



## London Borough of Enfield

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<b>Report Title</b>	Enfield Chase Hydrological and Habitat Improvements and Sloemans Natural Burial Ground
<b>Report to:</b>	Cabinet Member for Public Spaces, Culture & Local Economy
<b>Directors:</b>	Executive Director of Environment & Communities, Perry Scott Interim Director of Leisure, Parks and Culture, Cheryl Headon
<b>Report Author:</b>	Peter Robinson – Assistant Head of Service – Client and Strategy
<b>Ward(s) affected:</b>	Ridgeway, Whitewebbs
<b>Key Decision Number</b>	KD 5628
<b>Implementation date, if not called in:</b>	13 <sup>th</sup> May 2024
<b>Classification:</b>	Part 1 & 2 (Para 3)
<b>Reason for exemption</b>	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

## Purpose of Report

1. This report sets out the background to the proposed letting of two contracts procured under two separate lots:
  - Lot 1 Construction of Hydrological and Habitat enhancements at Holly Hill Farm
  - Lot 2 Construction of a natural burial ground at Sloeman's Burial Ground

The LBE corporate procurement process has been followed in line with Public Contracts Regulations 2015 and the recommendation in this report is to award the contract for Lot 1 to the contractor that submitted the most economically advantageous tender based on the award criteria published by the Council.

2. The Lot 1 contract will provide for the importation of soil for the construction of appropriate landforms to deliver significant natural flood management improvements to the local brook network at Holly Hill farm.
3. Tender evaluation and pricing details are contained within the enclosed Part 2 report.

## Recommendations

That the Cabinet Member:

- I. Approves the award of the contract for Lot 1 for the construction of Hydrological and Habitat enhancements at Holly Hill Farm to the successful contractor identified in the Part 2 confidential appendix for the prices set out in the Part 2 confidential appendix subject to planning approval.
- II. Delegates authority to the Executive Director of Environment and Communities to enter into the contract identified in (I) above with the successful contractor identified in the Part 2 confidential appendix for a term of nine years plus one year extension following successful determination of relevant planning applications.
- III. Notes the resource required to manage the contracts once let as detailed in paragraph 38 [Part 2 confidential appendix].

## Background and Options

4. In 2016 the Council procured Golf Environmental (UK) Limited to carry out works on a site at Holly Hill Farm, The Ridgeway, Enfield. The project involves the reception of excavated soils from construction projects in and around London which are then used to create noise attenuation bunds from the adjacent M25 motorway and improve the quality of the farmland on site.

5. The project will complete in Spring 2024 and has successfully delivered all expected outcomes providing significant improvements to the site.
6. A site search was undertaken to identify further opportunities within the borough where soil importation could provide substantial benefit through implementation of capital schemes. Two projects were subsequently identified: Enfield Chase Hydrology and Habitat and Sloemans Burial Ground. These are discussed below.

### **Enfield Chase Hydrology and Habitat enhancement**

7. The Council has been actively involved in promoting environmental improvement within the borough for a significant period of time. Notably these objectives have been promoted through the provision of meaningful legislative support, with the introduction of the 'Blue and Green Strategy (2021-2031)' and with the emerging 'Enfield Local Plan (2019-2039)'.
8. A cornerstone of the Council's plan is to implement Natural Flood Management (NFM), which involves slowing the rate of rainfall runoff in rural areas to reduce peak flows downstream. It is proposed to implement an NFM development at Holly Hill farm focussed on Holly Hill Brook and its connection to Turkey Brook.
9. The NFM scheme will be constructed and delivered using imported soil to refine the existing topography of the site at Holly Hill farm and construct a linked network of features such as swales, ponds, wetlands and dry basins. These will retain water upstream on the site and provide additional quality habitat.
10. To support this approach a full planning application (23/03142/RE4) has been submitted and is due for determination at Committee on the 12<sup>th</sup> of April 2024.
11. Prior to the submission of planning a strategic business case for the works was considered and approved at the Council's Executive Management Team on 26<sup>th</sup> March 2021.

