

Neighbourhood *Planning*



Guidance note - Procuring consultants

This guidance note provides information and links to organisations who may be able to help provide support and advice in neighbourhood planning, as well as looking at those circumstances in which consultants may be required, how to procure consultants and how to get the best outcome and value for money.

Determining the need to engage a consultant

Once you have decided what you want to achieve in your community and that a neighbourhood plan is the best option, you then need to establish a neighbourhood plan steering group and possibly also a wider working group. At this stage establish terms of reference, working alongside the Qualifying Body (i.e. Parish Council / Forum), for reporting, decision making and funding of the neighbourhood plan.

The skills and experiences of the steering group and working group should be audited and reviewed and compared to the neighbourhood plan tasks to be undertaken.

The type and level of information required to prepare a neighbourhood plan depends on what you would like the plan to achieve. For example, a greater level of detail is needed if you plan to allocate sites for particular uses (such as housing).

The Local Authority will provide advice through the series of toolkit documents and also through support at key stages in preparation of the plan.

Where to look for help?

The intention when neighbourhood planning was set up was that it should be possible for neighbourhood development plans to be prepared by local communities using the available guidance and support and without the need for assistance from consultants. If however you believe that the steering group/working group does not have the expertise/skills/experience locally, then it is recommended that once you have an understanding of the “gaps” that you firstly look at the documentation and support already available to you, to see if these will help fill the “gaps”.

There are a variety of bodies and documents that can help in providing knowledge and technical expertise when preparing a neighbourhood development plan. These should be assessed to see if they are able to help.

- Cheshire Community Action <http://cheshireaction.org.uk/>

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- Eden Project <http://www.edenproject.com/whats-it-all-about/places-and-regeneration/neighbourhood-planning>
- Locality <http://locality.org.uk/projects/building-community/>
- Local Planning Authority http://www.cheshirewestandchester.gov.uk/your_council/policies_and_performance/council_plans_and_strategies/planning_policy/neighbourhood_planning.aspx
- Planning Advisory Service (PAS) <http://www.pas.gov.uk/neighbourhood-planning?sessionId=70432A13177F2831861284AF1519B6ED>
- Princes Foundation <http://www.princes-foundation.org/what-we-do/projects/engage/clg-planning-scheme/supporting-communities-and-neighbourhoods-planning>
- RTPI – Planning Aid <http://www.rtpi.org.uk/planning-aid/neighbourhood-planning/>

What tasks may you need help with?

The tasks you may need help with will depend on what you would like your neighbourhood plan to include and what skills and experience your working group has. Some groups may only need technical advice on specific aspects to add to the process that you are already undertaking, whilst other groups may need help throughout the process of preparing a plan. Key areas where help may be needed are:

- Preparing and undertaking a stakeholder engagement program,(see consultation guidance note)
- Gathering technical evidence, data analysis or survey work, e.g. housing and infrastructure needs.(see data sources and mapping guidance note)
- Undertaking appraisals of potential sites, (for example for housing allocations).(see site allocations guidance note)
- Understanding development viability to ensure proposals are deliverable.
- Writing the draft policies, (see how to write draft policies guidance note)

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Ways to obtain consultancy support

- The Department for Communities and Local Government support program for communities working on neighbourhood plans can provide grant payments to contribute to costs incurred or direct advice and support. The program is being delivered by Locality and their partners and more information is available at: www.mycommunityrights.org.uk
- It is recommended that this option is investigated first as it may provide funding and / or tailored support from neighbourhood plan specialists.
- Some consultants offer free initial consultations and can give assistance with assessing what work is required and what they could help with. However, please be aware that the consultancies run these consultations in order to promote their services and obtain work!

Alternatively, you may wish to procure consultants yourself. Ensure that any procedures/procurement rules that apply to the Parish Council are followed, in particular Parish Council Terms and Conditions. Decisions on the appointment of consultants should ideally be taken on the basis of cost and quality.

