

Decision by Portfolio Holder



Report reference: PAG-003-2017/18
Date of report: 10 August 2017

**Epping Forest
District Council**

Portfolio: Planning Policy

Author: Alison Blom-Cooper (Ext 4066)

Democratic Services: J Leither

Subject: Procurement of Sustainability Appraisal support in connection with the preparation of the Local Plan

Decision: That, in accordance with paragraphs 5.2(c) and (d) of the Procurement Rules that that the requirements of 2.7(a)(i) and Appendix 1 be waived to appoint AECOM without competition for the provision of Sustainability Appraisal and Equality Impact Assessment (an integrated assessment) for the Proposed Submission Plan (Regulation 19 publication) in the sum of £33,790 plus VAT.

ADVISORY NOTICE:

*A Portfolio Holder may not take a decision on a matter on which he/she has declared a Pecuniary interest.
A Portfolio Holder with a non-pecuniary interest must declare that interest when exercising delegated powers.*

I have read and approve/do not approve (delete as appropriate) the above decision:

Comments/further action required:

Signed: Cllr J Philip

Date: 10th August 2017

Non-pecuniary interest declared by Portfolio Holder/ conflict of non-pecuniary interest declared by any other consulted Cabinet Member:

*Dispensation granted by Standards Committee:
Yes/No or n/a*

Office use only:

Call-in period begins: 18th August 2017

Expiry of Call-in period: 24 August 2017

After completion, one copy of this pro forma should be returned to Democratic Services IMMEDIATELY

Reason for decision:

There is a longstanding professional relationship between EFDC and AECOM (and its predecessors) to deliver the SA elements required to support the preparation of the Local Plan. Given the stage reached in formulating the Local Plan, it is neither practical nor desirable to seek alternative quotes at this stage. To do so would introduce unnecessary delay to a process which is already being very tightly managed, with a requirement to publish the Local Plan for the Regulation 19 consultation in the beginning of 2018.

**Initialed as original copy by
Portfolio Holder:**

Options considered and rejected:

Option – to pursue competitive tendering for all elements of the SA and EQiA work to support the preparation of the Local Plan.

It is neither practical nor desirable to seek alternative quotes for this work, as there is a longstanding relationship with AECOM (and its predecessors) to delivering this work stream. AECOM are proven in their field, and have previously provided EFDC with previous iterations of this work in an efficient and cost effective manner.

Background Report:

1. The preparation of the Local Plan is required to be supported by Sustainability Appraisal (SA). EFDC has a professional relationship with Scott Wilson/URS/AECOM for these areas of work stretching back to 2009. The company name has changed over time but the individuals involved have remained, and continue to be leaders in their field.
2. An initial Sustainability Appraisal Scoping Report was completed by Scott Wilson in 2010. An interim Sustainability Appraisal Report was completed by URS in 2012 to support the publication of the Issues & Options: Community Choice consultation document. Since then AECOM undertook additional Sustainability Appraisal work as part of the Local Plan Regulation 18 consultation and have commenced work in preparation for the Pre Submission (Regulation 19) publication expected to be held early 2018.
3. EFDC has retained an ongoing working relationship with AECOM as part of the Habitat Regulations Assessment (currently ongoing) and work being undertaken at the Housing Market Area level. The consideration of Spatial Options for development at this geographical level has been facilitated by AECOM. Given this longstanding and ongoing relationship, it is neither practical nor desirable to seek quotes for the next steps in these areas of work from alternative providers. Approval is therefore sought to waive Procurement Rules to allow the award of contract without competitive quotation.

Sustainability Appraisal – Epping Forest District Local Plan

4. The previous Sustainability Appraisal contract with AECOM (proposal dated 27 July 2016 at a cost of £22,251.25) covered the period between August 2016 through to July 2017. This was based on the agreed Local Development Scheme timetable in place at that time and included support up to and including the Proposed Submission Plan. Approval was given by way of a Portfolio Holder Report in August 2016 for work up to the value of £30,000. Work undertaken involved preparing an Interim SA report setting out how reasonable spatial alternatives and policy choices had been tested, to aid the decision making process in preparing the Draft Local Plan. This work was completed in September 2016. Of the £22,251.25 allocated to the previous contract, £19,306.25 has been paid and approximately £1,300.00 of unbilled work has been completed equating to a total of £20,606.25. This therefore leaves £1,645.00 in the budget from the previous contract and a further £7748.75 totalling £9,383.75 which has previously been authorised.
5. As a result of the revised Local Plan timetable agreed by Cabinet in March 2017 the scope of work has been revisited to support the preparation of the Proposed Submission Plan. AECOM have submitted a revised proposal dated 1 August 2017. This covers the work to develop reasonable alternatives for appraisal at a settlement and district wide level and the preparation of an SA report to support the Pre Submission Plan. As a result of advice provided at the recent advisory meeting with a Planning Inspector the remit of the work has also been expanded to provide for an integrated assessment thereby incorporating an Equality Impact

Assessment) as an integral part of the Sustainability Appraisal process. The Habitat Regulations Assessment will remain separate to reflect the fact that whereas the findings of an SA must be taken into account by plan makers in finalising a plan, with respect to HRA a plan cannot proceed in its current form if the HRA indicates that it will have an effect on the integrity of a European site.