### **Sloemans Natural Burial Ground**

12. A burial needs assessment carried out for the Council in 2020 identified a significant anticipated shortfall of burial space in Enfield for both graves and ashes interments.
13. A full assessment of the impacts and opportunities arising as a result of this was taken to Cabinet as KD5380 on 13<sup>th</sup> October 2021 which approved the project for the development of a burial ground at Sloemans Farm, Whitewebbs Lane, Enfield, using landscaping - soil importation processes on site to improve and landscape the whole farm area.
14. Approval to award the Lot 2 contract for the works at Sloemans Burial ground was delegated by Cabinet to the Executive Director of

Environment and Communities and will therefore be the subject of a separate report or record of decision.

15. To support this a draft planning proposal has been submitted to both the Local Planning Authority and the Greater London Authority for Pre-Application Advice. Following this the draft scheme will be updated to reflect any consultation feedback and a full planning application will be submitted. This is expected to take place in Spring 2024.

### **Contract Procurement**

16. Due to the scale and complexity of the projects, consideration was given to the most appropriate approach and contract form to use. To inform this process a soft market test was undertaken in June 2023 whereby specific industry specialist companies were directly contacted to gauge interest and obtain views on the proposed tender approach. Eleven companies were approached of which eight provided feedback.
17. The key consideration at this stage was whether both sites should be procured and run with a single contractor – seven responders confirmed this would be their preferred approach. Additional information received confirmed the proposed approach for soil importation to construct the landforms was considered viable by the contractors and that an up-front payment upon signing of contracts was a potential option.
18. In September 2023 a Prior Information Notice (PIN) was published as part of a Market Engagement exercise on these projects which served to raise awareness of the forthcoming procurement and also requested potential bidders to submit a response to the Market Engagement Questionnaire contained with it.
19. Eleven responses were received to the PIN which further confirmed the feasibility of the projects and provided baseline insurance and turnover values as well potential contract durations which could be used to develop the contract documentation prior to tender.
20. As a result of this input, with support from financial, legal and procurement services and technical direction from Lambert Smith Hampton consultancy who are assisting with the procurement, the following key contract structure approach was agreed:
  - Each site tendered as separate lots under separate contracts.
  - Both contracts to be awarded to a single winning bidder
  - Contract duration of nine years plus one one-year optional extension
  - Contract award subject to successful planning consent obtained for relevant sites. As the contracts are to be procured as separate lots, the award of each contract can take place at different times based on the timing of the planning approval.
  - Upfront payment upon contract signing.
  - Contract form to be NEC4 Engineering and Construction short form documents with relevant Z clauses.

21. The tender was conducted through an open procedure under the Public Contracts Regulations 2015 whereby the pre-qualification section and main tender are both included in one submission rather than being undertaken as two distinct stages. This approach reduces timescales for the procurement process whilst still maintaining appropriate control of bidder submissions.
22. The quality elements made up 60% of the final score. The price evaluation made up the remaining 40%.
23. The tender return was evaluated by panels comprising senior officers in the Commercial Services Team and professional technical and financial consultants. Separate panels were set up for the technical and financial elements to reflect the appropriate competencies required for the evaluation.
24. Details of the procurement and the tenderers scores are in the Part 2 confidential appendix.

### **Preferred Option and Reasons for Preferred Option**

25. Please see the part 2 report

### **Relevance to Council Plans and Strategies**

26. The construction of both sites will drive investment into the Borough from the operating companies and provide employment opportunities while the sites are being constructed.
27. The proposals at both sites include significant environmental enhancements to habitat such as hedgerows, tree planting and wetland features.
28. Once complete the design and layout of the burial ground will make it accessible for walking and similar leisure and amenity activities. Operating the site will provide permanent employment within the Borough with opportunities for staff development and self-improvement through the Councils training programmes.
29. The proposed NFM development at Enfield Chase will increase resilience and reduce impact of flood events contributing to objectives within the 'Blue and Green Strategy (2021-2031)'.
30. The proposals therefore directly contribute to three of the Council Priorities:
  - Clean and Green Places
  - Strong Healthy and Safe Communities
  - An Economy that works for everyone

