

South Lakeland District Council Cabinet

Wednesday, 3 February 2021

Procurement Framework for the Local Plan Review

Portfolio:	Housing and Innovation Portfolio Holder
Report from:	Director of Strategy, Innovation and Resources
Report Author:	Alastair McNeill – Senior Specialist (Strategy Group)
Wards:	Arnside & Milnthorpe; Bowness & Levens; Broughton & Coniston; Burton & Crooklands; Cartmel; Furness Peninsula; Grange; Kendal East; Kendal North; Kendal Rural; Kendal South & Natland; Kendal Town; Kendal West; Sedbergh & Kirkby Lonsdale; Ulverston East; Ulverston West;
Forward Plan:	Key Decision included in Forward Plan published 18 December 2020.

1.0 Expected Outcome

- 1.1 The approved Procurement Schedule for 2020/21 includes the procurement of retained consultants through a framework agreement to provide the professional advice required in preparing the Local Plan Review and related work. A procurement framework will enable professional services to be procured promptly when required without the need for extended separate tendering exercises, with resulting benefits for expediting the Local Plan Review. Tendering for the framework concluded on 4 December 2020 and the results of the tendering evaluation and analysis are reported at appendix 1, as a Part II report. The Local Plan is a critical means for enabling the achievement of social, economic and environmental wellbeing in the District.

2.0 Recommendation

2.1 It is recommended that Cabinet:-

- (1) approves entering into a framework agreement with the preferred tenderers listed in appendix 1, from 2020/21 to 2023/24 to provide a range of professional advice and support for the Local Plan Review, and related work; and
- (2) approves the use of the framework agreement for any studies procured jointly with neighbouring or other local authorities.

3.0 Background and Proposals

Introduction

- 3.1 The District Council has commenced a Local Plan Review for South Lakeland, outside the National Parks. The role of the Local Plan is to set out a vision and framework for the future development of the district to 2040. The Council's Procurement Schedule for 2020/21 includes the procurement of professional services to a framework contract, to be called-off as needed to inform and expedite the Local Plan review process. Tendering for appointment to the Framework took place in

November 2020 and the results are set out in the Part II report at appendix 1, for Cabinet's consideration.

- 3.2 The National Planning Policy Framework requires Local Plan policies to be reviewed as to whether they need updating at least once every 5 years. The intention is that the current adopted Core Strategy, Land Allocations and Development Management Policies Development Plan Documents (DPDs) are updated and combined into a single Local Plan. The review will include district-wide policies relating to the AONB, but not include a review of the AONB DPD itself.

Framework Agreement for Local Plan Review – Need and Scope

- 3.3 The Council's Specialists in Strategy Group undertake a significant proportion of study work for the Local Plan Review. Currently this including preparation of a Strategic Housing Land Availability Assessment (SHLAA) and the Sustainability Appraisal (SA) process, as well as most mainstream planning policy research and development. However the Local Plan Review also requires additional professional advice in areas not available within the Council. Rather than procure these individually, a framework contract covering a range of services, will enable these to be drawn upon quickly as required and hence saving time to the overall Local Plan review process.
- 3.4 The specification for the proposed framework is attached at appendix 1A, and includes 16 Lots for professional advice in specialist areas including: landscape, ecology, carbon reduction and off-setting, highways and drainage, built heritage, retail and leisure, viability, open space and recreation, public and stakeholder engagement and professional planning support. The specification also makes some provision for professional advice on planning applications, appeals and related service areas, when required. It is proposed that the framework also be available where the Council wishes to procure studies or professional advice jointly with neighbouring Councils.
- 3.5 The specification includes an indicative estimation of costs and timescale for the procurement of advice and services over the contract period 2020/21 to 2023/24. When the Framework contract is in place (subject to approval), work items will be requested through individual Call-Off agreements. For work below £10,000 in value, the Council will request quotations from bidders appointed to the relevant Lot in the contract, and award accordingly. Where the work is over £10,000 in value, a mini-competition will take place through the Chest and be evaluated and awarded to the preferred bidder. It is expected that the required services can be obtained within the contract period within existing and anticipated budgets. Individual call-offs will be dealt with and awarded in accordance with the framework terms and conditions and the delegations in the Constitution.

