

Report of	Meeting	Date
Director of Planning and Development (Introduced by Executive Member for Economic Development and Public Service Reform)	Council	Tuesday, 16 November 2021

Is this report confidential?	Yes/Partly/ No
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Is this decision key?	Not applicable
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Procurement of Plan-Making Capacity for the Central Lancashire Local Plan

Purpose of the Report

1. To outline plans to use the Scape Framework and contract with Perfect Circle to accelerate the preparation of the Central Lancashire Local Plan.

Recommendations to Council

2. To approve the allocation of an additional budget of £300,000 to the Local Plan Programme to be used for the purchase of essential plan-making resources. To note that the Council's share of this is £100k.
3. That Chorley Council develop an agreement for Professional Services to be delivered by Perfect Circle, agreeing a schedule of tasks, programme, and associated costs, and agreeing any suppliers to be subcontracted to deliver some of the work.
4. The agreement is delivered under the existing NEC (Professional Services Contract) Option G. contract which is already in place between the Council and Perfect Circle to a maximum initial value of £200,000 with defined outputs, timescale, and contractual performance measures.

5. Any further requirement for budget above £200,000 is subject to approval by the Executive Member with full details of breakdown of spend.
6. The final contract award including value, task schedules and programme is delegated to approval by Executive Member Decision
7. That equal contributions (i.e. one third) of the total costs of the framework contract value are collected from Preston and South Ribble Councils.

Reasons for recommendations

8. There have been delays to the preparation of the Central Lancashire Local Plan which have been in part as a result of a shortage of qualified Planning Policy officers to fill the vacant posts which make up 50% of the Local Plan team.
9. The three Councils continue to be subject to speculative applications for development leading to S78 Planning Appeals which absorb officer capacity and cost money to defend. It is crucial that capacity is injected into the programme to accelerate the process to lead to the adoption of a new Local Plan as soon as is feasible.

Other options considered and rejected

10. A further round of recruitment was considered however this is unlikely to be successful and given the lost traction, it would not be sufficient to get the programme back on course for submission and/or adoption by December 2023.

Corporate priorities

11. The report relates to the following corporate priorities: (please bold all those applicable):

Involving residents in improving their local area and equality of access for all	X	A strong local economy	X
Clean, safe, and healthy communities	X	An ambitious council that does more to meet the needs of residents and the local area	X

Background to the report

12. The three councils Chorley, Preston and South Ribble committed to developing a single Central Lancashire Local Plan in 2018 and a single, jointly funded team was established to lead on the work, with additional capacity fed in from the three 'home' planning policy teams. There are many advantages to undertaking a joint plan not least the sharing of costs but also in ensuring strategic fit, aligned to the single housing market area, economy, and future distribution of growth.
13. The steps for developing a new local plan are laid down in statute and include a series of consultations as well as requiring comprehensive testing of all policy and site proposals for sustainability and viability. Good progress had been made with Issues and Options Consultation taking place in 2018/2019 prior to the Covid pandemic and then a series of other challenges to the work not least staffing, which has led to a slowing of progress.

The Local Develop Scheme (LDS) which is a published programme we are required to have in place, is now out of date and there is a need to publish a refreshed one.

14. In order to do this, we must have the resources in place to deliver the work. The timeline below is that which is included within the programme provided to Perfect Circle, who indicated it is very challenging and may need to be subject to negotiation if we are to secure a supplier.
15. The existing Chorley Local Plan runs until 2026 and includes only a limited supply of remaining sites for the development for housing which is a position now subject to exploitation by developers seeking to develop sites not allocated for housing, in particular sites Safeguarded for future development.
16. There is no set timeframe within which a new Local Plan should be developed and the work can take a number of years given the evidence base and consultation steps required, however a Written Ministerial Statement published in January 2021 confirmed the requirement that *all local authorities be to have up-to-date Local Plans in place by December 2023*. Therefore, this is the timeframe we must work towards and is the key driver for accelerating the programme and investing in additional resources. It is worth noting that as a new Local Plan emerges and travels through its preparation stages, it can be attributed increasingly more weight in planning decisions. Therefore, this provides additional impetus to prepare a new plan and achieve the next key milestone of Preferred Options in 2022.
17. It is envisaged this procurement will significantly boost capacity and accelerate the local plan-making, to achieve a number of key objectives:
 - Achieve Preferred Options Consultation in early 2022
 - Produce a draft Central Lancashire Local Plan document (the basis of Preferred Options Regulation 18 consultation) which will carry material weight in planning decisions and most crucially, planning inquiries.
 - Send a strong message out that the Central Lancashire Local Plan is being accelerated with significant investment being made to deliver it quickly, despite the national shortage of qualified planning staff and against tide of S78 appeals.
 - Reaffirm the commitment of the three Councils to a joint Development Plan and a strategic approach to growth including housing.

