

Decision by Portfolio Holder



Report reference: PAG-012-2017/18
Date of report: 22 February 2018

**Epping Forest
District Council**

Portfolio: Planning and Governance

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Subject: Procurement of Habitat Regulation Assessment activities, including Air Quality Modelling, in connection with the Councils Local Plan Submission Version 2017

Decision: That, in accordance with paragraphs 5.2(c) and 5.5(c), the Procurement Rules be waived to appoint AECOM for the provision of Habitat Regulation Assessment activities required in connection with the submission and examination of the Local Plan.

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:	
Signed: Cllr J Philip	Date: 23 rd February 2018
<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
Office use only: Call-in period begins: 23 rd February 2018	Expiry of Call-in period: 1 st March 2018

**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 HRA 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, in order to support the Local Plan through the Examination stages.

Initialed as original copy by Portfolio Holder:
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Options considered and rejected:

Option – to pursue competitive tendering for addition HRA work to support 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 submission of the Local Plan is required to be supported by a Habitats Regulations Assessment (HRA). EFDC has a professional relationship with Scott Wilson/URS/AECOM for this area 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 (containing HRA screening) was completed by Scott Wilson in 2010. An interim Sustainability Appraisal Report (containing further HRA scoping) was completed by URS in 2012 to support the publication of the Issues & Options: Community Choices consultation document.
3. A comprehensive approach has been taken to site selection, incorporating the requirements of HRA including an assessment of each of the potential sites that could be allocated for residential development at an early stage which then fed into the detailed analysis of possible development sites. Further to this, a formal screening analysis in accordance with the Habitat Regulations accompanied the Draft Local Plan at the Regulation 18 consultation stage and Regulation 19 pre-submission publication stage.
4. Working with the partners across the Housing Market Area (HMA), EFDC also took a lead in commissioning an assessment of the impacts on air quality arising from increases in traffic movements from the development of new homes. This is required as Epping Forest is designated as a Special Area of Conservation (SAC), and is known to be in an unfavourable condition due to poor air quality. EFDC has a statutory responsibility, as competent authority, to provide evidence to support the submission Local Plan with regard to the likely future effect of development on the SAC in this regard. Further transport modelling is being undertaken to refine previous highways assessments in respect of the likely future growth in traffic on the network, including on roads through the Epping Forest. This work (which is the subject of a separate Portfolio Holder Report) will be used to inform further air quality modelling work proposed to be undertaken by AECOM (as part of this commission) to build on air quality modelling work undertaken at the HMA level in 2016. This in turn will allow for further refinement of the HRA published in December 2017 based on the most up-to-date information. Both the traffic/transport and this work are key pieces of evidence to support the examination of the submission Local Plan.
5. EFDC has retained an ongoing relationship with AECOM as part of the work being undertaken at both the District and Housing Market Area levels. 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 contracts without competitive quotation. As both the air quality modelling and the HRA areas of work are within AECOM, approval is therefore sought to waive the Procurement Rules in respect of the value of work awarded to a single organisation.

6. The current value of work is quoted to be £13,700 + VAT, assuming no substantial change in approach. 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. The consultants have however provided day rates in relation to any work needed to support the Examination of the Plan. These are in line with what would be considered appropriate. Officers, in consultation with the Portfolio Holder, would secure such work within the budget identified for such activities within the 2018/19 budget.

Procurement Rules – sections to be waived

7. Given the longstanding relationship with AECOM (and its predecessors) for HRA 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 further element of work.
8. 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) 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. Quotations now received are within expectations, and the budgetary position will continue to be monitored.

Legal and Governance Implications:

Preparation of a HRA is a statutory element of the Plan making process, and is required to support the Local Plan at Examination.

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 HRA is a statutory element of the Local Plan process. It must be completed in a timely and robust manner to support the submission Local Plan at Examination. The Planning Policy Team will work closely with AECOM and Essex County Council/Ringway Jacobs (with regard to the air quality modelling work) 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.