Tendering and Evaluation

- 3.6 Tendering for the framework agreement concluded on 4 December 2020, with 26 compliant tenders received, many of which submitted bids for several Lots. The evaluation of tenders by Specialists in Strategy Team, with advice from the Specialist (Procurement) took place in December. The results of the evaluation and scoring of tenders, and the suppliers recommended to be appointed to each Lot are set out in the Part II Appendix 1 to the report.

(Note – In accordance with Section 100B(2) of the Local Government Act 1972, copies of Appendix 1 to the report are excluded from inspection by members of the public as it contains information as described in Schedule 12A of the Act, as amended by the Local Government (Access to Information) (Variation) Order 2006, as follows:-

- Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information).

The evaluation assumed that no more than 5 suppliers are appointed to each Lot.

4.0 Consultation

4.1 The proposed procurement of retained consultants to provide advice on the Local Plan Review is included the Council's Procurement Schedule for 2020/21. The Council's Specialist (Procurement) has been consulted and provided advice in the tendering process and evaluation of tenders. The procured studies and professional advice will in most cases form part of the evidence for the Local Plan Review and will be the subject of consultation with communities and stakeholders at each stage in plan preparation and also at examination in public by an independent Inspector.

5.0 Alternative Options

5.1 There are three alternatives to procuring the professional services of consultants through a framework agreement – firstly, procuring advice and studies on a separate, individual basis; secondly using the NEPO (North East Procurement Organisation) framework through Bloom¹; or thirdly using the procurement framework provided by Homes England, which is available for use by other public bodies, including local authorities. When the Council has procured a framework agreement, it would still be open to it to use these alternatives.

5.2 The main disadvantage of procuring advice and studies on an individual basis, is the additional time that it would take to procure these separately, with a resulting impact on the overall Local Plan Review programme.

5.3 The disadvantages of using the NEPO framework through Bloom are that prices are likely to be 5% higher to cover Bloom's service charge and some previous experience of delays.

5.4 The Homes England Framework is already available for use but does not cover the full range of services required for the Local Plan Review and related work. It also tends to comprise larger national consultancies. The proposed Framework provides more opportunity for local and regional suppliers.

6.0 Links to Council Priorities

6.1 Progressing a review of the Local Plan is a high priority in the Council Plan 2019-24, including helping meet communities' needs for housing, employment and a wide range of other services and amenities. Procuring a framework agreement with retained consultants will make an important contribution to obtaining the range of external professional advice needed to prepare the Plan.

7.0 Implications

Financial, Resources and Procurement

7.1 The proposed Framework agreement is included in the approved Procurement Schedule for 2020/21 and would enable the Council to draw upon a range of consultancy services from the end of financial year 2020/21 to 2023/24. Work would be procured by issuing more detailed briefs and specifications for individual Call Off

¹ The Council's contract with Bloom was set up to access the NEPRO framework for consultancy. This provides a mechanism for appointing consultancy across many areas of expertise and have been used in SLDC primarily for building works, planning consultancy documents and Customer Connect work. Bloom are paid through a 5% levy that they charge to suppliers.

agreements, and procured within the Council's existing and future Development Plans revenue budgets. An indication of estimated costs of £360,000 over 4 years 2020/21 to 2023/24 is set out in the Specification in Appendix 1A. The actual estimated cost profile will be reviewed annually.

