

## MUNICIPAL YEAR 2018/2019 REPORT NO.

### ACTION TO BE TAKEN UNDER DELEGATED AUTHORITY

### PORTFOLIO DECISION OF:

The Leader

### REPORT OF:

Executive Director - Place

**Agenda – Part: 1**

**KD Num: 4797**

**Subject:** Meridian Water Station – Public Realm Place Making

**Wards:** Upper Edmonton & Edmonton Green

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## 1. EXECUTIVE SUMMARY

- 1.2 The new Meridian Water Station will be complete and ready for opening on 19 May 2019. Network Rail's (NR) scope of work is restricted to the boundary of the station and Enfield has a contractual responsibility (with NR) to provide key public realm and highway to enable access to the station. In addition to this Enfield must ensure that the public realm is delivered to a standard to support investment, regeneration, promoting growth and safety.
- 1.3 On 5<sup>th</sup> September 2018 the Council authorised the appointment of Volker Fitzpatrick (VFP), initially under a Preconstruction Services Agreement (PCSA), requiring the Contractor to lead the design, planning, programming and estimating of the station interface works (KD4669). The pre-construction services were originally expected to complete by 31<sup>st</sup> December 2018, but this deadline has been extended by mutual agreement and at no additional cost to the Council to 31<sup>st</sup> January 2019. On satisfactory completion this would then result in entering into an NEC 3 form of contract. The value of these works, however, is currently capped under KD4669 to reflect the original budget allocated for these works.
- 1.4 The original authority approval reflected sufficient budget to enable entering into a contract with VFP to undertake the minimum requirements to allow the station to open. This current approval is effectively the contract requirements between Network Rail and Enfield, which does not reflect complete access and finish requirements. With planning approved, VFP have been able to complete design and provide price confidence. Whilst the main station interface works are placed in contract with Volk's the budget also includes packages directly placed with other suppliers including Enfield highways, lighting, CCTV, TfL and utility providers. Approval is required to increase expenditure for Station Interface works to allow station opening 19 May 2019.

## **2. RECOMMENDATIONS**

It is recommended that the Leader:

- 2.1. Authorises the expenditure to complete public realm related works identified in Part 2.
- 2.2. Authorises the delegation to the Meridian Water Programme Director to place smaller packages of work to those packages as set-out in Part 2
- 2.3. Authorises VolkerFitzspatrick to deliver the works by variation of existing agreements as set out in Part 2.

## **3. BACKGROUND**

- 3.1 Meridian Water is a pivotal regeneration scheme, which has the potential to accommodate over 10,000 new homes and 6,700 new jobs by 2030. The Meridian Water Masterplan was adopted in 2013 as Planning and Urban Design Guidance - Material Consideration and provides a framework for the delivery of this new community adopted by the council in July 2013 (Key Decision: 3699).
- 3.2 The delivery of the new Meridian Water station is the cornerstone of the Meridian Water project and provides the essential access to the heart of the site and this will enable trains to serve the site triggering regeneration. The new station forms part of a wider rail infrastructure project, Lee Valley Rail Programme (LVRP), that will be completed in spring 2019 and the station will be ready to Enter into Service on 19 May 2019. The Council has a contractual obligation to undertake key infrastructure works to provide access to the station, which includes providing vehicular and pedestrian access to the station. It is vital that this work is completed to enable the station to be deemed complete and enter into service. If it is not completed, it will prevent the station from opening and the Council will incur penalties for failing to complete the works on time.
- 3.3. As Meridian Water station is part of the wider Lee Valley Rail Programme to provide additional rail capacity through construction of a third line and station improvements, the completion of the station is critical for commissioning and opening of this new section of track. All sections of the LVRP works (track and stations) from Lee Bridge to Meridian Water must be completed together. However, as a result of the DfT and NR delaying the introduction of the new timetable the new third line will now not operate until September and therefore is a reduction in risk that penalties will be levied on late delivery of works particularly when they are outside the rail corridor. Having said this Enfield is working closely with NR and Greater Anglia (train operator) to complete the station to achieve the original completion date of 19 May 2019 that will trigger the closure of Angel Road and allow those mainline services to stop at the New Meridian Water Station.
- 3.4 As background, and to ensure that the NR Customer Obligations are placed in context, the Implementation Agreements between the Council and Network Rail are based on the standard terms and condition contracts NR has with all