### **Financial Implications**

31. Please see the Part 2 report

### **Legal Implications**

32. The Council has a duty under section 9 of the Flood and Water Management Act 2010 to develop, maintain, apply and monitor a strategy for local flood risk management including surface runoff (FRMS) in its area as a lead local flood authority. Under section 14 of the Land Drainage Act 1991, the Council has the power to carry out flood risk management works if the Council considers the work is desirable having regard to the FRMS for its area and the purpose of the works is to manage a flood risk in its area from surface runoff or groundwater. Section 111 of the Local Government Act 1972 permits a local authority to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of its duties. Additionally, the Council has the power under section 214 of the Local Government Act 1972 to provide and maintain cemeteries. The management of cemeteries is governed by the Local Authorities' Cemeteries Order 1977. Further, the Council has a general power of competence under section 1(1) of the Localism Act 2011 to do anything that individuals generally may do provided it is not prohibited by legislation and subject to public law principles. The recommendations in this report are in accordance with these powers.
33. The Contract is mixed contract falling under both the Public Contracts Regulations 2015 (PCR 2015) and the Concession Contracts Regulations 2016 and the procurement was carried out under the PCR 2015 in accordance with regulation 4 of the PCR 2015. The Contract for Lot 1 recommended for award in this report is an above threshold works contract (currently £5,372,609 inclusive of VAT) and the Council must comply with both the PCR 2015 and its Constitution, namely the Contract Procedure Rules (CPRs). Legal Services were engaged throughout the procurement process to advise on the procurement process and to draft the contracts that were issued with the Contract Notice.
34. Any agreement resulting from the award must be executed under seal and must be in a form approved by Legal Services on behalf of the Director of Law and Governance.
35. The Council must further be continually mindful of its obligations to achieve Best Value under the Local Government Act 1999.
36. The CPRs provide that where the value of the contract is one million pounds and above, contractors must be required to provide sufficient security in one of the forms outlined in CRP 7.3. If the contractor cannot provide such security, the Executive Director of Resources must approve such a decision, with reasons and risk mitigation measures set out in the relevant authority report, prior to the contract award.
37. The proposed works as set out in this report constitute engineering operations and consequently require planning consent pursuant to section 57 of the Town and Country Planning Act 1990.

38. The tender documents included heads of terms for a licence in order to facilitate the undertaking of the procured works. A lease contracted out of security provisions of the Landlord and Tenant Act 1954 may in fact be granted. Such lease shall be in a form approved by the Director of Law and Governance.
39. This report contains an exempt appendix setting out details of the bidder recommended by officers.

#### **Equalities Implications - Sloemans Burial Ground**

40. The proposal is expected to have a positive impact on all religions and beliefs, including those with no religion. The Enfield Burial Needs Assessment 2020 shows that burial demand for Muslims is expected to increase, and this proposal will have a particularly positive impact on this group. The proposed new cemetery at Sloemans Farm is suitable for graves for people of all faiths and/or no-religion who wish to be buried. The site is of sufficient size to enable different sections to be configured appropriately for requirements of different faiths.
41. Consultation with the funeral industry and faith representatives has helped to ensure that the burial ground is designed to be inclusive for, and representative of the burial needs of Enfield residents of all protected characteristics. Further public engagement will enable further understanding of funeral preferences of particular protected characteristics, for example race.
42. A full Equality Impact Assessment has been completed which concludes that the proposal will help us advance equality of opportunity between people who share a protected characteristic and those who do not .

#### **Equalities Implications - Enfield Chase Hydrology and Habitat enhancement**

43. The proposals have been screened for equality implications and none have been identified. A full EQIA is not required.

#### **Environmental and Climate Change Implications**

44. The sites are within greenbelt and design of the associated buildings and infrastructure (at Sloemans Burial Ground) will be commensurate with the location and look to use renewable energy for charging service vehicles etc.
45. The proposed use of soil recycling to landscape the site and for construction will reduce carbon emissions associated with the transport of the soils from construction sites within London as the delivery distance will be reduced. Without these sites soil deliveries would potentially need to travel outside the M25 to access suitable facilities.