Top tips for instructing consultants (information taken from the Forum for Neighbourhood Planning, May 2013 RTPI)

Producing a Neighbourhood Plan can be an intimidating prospect for groups; especially those that are new to planning. Organisations like Planning Aid England can offer direct support to groups or just informal advice through our advice line and network of volunteers. However, sometimes groups will want to instruct a consultant to carry out work for them whether it be producing a technical report or advising on the plan preparation process. Given the nature of Neighbourhood Planning (i.e. community led) instructing a consultant may be a whole new experience for many groups. As such we have put together some of our top tips:

1. Be very clear about defining the tasks required to be undertaken by consultants.
2. Always get more than one quote for the work you wish to be undertaken. Think about the budget you have available and what you want to achieve.
3. Always ask consultants to demonstrate their track record relating to similar work. This could be case studies, testimonials or anything else that can give you comfort that they are proficient in what is being asked of them.
4. Ensure they are suitably qualified! This will depend on the type of consultant you are instructing. If it is a planning consultant you would expect them to be a Chartered member of the Royal Town Planning Institute (MRTPI). So always ask what their professional qualifications and memberships are and how they are, ask for certified

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proof of these qualifications and membership and how relevant to what is being asked of them.

5. Need to consider the potential conflict of interest with any consultant, for example are they working for a local land owner.

6. Never enter into an open ended fee agreement. When asking for quotes get the consultant to prepare a detailed breakdown of the work they propose to undertake, the hours/days attached to each element and the associated cost. You should have written into any instruction that the consultant is not to exceed the agreed fee/days without prior consent of you the client. You should ensure that if the consultant does less work than the hours quoted, you only pay for those hours. Entering into a fixed fee arrangement can be disadvantageous as you may pay for more work than is actually carried out.

7. Always ensure that what you are asking of them (or what they are telling you is required) is necessary. You may end up with a fantastic piece of work but if it is not actually required and adds no value to your neighbourhood plan then you could be wasting money. As such, it is important to discuss your proposed requirements and brief with your local Council prior to going to the market to ensure that the work is required.

8. Get advice from within the community from people who have instructed consultants before. They may be able to help you put together your brief or suggest consultants to approach for a quote.

(Top Tips - Extract from the Forum, with annotations and additional points 1 & 5)

Additional tips / advice

If you are a procuring Parish Council you will need to take into account the Public Procurement Regulations.

Consider the type of contract that will be used, does the Qualifying Body have a contract that they use? Will it be bespoke or it may be the consultant's standard form or off the shelf for example NEC (e.g. professional services contract). It is best to decide when the brief is advertised and should be included in the brief that is put out to tender, thereby ensuring that everyone is clear about the terms.

You will need to check insurance cover, professional indemnity cover of at least £1m is required.

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The use of consultants does not remove responsibility for the project and its outcomes; these will still lie with the qualifying body. You will need to ensure that there is clear project management within the neighbourhood planning group and it may be helpful for you to have a named person as contact point for the consultants.

Regular updates are helpful, even if these are just a quick phone call or email every 2 weeks, it has the potential to avoid issues arising at a later date.

As part of the brief / specification you may want to consider including some or all of the following aspects (not all will be relevant to all briefs this is just an aid memoire):

- Introduction to your neighbourhood planning group, who, why, when etc
- Management process – how you will run the project, what contact there will be with the Parish Council, who will be responsible for paying the consultants (as this may not be the neighbourhood planning group, but may be the Parish Council); who is your key contact, who is the consultants key contact and how do you want to be contacted (phone, email, face to face). What format do you want the resulting documents in (in order for them to be amended, CWaC need documents to be in word format not apple)
- What background information you have and what can be made available to them
- Your specification for the work, this is critical in that the clearer you are the better the outcome. Including milestones, timetable, documents to be produced, when you want to see drafts, payments (staged); if you need them to be present at the Examination and or available for the hearing, do you need them to prepare the consultation statement, SEA, conformity documentation etc.
- Be very clear about the outputs required
- Take up references
- You may need to consider what support you may need to provide to the consultants
- Independence of the consultants / conflict of interests
- Are they able to meet your timescale
- Who will be the key contacts, experience and qualifications
- Remember the LPA is your critical friend and will provide advice where possible.

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Consultancy services in the North West

Royal Town Planning Institute, consultant's directory for the North West.

<http://www.rtpiconsultants.co.uk/static/files/regional/NorthWest.pdf>

Royal Town Planning Institute, consultant's directory for Wales

<http://www.rtpiconsultants.co.uk/static/files/regional/Wales.pdf>

Search all consultants on RTPI online consultants list

<http://www.rtpiconsultants.co.uk/>