parties. These contracts are on an emerging cost basis and within the contract sum defined as the Estimated Project Cost (EPC) is a contingency sum linked / supported by a risk register. Through the project, the contract is monitored, and an Actual Project Cost emerges, which is measured against the original EPC. As with any project, a delay incurs a cost, some of this is captured as a risk item, but significant delays are then borne by contractual parties. In the case of the station interface works as a Customer Obligation, these are the Council's responsibility to enable the station to open.

- 3.5 As outlined in the briefing to Councillors as part of the previous call-in, an indicative cost for the delivery of the public realm work was undertaken using external cost consultants, Currie & Brown, in Autumn 2016 for budget purposes. A figure of £750,000 was identified for design and £3,250,000 for construction. This was based on very preliminary information and very high level cost estimation, but influenced by three aspects of scope. (1) to deliver the essential public realm to allow the station to open (contractual obligations with NR), (2) additional over and above to provide additional access to ensure connectivity and accessibility for the community, finally (3) to deliver to a quality to (permanent / semi-permanent) to present, frame the new station to create Place and a centre stage for MW.
- 3.6 An initial £2,000,000 budget was reallocated to the Station Interface works when the original Master Developer procurement was abandoned and it was formally recognised that Enfield would need to deliver the Station Interface works. Although this was less than the original estimate, it was an allocation to reflect the minimum requirements to satisfy the Customer Obligations. As the station has progressed through detail design and into construction the scope of work for the Station Interface works has retained the original intent to achieve access to the new station, but the scope / cost has increased beyond the original budget allocation in order to provide connectivity to the community, public realm and future uses. The extra budget required based on the final assessment is £1,500,000
- 3.7 During the scrutiny committee briefing, the Councillors were advised that a additional expenditure would be required over the existing budget and authority is now being sought now that there is full clarity on the scope and cost.
- 3.8 The Council entered into the PCSA (September 2018) with VPF (under the authority of KD4669) allowing VPF to appoint a design team, progress design, cost planning and submission of a planning for the works. Through this work, VPF have been able to develop a full, complete design and knowledge of the scheme to produce a cost plan to reflect the nature of the planning application - RIBA stage 3. The planning application reflecting this design and scope was taken to Planning Committee on 18 December and approved.
- 3.9 The Council is supported by Stace as Project Managers and Cost Consultants. Stace have been monitoring the scope of the work and also undertaking independent cost estimating services to use as a comparison with the emerging design development. Since VFP have been appointed Stace have measured and estimated the costs, the latest RIBA stage 3 design was independently checked and confirmed as being acceptable. Further information is contained in Part 2.

### 3.10 Scope of works.

3.10.1 - WEST of rail line: Works to the west provide pedestrian cycle routes from the existing community (north Albany Road & south Willoughby Road / Leaside Road). The design has been carefully developed to provide a quality corridor but in cost effective finishes using other meanwhile precedents. Over time it is expected that this will be integrated and replaced with permanent development.

3.10.2 - EAST of the rail line: the access and place making will be essential to frame the entry to the new station. Revisions to the original planning application have carefully proposed and submitted for approval and in the absence of new development the eastern station square now provides a linkage to the future development and also connects to the Teardrop as a meanwhile space.

The scope of work has expanded from the early design concepts, however, where possible the finishes have been carefully reviewed to a more economical solution but coordinated and assembled to provide a high-quality environment. Security and landscaping have been key drivers to the design to ensure that the community using the station and access over the rail line enjoy the new spaces and that this becomes the heart of a new Place.

