enable the eradication from The Paddock site of Japanese Knotweed, thereby opening up access to a new local nature reserve for the benefit of all users.

9. Use of Appendices

Appendix 1: Approach to Japanese Knotweed Remediation at The Paddock

10. Local Government (Access to Information) Act 1985

This report contains exempt and non-exempt information. Exempt information is under the following categories (identified in amended Schedule 12A of the Local Government Act 1972): Information relating to financial or business affairs of any particular person (including the statutory authority holding that information).