

## Decision by Portfolio Holder



**Report reference: PLS-004-2020/21**  
**Date of report: 02 February 2021**

**Epping Forest  
District Council**

---

**Portfolio:** Planning and Sustainability – Councillor N Bedford

**Author:** Alison Blom-Cooper (Ext.4066) Democratic Services: J Leither

**Subject:** Procurement of additional Arup technical support to update the Harlow and Gilston Garden Town Infrastructure Delivery Plan

**Decision:** That, in accordance with paragraphs 5.2(c) and 5.5(c), the Procurement Rules be waived to obtain additional technical support from Ove Arup and Partners to assist the Council with the preparation of an update to the Harlow and Gilston Garden Town Infrastructure Delivery Plan

<b>ADVISORY NOTICE:</b> <i>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>	
I have read and approve/ <del>do not approve</del> (delete as appropriate) the above decision:	
Comments/further action required: None	
Signed: Cllr N Bedford	Date: 16 <sup>th</sup> February 2021
<i>Non-pecuniary interest declared by Portfolio Holder/ conflict of non-pecuniary interest declared by any other consulted Cabinet Member:</i>  None	<i>Dispensation granted by Standards Committee:</i> Yes/No or n/a  N/A
<b>Office use only:</b> Call-in period begins: 16 <sup>th</sup> February 2021	Expiry of Call-in period: 23 <sup>rd</sup> February 2021

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

### Reason for decision:

Harlow District Council (HDC), East Hertfordshire District Council (EHDC), Epping Forest District Council (EFDC), Hertfordshire County Council (HCC) and Essex Country Council (ECC) are working together to bring forward the transformational growth of Harlow as the Harlow and Gilston Garden Town (HGGT). A Garden Town Team has been established to act on behalf of all five HGGT authorities in facilitating and delivering garden town projects.

The Garden Town Team has previously commissioned, amongst other works, a Strategic Viability Assessment and an Infrastructure Delivery Plan (IDP) for the Garden Town area. The commissions were undertaken via EFDC's procurement system. The Strategic Viability assessment was carried out by Simon Drummond-Hay (reference number MPL/214/1/3280 at £49,575 published April 2019) and the appointed consultant for the IDP was Ove Arup (reference number MPL/214/1/3279 at £52,103 published April 2019). Both documents were published over a year ago and it is clear that these documents will need to be reviewed/updated to reflect progress on relevant local plans and planning applications.

### **IDP update**

An IDP provides detailed information on infrastructure requirements, costs, apportionment and estimate timescale for delivery. This information will be used to inform strategic masterplanning and planning application discussions therefore it is important that the IDP is updated regularly to include latest information. The HGGT IDP is separate from the EFDC's own IDP - the former identifies infrastructure requirements for development sites across the HGGT area (some of which locates within Epping Forest District); the latter covers infrastructure requirements for the rest of the District.

The IDP requires regular updating to ensure it reflects latest information and evidence, and to incorporate changes where circumstances have altered. Estimated cost provided by Ove Arup for an update to the IDP is approximately £27,000. It will take around 3-4 months to complete such update.

### **The Strategic Viability Assessment**

The assessment was commissioned to provide a high-level viability assessment for each of the new Garden Communities in order to determine the maximum level of developer contributions to be sought, allowing delivery of the sites to remain viable. Officers have sought initial views from the consultant who undertook the assessment on the scope of any update that maybe required. The advice provided is that a viability update is not required given the very limited nature of the IDP update that is being proposed.

The consultant did however advise that the Garden Town Team should commission a professional advice note that considers the likely impacts of any change made to the IDP, so that if necessary, this could be used to respond to any question of whether the viability impacts of the IDP changes were considered. Estimated cost for the consultant to provide this advice note is £2,500.

### **Consideration of implications to the EFDC Local Plan examination of the update of the HGGT IDP:**

1. It has been agreed that the HGGT IDP be partially updated [HGGT Joint Planning Obligations Commission T&F Group Recommendations to the HGGT Lead Officer Group, 10/08/2020];
2. The update is to focus primarily on: (a) updating the apportionment of the Second Stort Crossing to reflect the new highway modelling undertaken to replace the existing 'roof tax' approach that was identified as a temporary measure in the current published IDP; (b) conduct, consider and report upon additional stakeholder engagement; further to the note the update would also address the removal of the 'rule of 5' and seek to reference updated costs for the STC network;

