

## Decision by Portfolio Holder



**Report reference: PAG-002-2017/18**

**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 Local Plan and Sites Viability Study**

**Decision: That, in accordance with paragraphs 5.2 (c) and (d) of the Procurement Rules that the requirements of 2.7(a)(i) and Appendix 1 be waived to appoint Dixon Searle Partnership LLP without competition for the provision of Stage Two of the Viability Study required to inform and support the preparation of the Local Plan in the sum of £16,600 plus VAT. (Note that £9,575 is remaining from the previous commission so authorisation is sought for an additional ££7,025 over and above the sum previously approved).**

**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: 10<sup>th</sup> August 2017

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

None

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

N/A

**Office use only:**

Call-in period begins: 25<sup>th</sup> August 2017

Expiry of Call-in period: 1<sup>st</sup> September 2017

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Democratic Services IMMEDIATELY***

**Reason for decision:**

Dixon Searle Partnership LLP were appointed through a competitive tender process to undertake the Viability Study in 2015. Stage One of the work was completed to inform the Draft Local Plan in 2016, and it is now necessary to progress to Stage Two which will help to support and inform the Submission Regulation 19 Plan. However, since Dixon Searle Partnership were appointed, the scope of the work required through Stage Two has evolved, and it has therefore been necessary to seek a new revised proposal from them for the further work required. Following discussions with Dixon Searle a proposal has been received for the amended scope

of work required which is considered to represent good value for money. There are significant benefits to be seen from appointing Dixon Searle to undertake Stage Two of the work given their existing knowledge of Epping Forest District's context and good quality work to date. The Viability Study will help the Council to ensure and demonstrate that the Local Plan is viable and deliverable, alongside informing key decisions such as the final choice of sites, level of required affordable housing provision and infrastructure needs for the Pre-Submission Plan and therefore is a key tenet of the Council's evidence base.

### **Options considered and rejected:**

Option – to pursue a competitive tendering exercise for Stage Two of the Viability Study.

It is not desirable to seek alternative quotes for this work, given Dixon Searle Partnership LLP's previous involvement in developing the viability evidence base of the Local Plan. The company was originally appointed to undertake the Viability Study following a competitive tendering exercise in accordance with EFDC procurement procedures and protocol which tested the market to identify a suitably qualified, cost effective and experienced company that could meet the Council's requirements. Dixon Searle Partnership LLP has high quality and relevant experience in producing Local Plan viability evidence base documents, and through the completion of Stage One of the study, already has a good understanding of the work required and familiarity with the District. It is not considered to be cost effective, appropriate or desirable to seek to appoint alternative consultants to complete the remaining work required.

### **Background Report:**

The National Planning Policy Framework (NPPF) requires that Local Plans are deliverable and that the identified development should not be subject to such a scale of obligations and policy burdens that viability is threatened. Epping Forest District Council is therefore required to produce viability evidence to support the Local Plan and to provide information and recommendations on appropriate levels of affordable housing and CIL payments (in the event that the Council adopts a CIL charging schedule) taking into account the policy requirements set out within the plan, including contributions required towards future infrastructure provision. Stage One of the Viability Study was completed by Dixon Searle in 2015 and reviewed high level viability, potential options for policy development and broad parameters for viable levels of CIL. Following the publication of the Draft Local Plan for the Regulation 18 consultation, Stage Two of the work needs to update the outcomes of Stage One and apply agreed approaches from Stage One to the Council's emerging Local Plan policies and site allocations.

It is important that Stage Two is commissioned and carried out in a timely manner so as not to delay the wider progression of the Local Plan.

The total fee for the work will be £16,600 excluding VAT. There is currently an outstanding sum of £9,575 excluding VAT under an existing purchase order for the commission of the Viability Study to Dixon Searle Partnership LLP. There is therefore be a further £7,025 excluding VAT to be authorised for payment for Stage Two of the Viability Study.

### **Resource Implications:**

Quotations received from Dixon Searle Partnership LLP are within expectations. The cost can be met from the existing budget.

### **Legal and Governance Implications:**

Given the imperative to have an evidence base on viability and a viable Local Plan it is not cost

effective, appropriate or desirable to seek further competitive quotes for Stage Two of the Viability Study. In accordance with paragraphs 5.2 (c) and (d) of the Procurement Rules, it is determined that Dixon Searle Partnership LLP is most appropriately placed to deliver the work in the interest of continuity with Stage One of the Viability Study and ensuring that a cost effective approach is taken.

Having determined that Dixon Searle Partnership LLP is suitably qualified, cost effective and experienced at producing evidence base documents on viability, as proven through their existing commission, authority is sought to waive Procurement Rules (2016) paragraph 2.7 (a) (i) and Appendix 1, both in relation to seeking quotes via competition.

**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:**

Corporate Procurement Officer

**Background Papers:**

None

**Impact Assessments:**

None

**Risk Management:**

The Viability Study is a highly significant evidence base document to support the Infrastructure Delivery Plan and Local Plan. It must be completed in a timely and robust manner to ensure that the final Local Plan provides the most appropriate set of planning policies and site allocations for the District.

**Key Decision Reference (Y/N):** n/a

**Equality Analysis:**

The Equality Act 2010 requires that the Public Sector Equality Duty is actively applied in decision-making. This means that the equality information provided to accompany this report is essential reading for all members involved in the consideration of this report. The equality information is provided set out in the attached impact assessment.

<p><b>Initialled as original copy by Portfolio Holder:</b></p>
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