6. The total cost for the work set out in the proposal is for £33,790. The budget agreed by Cabinet on 1 December 2016 assumed expenditure of £22,250 in 2016/17 and a further £10,000 in 2017/18. This latest proposal therefore means that there is a potential shortfall of £22,146.25. However there is scope to accommodate this within the overall local plan budget as we have received income from the other authorities as a result of joint working where costs have been shared and which had not previously been incorporated.
7. No estimate is provided at this point for likely expenditure for support at Examination, or should post-Examination modifications be necessary but is likely to be beyond the 12 months “forward look” required by the Procurement Rules. Attention is drawn to the likely need to enter a further contract for the continuation of this work, but the overall value cannot be quantified at this stage. This work is likely to include a review of relevant Regulation 19 representations, assistance drafting SA related responses to the Inspectors’ matters and issues and any attendance at the examination.

Procurement Rules – sections to be waived

8. Given the longstanding relationship with AECOM (and its predecessors) for the SA work it is neither practical nor desirable to seek further competitive quotes. In accordance with paragraphs 5.2(c) and 5.5(c) of the Procurement Rules, it was determined that AECOM are most appropriately placed to deliver this element of work.
9. Having determined that the existing relationship and previous good performance of AECOM in this regard under the paragraphs identified above, authority is sought to waive Procurement Rules (2016) 5.2(c) and (d) that the requirements of 2.7(a)(i) and Appendix 1 be waived in relation to seeking quotes via competition.

Resource Implications:

Funding for the SA to support the Local Plan was agreed by Cabinet in December 2016. As set out above due to changes in the scope of work and changing timetable for the Local Plan the costs are above that originally estimated but there is scope within the overall local plan budget that has been approved. An updated budget report will be provided to Cabinet in October 2017.

Legal and Governance Implications:

Preparation of the SA is a statutory element of the Plan making process, and is required to make swift progress on the Draft Local Plan in advance of the Regulation 19 Local Plan publication.

The details of the approach taken in respect of the Procurement Rules (2016) is set out within the report above.

Safer, Cleaner and Greener Implications:

Preparation of the Local Plan is accordance with the Council’s approach to the “Safer, Cleaner, Greener” agenda.

Consultation Undertaken:

None

Background Papers:

Sustainability Appraisal of the Epping Forest District Draft Local Plan Interim SA Report (AECOM, 2016)

Sustainability Appraisal of Epping Forest District Draft Local Plan Interim SA Report. Non-technical Summary (AECOM, 2016)

Impact Assessments:

None

Risk Management:

The SA is a statutory element of the preparation of the Local Plan. This must be completed in a timely and robust manner to ensure that the final Local Plan provides the most appropriate set of planning policies for the District.

Key Decision Reference (Y/N): N

Equality Impact Assessment

Section 1: Identifying details

Your function, service area and team: Planning Policy

If you are submitting this EqlA on behalf of another function, service area or team, specify the originating function, service area or team:

Title of policy or decision: Procurement of Sustainability Appraisal support in connection with the preparation of the Local Plan

Officer completing the EqlA: Alison Blom-Cooper Ext: 4066 Email: ablomcooper@eppingforestdc.gov.uk

Date of completing the assessment: 2 August 2017

Section 2: Policy to be analysed

2.1	Is this a new policy (or decision) or a change to an existing policy, practice or project? N/A
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision):</p> <p>It is a requirement that a Sustainability Appraisal (SA) be undertaken in-line with the procedures prescribed by the Environmental Assessment of Plans and Programmes Regulations 2004, which transposed into national law EU Directive 2001/42/EC on Strategic Environmental Assessment (SEA). In-line with the Regulations, a Sustainability Appraisal Report must be published for consultation alongside the Pre-submission Local Plan, and identifies, describes and evaluates the likely significant effects of implementing “the plan, and reasonable alternatives” (Regulation 12(2) of the Environmental Assessment of Plans and Programmes Regulations 2004). The report must be taken into account alongside consultation responses, when finalising the Local Plan.</p> <p>What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)?</p> <p>Continued commissioning of AECOM of Sustainability Appraisal support in connection with the preparation of the Local Plan</p>
2.3	<p>Does or will the policy or decision affect:</p> <ul style="list-style-type: none"> • service users • employees • the wider community or groups of people, particularly where there are areas of known inequalities? <p>N/A</p> <p>Will the policy or decision influence how organisations operate?</p> <p>N/A</p>
2.4	<p>Will the policy or decision involve substantial changes in resources?</p> <p>N/A</p>
2.5	<p>Is this policy or decision associated with any of the Council’s other policies and how, if applicable, does the proposed policy support corporate outcomes?</p> <p>N/A</p>

Section 3: Evidence/data about the user population and consultation¹

As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, eg service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).

3.1	What does the information tell you about those groups identified? N/A
3.2	Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision? N/A
3.3	If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary: Consultation is an integral part of preparing a Local Plan. As part of the commission a full EqiA will be prepared.

Section 4: Impact of policy or decision

Use this section to assess any potential impact on equality groups based on what you now know.

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	neutral	
Disability	neutral	
Gender	neutral	
Gender reassignment	neutral	
Marriage/civil partnership	neutral	
Pregnancy/maternity	neutral	
Race	neutral	
Religion/belief	neutral	
Sexual orientation	neutral	

Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the EqIA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No <input checked="" type="checkbox"/>	
		Yes <input type="checkbox"/>	If 'YES', use the action plan at Section 6 to describe the adverse impacts and what mitigating actions you could put in place.

Section 6: Action plan to address and monitor adverse impacts

What are the potential adverse impacts?	What are the mitigating actions?	Date they will be achieved.

Section 7: Sign off

**I confirm that this initial analysis has been completed appropriately.
(A typed signature is sufficient.)**

Signature of Head of Service:

Date:

Signature of person completing the EqIA: Alison Blom-Cooper

Date: 2 August 2017