

Decision by Portfolio Holder



Report reference: PLS-001-2018/19
Date of report: 13 December 2018

**Epping Forest
District Council**

Portfolio: Planning Services

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 Submission Local Plan.

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 Essex County Council, and their consultants Ringway Jacobs, to complete the preparation of a Transport Assessment Report and undertake further work to support the Examination of the Council's 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: Councillor J Philip	Date: 14 th December 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
Office use only: Call-in period begins: 14 th December 2018	Expiry of Call-in period: 20 th December 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.

Initialed as original copy by Portfolio Holder:
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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 2016. Further highways/transport work was undertaken to support the development of the Local Plan Submission Version 2017, including informing the selection of both residential and employment sites proposed for allocation. The publication of the Local Plan Submission Version 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. This was then further developed using a number of the assumptions with regard to trip generation and sustainability factors, a review of highway mitigation measures, undertake further model runs of the district level spreadsheet model and the Epping Forest Vissum model (the latter of which was needed to then undertake further air quality modelling in respect of the Epping Forest, the procurement of which has been the subject of separate Portfolio Holder Reports) and to produce a Transport Assessment Report. This additional work was needed in order to support the examination of the Local Plan Submission Version.
4. The total estimated spend to undertake this element of work, including the development of a Transport Assessment Report, was set out in a February 2018 Portfolio Holder Report (Ref: PAG-013-2017/18) which agreed an additional £41,360 + VAT 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 included a contingency factor to allow EFDC to procure additional model runs if this should prove necessary. Part of this contingency has been used to support undertaking further refinement of jobs and employment considerations as they relate to transport and traffic matters.

5. Additional traffic modelling work is needed to input into Air Quality modelling work in turn to enable the Habitats Regulations Assessment (HRA) published in December 2017 to be refined based on the most up-to-date information. Since the publication of the February 2018 Portfolio Holder report referred to above, Natural England, as the statutory body with respect to Habitats Regulations matters, advised that there was a need to undertake further refinements to the approach being taken. It is understood that the approach requested is being pursued following recent legal judgements. Consequently the extent of the work now being sought by Natural England was unknown at the time of the February 2018 Portfolio Holder report. This work has resulted in an increase in the amount of transport modelling work undertaken, including to ensure that it aligns with the needs of the Air Quality modelling work. The contingency element has been insufficient to accommodate this additional work. Therefore, this report seeks approval for an additional £15,000 + VAT. This in turn includes a contingency element to provide for the costs of undertaking further refinement to the modelling work as the Council prepares for Examination should it be necessary.
6. In addition to the figure of £15,000 above several other necessary pieces of site specific bespoke transport modelling work has also been identified. These relate to access options testing for the Latton Priory masterplan area and work to consider sustainable transport choices related to Essex County Council objections to the Local Plan. The estimated costs of these are £15,000 + VAT and £10,000 + VAT respectively. Approval is therefore sought for £40,000 + VAT.
7. 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 now set for February-May 2019. A separate Portfolio Holder report is being prepared to seek approval for consultants to support preparation of hearing statements and at the hearings themselves.

Procurement Rules – sections to be waived

8. 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 to a total value of £40,000 + VAT 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 the 2018/19 financial year. 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 Local Plan Submission Version 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.