

## Decision by Portfolio Holder



**Report reference: PAG-013-2017/18**  
**Date of report: 22 February 2018**

**Epping Forest  
District Council**

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**Portfolio:** Planning and Governance

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

**Subject:** Procurement of Traffic Modelling and Mitigation activities and Transport Assessment Report in connection with the Council's Local Plan Submission Version

**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 Ringway Jacobs as consultants to undertake the work on behalf of Essex County Council, to complete the preparation of a Transport Assessment Report to support the Examination of the Council's Local 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:	
Signed: Cllr J Philip	Date: 23 <sup>rd</sup> February 2018
<i>Non-pecuniary interest declared by Portfolio Holder/ conflict of non-pecuniary interest declared by any other consulted Cabinet Member:</i> <p style="text-align: center;">None</p>	<i>Dispensation granted by Standards Committee:</i> Yes/No or n/a <p style="text-align: center;">N/A</p>
<b>Office use only:</b> Call-in period begins: 23 <sup>rd</sup> February 2018	Expiry of Call-in period: 1 <sup>st</sup> March 2018

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

### Reason for decision:

Essex County Council has a statutory duty as the Transport Authority to support the preparation of Local Plans across the County. They have put in place their own arrangements for consultancy support, using an OJEU-compliant procurement exercise to appoint Ringway Jacobs (RJ) to provide that support and technical expertise. It is not appropriate for EFDC to seek alternative suppliers for this area of evidence and expert support.

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

To undertake a competitive tendering process to procure this element of the evidence base in support of the Local Plan.

It is not considered an efficient use of resources to undertake a competitive tendering exercise in this instance. Essex County Council is the statutory transport authority, and therefore any other provider would need to seek information, support and engagement with Essex County Council in any event. The use of a third party would inevitably add cost and delay.

### **Background Report:**

1. Essex County Council (ECC), together with its appointed consultants, Ringway Jacobs (RJ) has been providing support towards the preparation of the Local Plan in terms of Transport Assessment activities since completion of the Issues and Options consultation in 2012. Initial spatial options were tested during 2013/14, resulting in the publication of a number of technical notes. This initial work included an assessment of the capacity of 17 key junctions across the district. This work provided an initial understanding of the 'worst case scenario' in terms of traffic growth of those initial spatial scenarios. This led to a more detailed analysis of sustainable transport accessibility and the potential opportunities that may exist to increase access to sustainable transport modes.
2. Sustainable Accessibility analysis work was undertaken and published as Technical Note 7 on the Council's website (along with a number of other highway/transport related Technical Notes as part of the evidence base material supporting the Draft Local Plan. Further highways/transport work has since been undertaken to support the development of the submission Local Plan, including informing the selection of both residential and employment sites for allocation. The publication of the submission Local Plan was supported by a Highway Assessment Report. The details and approach to procurement of this work, together with contributions to joint-working with ECC and other partners to test the impacts of growth in the wider Harlow area on the transport network, and understanding the effects of traffic growth on the Epping Forest Special Area of Conservation in respect of air quality, was set out in Portfolio Holder Report Reference PP-006-2016/17.
3. The Highways Assessment Report referred to in paragraph 2 above provided a foundation to understanding the potential level of growth and distribution of traffic. However there is a need to refine a number of the assumptions with regard to trip generation and sustainability factors, review highway mitigation measures, undertake further model runs of the district level spreadsheet model and the Epping Forest District Vissum model (the latter of which is needed in order to then undertake further to air quality modelling in respect of Epping Forest, the procurement of which is the subject of a separate Portfolio Holder Report) and to produce a Transport Assessment Report. This additional work is needed in order to support the the Local Plan through examination.
4. The total estimated spend to undertake this element of work, including the development of a Transport Assessment Report, is £41,360 within the 2017/18 financial year and £6648 + VAT in the 2018/19 Financial Year. It should be noted, that in order to ensure the speedy undertaking of this work, the financial figures provided have included a contingency factor to allow EFDC to procure additional model runs if this should prove necessary. It should also be noted that ECC has indicated a potential need to undertake a High Level Bus Strategy/Feasibility work, the procurement of which would be separate to that set out in this report, and would fall within the 2018/19 budget year. The consultants have also provided day rates for support in preparing Examination related

documents and attendance at the Local Plan Examination if necessary. The Examination Hearings are anticipated to commence in Autumn 2018. However, as there are too many unknowns at this stage as to the level of support that would be required this has not been included within this current contract. However, attention is drawn to the need to review this position as preparation for the Local Plan Examination advances.

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

5. Approval is requested to waive paragraph 2.7 (a)(i) and Appendix 1 of the Procurement Rules (2016) in order to appoint ECC/RJ to continue this work without competitive tendering. The purchase order will be raised with ECC in their role as statutory transport authority, and under this arrangement it is not necessary to comply with EU procurement regulations. As above, ECC are the statutory transport authority and any third party appointed to complete this work would have to revert to ECC/RJ in the first instance for data and support.

#### **Resource Implications:**

Funding for this work is available within the Local Plan budget for both the 2017/18 and 2018/19 financial years. This will continue to be monitored.

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

Approval is requested to waive paragraph 2.7 (a)(i) and Appendix 1 of the Procurement Rules (2016) in order that ECC/RJ are appointed to continue this work without competitive tendering.

#### **Safer, Cleaner and Greener Implications:**

The preparation of the Local Plan is a key corporate priority, and understanding the impacts of, and opportunities to mitigate, traffic movements as a result of development proposed in the Local Plan is key to supporting the Council's submission Local Plan through Examination.

#### **Consultation Undertaken:**

Corporate Procurement Officer

#### **Background Papers:**

Essex Highways Epping Forest District Council Submission Local Plan Highway Assessment Report December 2017.

#### **Impact Assessments:**

N/A

#### **Risk Management:**

The activities identified above, including The preparation of a Transport Assessment Report together with the activities identified for the area in and immediately surrounding the Epping Forest Special Area of Conservation (SAC) are necessary in order to support the submission Local Plan at Examination. There are a number of risks around the timetabling of this project, as it interrelates to a number of other work areas including Air Quality Modelling for the Epping Forest SAC, the refinement of mitigation measures and transport interventions to support Masterplanning and the Infrastructure Delivery Plan.

The Planning Policy team will work closely with ECC/RJ to manage the preparation of this work, and will engage with key partners as appropriate.

**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 the report.