

Decision by Portfolio Holder



Report reference: PLS-007-2019/20

Date of report: 16 January 2020

**Epping Forest
District Council**

Portfolio: Planning Services – Councillor J Philip

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

Subject: Procurement of additional Arup technical support to go out to Main Modifications Consultation for the Local 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 Proposed Main Modifications Consultation required as part of the Epping Forest District Local Plan Independent Examination

ADVISORY NOTICE: <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/ do not approve (delete as appropriate) the above decision:	
Comments/further action required: None	
Signed:	Date:
<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: Yes/No or n/a</i> N/A
Office use only: Call-in period begins:	Expiry of Call-in period:

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Democratic Services IMMEDIATELY**

Reason for decision:

The hearing sessions for the Independent Examination of Epping Forest District's Local Plan concluded on 11 June 2019. The Inspector wrote to the Council on 02 August 2019 with her initial advice as to what further Main Modifications (MMs) are required (beyond those identified during the Hearing Sessions) and articulating where additional work will need to be done by the Council to establish their precise form.

The Council responded to the Inspector (letter dated 11 October 2019) providing an outline of the Council's proposals for progressing the work necessary to finalise the MMs and an indicative timetable to assist with programming the remainder of the Examination.

In order to deliver the MMs Consultation, the Council will require additional technical support from Arup, particularly in respect of changes to Appendix 6 to the Local Plan and updates to the Infrastructure Delivery Plan (IDP). Given the nature of the support needed, it is neither practical nor desirable to seek alternative quotes at this stage. To do so would introduce unnecessary delay and would not be efficient given Arup's considerable technical input into these workstreams to date.

Options considered and rejected:

Option – to pursue competitive tendering for technical support to prepare for the MMs Consultation.

It is neither practical nor desirable to seek alternative quotes for this work given that the 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 to prepare for the MMs Consultation.

If no consultant support is commissioned, the Council could risk failure of the Local Plan at Independent Examination which would have serious implications for the Council and may result in government intervention.

Background Report:

1. Hearing Sessions for the Independent Examination of Epping Forest District's Local Plan concluded on 11 June 2019. The Planning Policy Team has since been preparing a schedule of proposed MMs required to address the Inspector's concerns and to make the Local Plan sound and therefore fit for adoption. Many of the proposed MMs were discussed at the Examination hearing sessions which ran from February 2019 to June 2019.
2. Further to the hearing sessions, the Inspector wrote to the Council on 02 August 2019 with her initial advice as to what further MMs are required (beyond those identified during the Hearing Sessions) and outlining where additional work will need to be done by the Council in order to establish the precise form of some of the MMs.
3. The Council responded to the Inspector (letter dated 11 October 2019) providing an outline of how the Council proposes to progress the work necessary to finalise the MMs. The Council's response included an indicative timetable to assist with programming the remainder of the Examination.
4. In Order to deliver the MMs Consultation, the Council will require additional specialist technical input from Arup. This, in part, is required to supplement the in-house professional Officer resource given vacancies within the Planning Policy Team. Given the nature of the support needed, it is neither practical nor desirable to seek alternative quotes at this stage. To do so would introduce unnecessary delay and would not be efficient given Arup's considerable technical input into these workstreams to date
5. The Council requires Arup's support to amend the structure and content of Appendix 6 to the Local Plan to reflect the Inspector's agreement that Appendix 6 will be policy. This will include Main Modifications agreed during the hearing sessions and those that will be

necessary because of the Inspector's Interim Advice. The Council also requires Arup's support in revising the IDP Part B (the Infrastructure Delivery Schedule) to ensure that it aligns with the Harlow and Gilston IDP and the Main Modifications proposed to the Local Plan. This workstream will also need to include re-running of the infrastructure requirements modelling and costing to update the Part B to reflect the modified housing trajectory, as well as liaison with Essex County Council Education with respect of revised education provision.

6. In addition to the revisions to Appendix 6 to the Local Plan and the IDP, the Council will require ad-hoc technical support from Arup in relation to the Employment Land Supply Assessment, the Site Selection workstream and the IDP. To ensure that Arup can be responsive to the Council's needs, it is proposed to continue the existing arrangement whereby a fee cap is agreed which would be drawn down against for approved tasks. A task tracker for recording agreed activities will be maintained and regularly monitored. Based on a high-level scope of work, we estimate that a further fee cap of £88,800 excluding VAT to cover the period December 2019 until the consultation on the proposed Main Modifications. This is anticipated to take place in June 2020.

Procurement Rules – sections to be waived

7. 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.
8. 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 current agreed budgets to support the Local Plan Examination. Consultant fees are in line with original tenders, and the budgetary position will continue to be monitored.

Legal and Governance Implications:

Independent Examination is a statutory element of the Plan making process and will dictate whether the Local Plan is adopted.

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 in accordance with the Council's approach to the "Safer, Cleaner, Greener" agenda.

Consultation Undertaken:

Corporate Procurement Officer

Background Papers:

None

Impact Assessments:

N/A

Risk Management:

The Examination of the Local Plan is the key stage in the Local Plan process and will dictate whether the Local Plan is adopted. The Planning Policy Team will work closely with the consultants to manage the preparation of this work.

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 at Appendix 1 to this report.

<p>Initialed as original copy by Portfolio Holder:</p>