Both east and west thought has been provided to the landscaping and to reflect the meanwhile or need for flexibility of space use planters have been used to allow trees and soft landscape to be relocated.

Attached plans for reference:

0047\_PR\_06\_GF\_DR\_L\_1002 (Zone 1 to 6 as separate plans)

3.11 Whilst the majority of the works will be contracted with VPF there are additional packages of work where orders have and will be placed directly with suppliers to accelerate / prevent delay. The part 2 provides details of funding and agreements are required directly by the Council to TfL to undertake the engineering works associated with the new pedestrian crossing, to Enfield's own Highways team to undertake works on and adjacent to the adopted highway / street lighting / CCTV.

3.12 VFP have provided their revised cost estimate for the works based on the RIBA Stage 3 design, which is currently being verified by Stace (Enfield cost and PM consultants). The RIBA Stage 4 cost plan was completed on the 21<sup>st</sup> of January 2019, and the contract (NEC 3 contract) now be formally awarded to deliver the works. This will reflect a fixed price contract for the works.

3.13 The works are essential in order to complete the public realm and place making in order for the station to open on 19 May 2019. VPF have developed a detailed programme for the delivery of the station interface works and although tight is achievable.

3.14 In order to avoid delay the Council will be progressing with entering into a contract with VFP for the delivery of works up to the current authority. Further details are contained within Part 2.

#### **4. Cost**

4.1 The detailed cost can be found in Part 2 of this report.

4.2 An indicative assessment of cost for the construction of public realm work was undertaken using external consultants (Currie and Brown in Autumn 2016) for budget purposes. This was developed from an early conceptual understanding of the works and when the development partners were due to deliver the works.

4.3 The scope has since evolved to reflect the need to provide good quality semi-permanent access to the west across the development site in the absence of permanent development. To the east, it's been necessary to undertake highways and public realm works to ensure the station connects to the highway and tear drop, which is due to be brought forward as a meanwhile space in mid-2019 when the station is completed.

4.4 It was made clear when the initial DAR (KD 4669) to appoint VFP was called in, that the initial award was to meet the client obligation and reflected committing the funds within the and that further funding would be required to complete the place making aspects.

4.5 The scope of works to include Design, enabling works, customer obligation and place making. This report requests the reallocation of budget within the MW regeneration approved budget, increasing the contract commitment with VFP and works descriptions set-out in in Part 2.

4.6 The scope of works does not include any costs to do with maintenance. A separate report will be prepared and presented for maintenance.

#### **5. Cost Certainty**

5.1 Cost estimates are presented Part 2 of this report.

#### **6. Conclusion**

6.1 To enable achieving a timely completion of the public realm works, producing an exciting first experience when alighting at Meridian Water VFP is considered the most economically advantageous tender route providing both value for money and quality that compliments the station design.

### **7. ALTERNATIVE OPTIONS CONSIDERED**

7.1 Doing nothing would result in a severely compromised public realm and interface project that would fail to discharge planning conditions. Whilst it would achieve the delivery of Enfield's Customer Obligations under the Implementation Agreement with Network rail it really would provide a poor and unacceptable message to the community and future developers about the aspirations for regeneration and growth. Furthermore, it would fail to connect and activate the meanwhile spaces.

- 7.2 It is recommended that works be instructed based on value rather than segregation into phases. Therefore an initial contract will be signed up to the value of £1.5m under the existing authority and then when this authority is confirmed this will trigger a variation. In the event that this authority is not approved within 4 weeks (from 4 Feb) then this will impact upon the price and ability to deliver the station on time. In the event that is not approved (at all) then the station interface works will cease once incurred cost reaches £1.5m and the station will not be able to open.

## **8. REASONS FOR RECOMMENDATIONS**

- 8.1 This section is not required for this report.