46. Full tree, wildlife and habitat surveys will be completed pre-planning as part of the feasibility and design stage. The land at both sites was previously de-forested for agriculture and it is anticipated that the development will have a positive effect on the environment long term.

### **Public Health Implications**

47. The proposal at Sloemans Burial Ground will provide residents access to 23 Ha of greenbelt land for amenity purposes that was not previously accessible. The site will be fully landscaped and planted. Some parts will not be required for burials for some time and these may be made accessible for leisure activities such as dog walking etc.

48. The provision of additional green space accessible to residents may improve physical activity rates in the surrounding area, while evidence suggests that visiting green spaces has a positive impact on mental wellbeing. Therefore, the increased access to green space provided by the development of Sloemans Burial Ground is likely to have positive Public Health implications.

### **Property Implications - Enfield Chase Hydrology and Habitat enhancement**

49. The site is currently leased to a tenant and used for arable farming with an income of £15,000. The lease contains provision for the area required for development phases to be removed from the lease when necessary and the remainder of land to continue to be available to the tenant.

50. There are other tenanted businesses which run at the Holly Hill site, including a doggy day care and a biowaste processing business. The businesses do not operate on the area that will be developed and so it is not expected that they will be negatively affected by the project.

### **Property Implications – Sloemans Burial Ground**

51. The current cemetery proposal requires 23Ha of the 47Ha Sloemans farm site meaning there will be 24Ha remaining available for other uses once the soil importation and landscaping has been completed. The Council's Rural Property Agent, Knight Frank, are engaged in the project and actively considering potential uses for the remainder of the site.

52. Any future use of the remaining site area will need to be sympathetic to the cemetery use and vice versa. The whole site therefore requires a holistic approach to ensure overall compatibility between uses and that maximum benefit is obtained overall from the site going forward. Knight Frank are fully aware of these requirements.

53. The footprint of the area used for burials within the boundaries of Sloemans Farm will need careful consideration and take into account the long term evolution of land use in the local area. The Crews Hill settlement is being put forward for significant enlargement under current Reg.18 proposals for the next Local Plan. Whilst the proposals at this stage



envisage an enlargement by c.3,500 homes, subsequent Local Plans may well see further enlargement, which LBE would want to see enabled on its own land where possible (which could include the parts of Sloemans Farm not used for natural burials), rather than being denied the possibility through lack of forethought in the footprint of the area used for burials.

54. The location provides potential for agricultural meanwhile use of unused cemetery land. It is anticipated that it will take 10 years for 4Ha to reach full capacity therefore initially 15Ha may be available for agriculture reducing in size by 4Ha every 10 years.
55. The site is currently leased to a tenant and used for arable farming. The lease contains provision for the area required for cemetery use to be removed from the lease when necessary and the remainder of land to be farmed as a small holding.

### **Other – Procurement Implications**

56. The procurement was undertaken using the London Tenders Portal (ref DN652842) in accordance with the Councils Contract Procedure Rules (CPR's) and the Public Contracts Regulations (2015).
57. The Contract Notice was published on 17 November 2023 on the 'Find a Tender' portal under an Open Procedure. Tenders were returned on 8 January 2024. Procurement Services were involved in the procurement and the process was carried out fairly and transparently.
58. The award of the contract, including evidence of authority to procure and the uploading of executed contracts must be undertaken on the London Tenders Portal including future management of the contract. The award of contract must be promoted to the Councils Contract Register.
59. As the contract is over £1,000,000 the supplier must be required to provide sufficient security in accordance with Clause 7 (Financial Security) of the Councils Contract Procedure Rules. Evidence of the form of security required, or why no security was required including approval from the Executive Director of Resources, must be stored and retained on the E-Tendering Portal for audit purposes.
60. All contracts over £100,000 must have a nominated contract manager in the London Tenders Portal. Contracts over £500,000 must show evidence of contract management of KPI's to ensure VFM throughout the lifetime of the contract.
61. The awarded contract must be published on Find a Tender and Contracts Finder to comply with the Government's transparency requirements.

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**#Departmental reference number, if relevant:**