



## PLANNING

### MEMBERS UPDATE 2018/19

#### ISSUE: 6

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**Article of: Director of Development and Regeneration Services**

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**SUBJECT: Exemption from contract procedure rules : West Lancashire Local Plan Review Transport Assessment**

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Wards affected: Borough wide

#### **1.0 PURPOSE OF ARTICLE**

- 1.1 To brief Members on an exemption from contract procedure rules, granted by the Chief Executive, in relation to the West Lancashire Local Plan Review Transport Assessment.
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#### **2.0 BACKGROUND**

- 2.1 The West Lancashire Local Plan is one of the Council's strategic objectives and was adopted as Council policy in October 2013. The Council is now undertaking a Local Plan Review which will plan for the period to 2050, as compared to the adopted Local Plan timescale to 2027, and will identify new site allocations for development. Public consultation was undertaken on the first stage of the review, Local Plan Issues and Options Papers, during March and April 2017 with a further public consultation currently being undertaken on the next stage, Preferred Options, between 12 October and 13 December 2018. There are further stages in producing the Local Plan Review, as outlined in the Council's Local Development Scheme, before it is anticipated to be adopted as Council policy in December 2020.
- 2.2 In order to undertake the Local Plan Review, the Council needs to update a range of supporting evidence and consider its implications for local planning policy. Whilst a large amount of evidence has been produced already some of this is ongoing. Included amongst this evidence is the need to undertake a transport assessment of the Local Plan Review which, due to the specialist

nature of the work involved, needs to be undertaken by external consultants. A transport assessment was previously undertaken as supporting evidence during the preparation of the adopted Local Plan.

### **3.0 CURRENT POSITION**

3.1 An invitation to respond to a Local Plan Review Transport Assessment consultancy brief was issued by officers from Strategic Planning and Implementation to 6 consultants in March 2018 with the expectation that this would be sufficient to meet contract procedure rule 6 (contracts over £10,000 but under £50,000) which states:

"Where the estimated value or amount of a proposed contract will exceed £10,000 but will not exceed £50,000 the appropriate Senior Officer shall obtain not less than three written quotations....."

The 6 companies who were invited to respond to the consultancy brief were:

- White Young Green
- AECOM
- Jacobs
- CH2M
- WS Atkins
- Arup

Subsequent to issuing the brief it became apparent that two of the consultants (Jacobs and CH2M) had recently merged.

3.2 Whilst the submissions from consultants in response to the project brief involved costs of less than £50,000, only two written quotations were received (White Young Green and AECOM). It is of note that a third response also exists, however, this related to an earlier issued Local Plan Review Transport Assessment brief as part of earlier working with Highways England and their own consultants, WSP. WLBC officers considered that proposal was not able to provide suitably robust evidence for the Local Plan Review.

3.3 Given the period of time taken to obtain two satisfactory responses to the issued Local Plan Review Transport Assessment consultancy brief, including significant abortive time spent with Highways England as described above and taking into account tight timescales for producing the Local Plan Review, it was not considered practical to reissue the consultancy brief in the expectation of receiving three written responses in accordance with contract procedure rule 6.

3.4 Officer assessment of the two submitted responses to the consultancy brief identified that both would meet the requirements of the project and, on the basis of a combination of cost and quality assessment criteria, the proposal made by White Young Green was considered to be superior. This was also the lowest cost proposal. A request for an exemption to contracts procedures

rules for the appointment of White Young Green was therefore made to the Council's Chief Executive. In seeking the exemption in relation to rule 6 it was also considered prudent to seek an additional exemption in relation to rule 7 (contracts over £50,000) in the unlikely event that total project costs would exceed £50,000 on the basis of new traffic counts potentially being required. The exemption request in relation to rules 6 and 7 was subsequently granted.

- 3.5 White Young Green's project fees totalled £42,512.50 (excluding VAT) and it subsequently arose through their investigation of data made available by Lancashire County Council (as Highway Authority) that new traffic counts needed to be undertaken at an additional cost of £6,715. Therefore, the total cost of the commission remained below the £50,000 threshold at £49,227.50 so that contract procedure rule 7 has not been engaged. Those additional costs would have been incurred irrespective of which consultant was appointed.

#### **4.0 ACTION BEING TAKEN**

- 4.1 The purpose of this update is to notify Members that a request for exemption from contract procedure rules has been granted by the Chief Executive for the reasons set out above.

#### **5.0 SUSTAINABILITY IMPLICATIONS**

- 5.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

#### **6.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 6.1 There are financial implications in connection with this article, as outlined at paragraph 3.5 above, as it relates to the purchase of consultancy expertise to produce a Local Plan Review Transport Assessment. However, officers have chosen the consultant with the lowest cost and highest quality assessment scores, therefore it is considered that best value has been achieved. The costs for the transport assessment have been accounted for in the Strategic Planning and Implementation Service's budget.

#### **7.0 RISK ASSESSMENT**

- 7.1 This item is for information only and makes no recommendations. It therefore does not require a formal risk assessment and no changes have been made to risk registers.

### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

This report does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

### **Appendices**

None.