## **9. COMMENTS FROM OTHER DEPARTMENTS**

### **9.1 Financial Implications**

- 9.1.1 The approved re-profiled capital budget for the period ending in September 2018 includes provision for Station Public Realm – See part 2 report for further financial implications.

### **9.2 Legal Implications**

- 9.2.1 Section 111 of the Local Government Act 1972 gives a local authority power to do anything (including the expenditure of money) which is calculated to facilitate or is conducive or incidental to the discharge of any of its functions. The Council also has a general power of competence in Section 1(1) Localism Act 2011. This states that a local authority has the power to do anything that individuals generally may do, provided it is not prohibited by legislation. The proposed works and services to be procured by the Council as envisaged by this report are in accordance with this power.
- 9.2.2 Pursuant to KD 4669, the Cabinet Member for Regeneration authorised (i) the appointment of VFP under a pre-construction services agreement (**PCSA**) to complete the design of the public realm works and to complete enabling works in respect thereof and (ii) the appointment of VFP to construct the meridian Water Station public realm and enter into an NEC3 form of contract with a value not exceeding £2,000,000. VFP were directly awarded the contract following a waiver of the Council's Contract Procedure Rules by the P&C Hub.
- 9.2.3 The PCSA was entered into between the Council and VFP on 14<sup>th</sup> November 2018 and a form of NEC3 contract has been agreed between the parties. The PCSA period was subsequently extended to 31<sup>st</sup> January 2019 at no additional cost to the Council. Subject to satisfactory performance of its obligations under the PCSA, it is proposed that the parties will enter into the agreed form NEC3 contract. This report recommends the variation of the contract to allow for an increased scope of works.
- 9.2.4 It is further proposed in this report that additional budget be allocated to allow the Council to directly enter into contract for the delivery of public realm works with third parties (see Part 2 Report).

- 9.2.5 The estimated value of the contracts envisaged by this report are below the EU Procurement threshold for works. However, all contracts must be awarded in accordance with the Council's constitution, in particular the Contract Procedure Rules. The Contract Procedure Rules (at section 7) permit variations to contracts. All contract variation over £1,000,000 for works must be reported to the Procurement and Commissioning Review Board and budget must be allocated for the expenditure. Financial and Procurement implications are provided elsewhere in this report. Furthermore, as the estimated additional expenditure envisaged by this report exceeds £250,000, this is a Key Decision and the Council must comply with its Key Decision procedure.
- 9.2.6 Throughout the engagement of VFP and any other contractor procured to deliver public realm works, the Council must comply with its obligations of obtaining best value under the Local Government Act 1999.
- 9.2.7 All contracts must be in a form approved by the Director of Law and Governance.

### **9.3 Property Implications**

- 9.3.1 Strategic Property Services (SPS) supports the Meridian Water Station place making initiative and understands that the Council are in a contractual relationship with Network Rail in terms of contributions to essential infrastructure to access the station.
- 9.3.2 As this report is only seeking additional capital support for the project there are no direct property implications arising at this stage.
- 9.3.3 SPS have assumed that future revenue expenditure on maintaining key public realm improvements have either been included within budget costings reported to Members or they are not applicable as Network Rail are assuming future responsibility for these costs going forward.
- 9.3.4 SPS also assume that all contributions to essential infrastructure, such as here, are included and accounted for within the overall viability model for Meridian water.

### **9.4 Procurement Implications**

- 9.4.1 A waiver of Council's Contract Procedure Rules (CPRs) was approved (KD4669) to appoint a suitable contractor. A variation of that contract is now requested. The variation must be in the best interest of the council and must comply with the Public Contract Regulations 2015 and the councils CPRs (CPR 7). The value of the variation is over £1,000,000 and has therefore been submitted to the council's Procurement and Commissioning (P&C) Review Board for approval. The request for a variation was brought to the P&C Review Board on 12 February 2019 and was noted.
- 9.4.2 All procurements must be carried out in accordance with the Council's Contract Procedure Rules, & EU regulations. Value for money must

be demonstrated in accordance with the CPRs and compliance with the terms and conditions of the original contract is required. The total value of the works including the extension is below the EU threshold for works contracts. The procurement of any smaller packages of work must also comply with the Councils Contract Procedure Rules and EU regulations, including the use of the London Tenders Portal.