Task Schedules

18. There are 8 schedules of work proposed for commission and these include:
 - Evidence assembly
 - Policy Preparation
 - Duty to Cooperate
 - SIA and HRA
 - Infrastructure
 - Preferred Option
 - Reg 18 Consultation Preferred Options
 - Reg 19 Consultation Publication
19. The tasks outlined involve the bulk of plan and policy writing, evidence analysis, coordination of engagement and preparation of key documentation .The Local Planning Authorities/officers will retain key duties and responsibilities including ; all political engagement in writing and physical, attending meetings with stakeholders/statutory

consultees etc (i.e. Duty to cooperate), liaison with the Planning Inspectorate, liaison with press/media, response to all FOIs/enquiries from land owners/agents/promoters etc, design/copy and hard copy printing of materials , producing written council reports and seeking necessary approvals, commissioning external evidence where identified , self-assessment of tests of soundness of the plan, commissioning of the EIP programme Officer and Counsel , coordination/management of the EIP including liaison with the Inspector , and contract management of consultants commissioned outside of this contract

Scape Framework

20. The Scape Consultancy Procurement Contract Notice includes CPV Code 7140000 which is Urban Planning Services and Perfect Circle are the selected partner for this scope of work. It is considered that the proposal is compliant with the core services under the framework. Chorley Council would be contracting with Perfect Circle, which would be operating under the umbrella of Scape.
21. Officers met with Bill Worsley, Regional Account Manager for Scape and Emma Noble, Regional Lead for the North and it was agreed the scope of works is suitable and can be delivered by Perfect Circle and their suppliers. One supplier has confirmed they are interested in delivery of the packages of work. Scape and Perfect Circle are fully committed to securing social value and confirmed part of the contract development will include agreeing on the measures and outcomes for social value delivery as part of the commission.

Corporate Procurement Rules

22. The use of framework agreements without the need for a separate procurement process is provided for within Contracts Procedure Rules at CPR 31.4. The Scape framework agreements are fully compliant with Public Contracts Regulations and have been procured via a competitive tendering exercise following advertisement in OJEU. Scape have confirmed that the project is within framework scope with Perfect Circle appointed to project manage the requirement. A 3% fee is built into the framework. This is payable by Perfect Circle and is included in their OHPP (Overheads, People costs & profit) costs.
23. The work to deliver planning policy work would come under Lot 1. Under this framework and Perfect Circle have performed similar tasks for St. Helens Council and others. Perfect Circle have excellent experience of writing policies which have included an element of Community consultation/surveys/engagement.
24. Our Corporate Procurement Rule 31.4 states that *Where the Council has entered into a Framework Agreement through procurement or is able to place orders from existing Framework Agreements procured by central government agencies, public sector consortia, other local authorities or other third parties, then the Council may benefit from using those contracts without entering into a full, separate procurement.*

Option G Term Service Contract

25. There are contracting options and colleagues suggested that an NEC (PSC) Option G contract would be appropriate to provide some flexibility in the programme of work. This is promoted as *the easiest and most efficient way to draw down professional services using simple Task Orders that define the scope of services, timescales, and fee arrangements.*

26. This is an NEC arrangement with a broad sweeping statement of services to be provided and a delivery agreement sitting underneath, which is task based with associated cost to those tasks and is flexible in that work can be added as required.

Timeframe

27. The development of the agreement will require the supplier to commit to a clearly defined programme timetable and whilst this is subject to negotiate following this approval to allocate a budget and enter into those negotiations, key milestones which include Preferred Options in 2022 and adoption as close to December 2023 as possible will be the clear aims.

Climate change and air quality

28. The work noted in this report impacts positively on the climate change and sustainability targets of the Councils Green Agenda and all environmental considerations are in place. The new Local Plan will play a crucial role in securing net biodiversity gain and maximising opportunities to deliver zero carbon development, promotion of zero or low carbon transport, reducing or eliminating flood risk and improving the quality of the air.

Equality and diversity

29. There are no impacts or implication for Equality Act provisions.

Risk

30. The identified risks with these proposals and mitigation steps taken are;
- a) that Chorley Council will be the contracting Council and will have to recoup two thirds of this cost back from South Ribble and Preston Councils. Verbal commitments have been obtained from these councils to proceed and to incur the expenditure, with written confirmation to follow prior to the meeting on 16th November 2021.
 - b) That potential consultant suppliers have existing commercial interests in the local plan process (for example, promoting potential development sites for future allocation in the Central Lancashire area). All suppliers are cross checked to ensure there are no conflicts of interest and the terms of the contract would ensure this during the course of the work.
 - c) that due to the volume of the work, the suppliers are unable to deliver to the required timeframe or become reliant on partners or third parties for contributory work (for example, the Lancashire County Council on Transport or Education Provision). The contractual programme will be negotiated based on what is realistic and deliverable. Risk to that programme slipping will be mitigated by robust contract performance measures and overall programme management by the Local Plan Coordinator. In the event that the Framework supplier is wholly unable to deliver the package of work, the use of agency staff and or further attempt to recruit permanent staff would need to be revisited.

Comments of the Statutory Finance Officer

31. It is proposed, subject to confirmation of funding from Preston Council, that the £300k budget is split evenly amongst the three Councils. The £100k funding for Chorley Council will come from in year 2021/22 underspends.

Comments of the Monitoring Officer

32.

In this instance the Council will be proceeding by way of a Framework Agreement – namely the Scape Framework. This approach is permitted by Contract Procedure Rules. It is noted that other councils have used the specific agreement for similar purposes. The final contract award is delegated for approval by way of an Executive Member Decision. A formal contract will be entered into after that.”

Appendices

Appendix A Perfect Circle Option G Explanatory Note

Appendix B SCAPE NEC Option G Term Contract

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