- 7.2 For work below £10,000 in value, the Council will request quotations from bidders appointed to the relevant Lot in the contract, and award accordingly. Where the work is over £10,000 in value, a mini-competition will take place through the Chest and be evaluated and awarded to the preferred bidder. It is expected that the required services can be obtained within the contract period within existing and anticipated budgets. Individual call-offs will be dealt with and awarded in accordance with the framework terms and conditions and the delegations in the Constitution.
- 7.2 Cabinet's approval is also sought to use the Framework for commissioning joint studies with neighbouring planning authorities, with costs shared pro rata. For example discussions are on-going with Eden District Council to consider jointly commissioning studies including a Playing Pitch Strategy and Green Infrastructure Strategy.

Human Resources

- 7.2 This report does not have any additional staffing implications

Legal

- 7.3 Legal will work with Procurement to advise on the terms and conditions of the framework agreement and accompanying call off terms and conditions. Part 4 of the Contract Procedure Rules will need to be considered and adhered to in respect of provisions relating to framework agreements and implications of jointly procuring works with other authorities.

Health, Social, Economic and Environmental

- 7.4 Have you completed a Health, Social, Economic and Environmental Impact Assessment?
- 7.5 This report seeks approval to procure a framework agreement with consultants to provide professional advice on the Local Plan Review. As this is not itself a proposed project, policy or programme, it is not considered necessary to undertake a Health, Social, Economic and Environmental Impact Assessment. However it is important to note that the Local Plan Review process, informed by evidence from the procured framework agreement, will be subject to a number of important impact assessments at key stages in its preparation. These include:
- The statutory requirement for Sustainability Appraisal, which requires the social environmental and economic impacts of options and final recommendations to be assessed and consulted upon;
 - The statutory requirement for appropriate assessment under the Habitats Regulations, of the potential impacts and mitigation measures on European wildlife sites.
 - The Council's own requirement for an assessment of health, social, economic and environmental impacts, which will be undertaken when reporting draft Local Plan documents for approval by Cabinet or Council at key stages in plan preparation for public consultation and submission for examination.

Equality and Diversity

- 7.7 Have you completed an Equality Impact Analysis? No
- 7.8 This report seeks approval to procure a framework agreement with consultants to provide professional advice on the Local Plan Review. As this is not itself a proposed project, policy or programme, it is not considered necessary to undertake an Equality Impact Analysis. However an Equality Impact Analysis will be undertaken when reporting draft Local Plan documents for approval at key stages in plan preparation for public consultation and submission for examination.

Risk

Risk	Consequence	Controls required
That approval is not given to enter into a framework contract agreement with recommended suppliers and consultants to provide professional advice to the Local Plan Review.	The professional advice required to progress the Local Plan Review would need to be procured through separate procurement exercises which would add time to the Local Plan Review process	To proceed to approve and a framework contract for the Local Plan Review and related work.

Contact Officers

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Appendices Attached to this Report

Appendix No.	Name of Appendix
1 - Part II	Tender Analysis Report: Framework Agreement for Local Plan Review
1A – Part II	Specification for Framework for Local Plan Review
1B – Part II	Invitation to Tender (ITT) Part 1 – Framework for Local Plan Review
1C – Part II	Invitation to Tender (ITT) Part 2 – Framework for Local Plan Review

Background Documents Available

Name of Background document	Where it is available
Local Plan Review - web page	https://tinyurl.com/ybkjj8g3

Tracking Information

Signed off by	Date sent	Date Signed off
Legal Services	08/01/2021	14/01/2021
Section 151 Officer	08/01/2021	21/01/2021
Monitoring Officer	08/01/2021	21/01/2021
CMT	14/01/2021	14/01/2021

Circulated to	Date sent
Lead Specialist	07/01/21
Human Resources Lead Specialist	08/01/21
Specialist (Procurement)	07/01/21
Director of Strategy, Innovation and Resources	08/01/21
Communications Team	N/A
Leader	N/A
Committee Chairman	N/A
Portfolio Holder	12/01/21
Ward Councillor(s)	N/A
Committee	N/A
Executive (Cabinet)	03/02/21
Council	N/A