9.4.3 This decision must be recorded in writing and all documentation supporting the decision must be retained on the London Tenders Portal.

## **10. KEY RISKS**

10.1 The key risks for using VFP are:

**Financial risk.** The council may not recover its investment in the station and any delay in opening the station would render Enfield liable to significant financial penalties (liquidated damages) from Network Rail.

**Mitigation –** The authorisation for the approval of extra funding needs to be signed off as soon as possible.

## **11. IMPACT ON COUNCIL PRIORITIES**

### **11.1 Good homes in well-connected neighbourhoods**

The contract will secure the services of a specialist rail consultant, who will support and provide technical assistance necessary for the delivery of the new rail infrastructure. The rail infrastructure is a vital part of the project supporting the increase in land value and ultimately improving. The consultants are essential to supporting Enfield put together its HIF bid for rail a grant to the project. It will drive investment in rail, which will improve connectivity and support economic development.

### **11.2 Sustain strong and healthy communities**

Entering into the contract will secure the services of a specialist rail consultant, who will support and provide technical assistance necessary for the delivery of the new rail infrastructure, the rail infrastructure will aid the reduction of congestion hence improving air quality, which in turn will support and sustain strong and healthy communities.

### **11.3 Build our local economy to create a thriving place**

The HIF rail will support the accelerated delivery and density of Meridian Water and with this revolutionise the economy of Upper



Edmonton. The development will be inherently sustainable and in keeping with the principles set out in the Meridian Water Placebook.

## **12 EQUALITY IMPACT IMPLICATIONS**

- 12.1 Corporate advice has been sought in regard to equalities and an agreement has been reached that an equalities impact assessment is neither relevant nor proportionate for the approval of this report to Authorise the appointment of VolkertFitzpatrick.
- 12.2 It should be noted that projects or work stream deriving from this may be subject to a separate Equalities Impact Assessment. Therefore, any projects or work stream will be assessed independently on its need to undertake an EQIA to ensure that the council meets the Public-Sector Duty of the Equality Act 2010. In addition any contracts awarded should include a duty on the successful applicant to assist us with meeting our obligations under the Equalities Act 2010.

## **13 PERFORMANCE MANAGEMENT IMPLICATIONS**

Delivery of a comprehensive regeneration scheme at Meridian Water is a corporate priority within the Council's Business Plan for 2016-2018. Completion of the Masterplan and the delivery of phased infrastructure improvements including increased rail services, station improvements and new homes will help to meet the strategic priority: "a borough that attracts inward investment and supports sustainable regeneration and growth." Benefits and values derived from the Meridian Water development will be monitored through the new corporate plan and corporate scorecard.

## **14 HEALTH AND SAFETY IMPLICATIONS**

There are no health and safety implications for this procurement. Completion of the Meridian Water Public realm will create a safe environment for residents and station users.

The Meridian Water Project bringing widespread improvements in transport, accessibility, and comprehensive remediation of contaminated brownfield sites will have positive health and safety benefits for the local community and the future residents, workers and leisure users at Meridian Water.

## **15 PUBLIC HEALTH IMPLICATIONS**

Meridian Water has significant potential to improve public health. Part of the necessary development will be to ensure good public transport which will increase everyday physical activity and help to reduce car usage. Public transport should itself be easily accessible through

walking and cycling which will include prioritisation of these forms of transport. This will include direct, convenient, safe and perceived to be safe routes as well as good quality parking facilities for cyclists.

**16. HUMAN RESOURCES**

This section is not required for this report

**17 BACKGROUND PAPERS**

None

**18 APPENDICES**

General Arrangement Plan showing scope of works See attachment Portfolio1