3. In preparing the brief the sensitivity of the stage of the Epping Forest District Local Plan Examination was considered as follows:
  - a. An IDP is a point in time published document for what is effectively a live process therefore the principle of updating the document during the course of a lengthy examination process is not in itself unusual and in fact represents best practice;
  - b. By focussing the update on an identified issue with the existing published IDP this provides greater clarity to support the Local Plan Examination. The new modelling in respect to the Second Stort Crossing indicates a greater apportionment of need for this strategic infrastructure to the Gilston Area and corresponding reduction of need linked to the other three strategic sites. Whilst this update would change infrastructure costs for the Epping Forest District allocations within the HGGT it would be to reduce the apportioned costs and address an acknowledged issue with the document, in both cases this 'new information' is considered to represent a positive implication for the Local Plan as it should further support delivery certainty;
  - c. The work to update the IDP is proposed to be undertaken by ARUP who authored the original document and who undertook the IDP for the Epping Forest District Local Plan and the knowledge of those consultants of both IDPs should provide confidence to EFDC and their inspector;
  - d. The removal of the pooling restriction or 'rule of 5' for S106 contributions to be made to the same piece of infrastructure from the current drafted IDP has a noticeable impact to just one item of infrastructure, the STC network. The impact of this change is that the IDP can now formally acknowledge the opportunity for obtaining contributions from other developments including the town centre regeneration and other developments that come forward within the HGGT area. This change would not materially affect the contributions sought from the Epping Forest District HGGT allocations as those are proposed to remain fixed. Whilst new evidence has been provided that indicates the cost of the STC network may be greater than currently reflected in the IDP the additional costs is proposed to be met by the additional funding opportunity provided by the removal of the pooling restriction of no more than 5 contributions towards the same piece of infrastructure. Through the use of the Rolling Infrastructure Fund linked to the award of the Housing Investment Grant, this provides further support for the Epping Forest District apportionments at their present levels as well as confidence that overall the infrastructure is considered deliverable. No change to the present apportioned costs for the STC network to the strategic allocations is proposed therefore there should be no new question of deliverability raised in the Local Plan examination due to this update;
4. Additional actions linked to the IDP review include an internal note to confirm that the update does not materially affect the viability of the strategic sites. This will be obtained from HDH Planning, the author of the Strategic Viability Assessment and may be used, if necessary, as evidence that Councils have considered the implications of this update. The IDP will also be updated in respect of appearance and accessibility but this will not materially affect its content. In addition a template will be prepared in order to collate a single Infrastructure Funding Statement for the HGGT area and an updated version of the 'How To' Guide to Planning Obligations, Land Value Capture and Development Viability will be prepared which seeks to sign-post to the IDP and set out common approaches. None of these are anticipated to impact upon the Epping Forest District Local Plan Examination but may provide useful context to demonstrate a joined up approach supporting deliverability certainty.

## **Decision required**

Given the nature of the support needed, it is neither practical nor desirable to seek alternative quotes from different consultants at this stage. Both the Epping Forest District emerging Local Plan, and the large-scale planning proposal at Gilston area are informed by these documents. Therefore, to seek quotes, and potentially appoint, alternative consultants would introduce unnecessary delay and would not be as efficient given Ove Arup's input into the HGGT IDP and SDH's involvement into the HGGT Viability Assessment.

## **Options considered and rejected:**

Option – to pursue competitive tendering for a review/update on both documents.

It is neither practical nor desirable to seek alternative quotes for this work given that the HGGT Council has an existing relationship with the consultants involved and the nature of the work is an extension to previous work that has already been carried out.

Option – to not commission any consultant support and prepare an IDP update using existing staff resource within the Garden Town Team.

There is insufficient staff resource and expertise with the Garden Town Team to carry out such update.

## **Procurement Rules – sections to be waived**

1. Given the nature of the work to be commissioned and the existing relationship with Ove Arup and Partners, 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, the consultants are most appropriately placed to deliver this further element of work due to their history of producing work for the Council to support the Local Plan.
2. Having determined that the existing relationship and nature of the work to be commissioned under the paragraphs identified above, authority is sought to waive Procurement Rules (2016) paragraphs 2.9 and 10.1, both in relation to seeking quotes via competition.

## **Resource Implications:**

Funding for this work falls within the Garden Town Team's current agreed budget. Estimated cost for the works are as stated above

## **Legal and Governance Implications:**

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:**

Update of the HGGT IDP is in accordance with the Council's approach to the "Safer, Cleaner, Greener" agenda.

## **Consultation Undertaken:**

Corporate Procurement Officer

**Background Papers:**

HGGT IDP

HGGT Viability Assessment

(both available from <https://www.eastherts.gov.uk/about-east-herts-0/improvement-projects-east-herts/harlow-and-gilston-garden-town> )

**Impact Assessments:**

N/A

**Risk Management:**

The HGGT Viability Assessment and IDP are a key document for relevant masterplans and planning applications. The Garden Town Team will work closely with the consultants to manage the preparation of these works.

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

**Equality Analysis:**

N/A