

Borough Council of
**King's Lynn &
West Norfolk**



**Follow up work in relation to the Examination
into the King's Lynn and West Norfolk Local
Plan: Site Allocations and Development
Management Policies**

West Winch – Monitoring of Part B of the Policy E2.1

November 2015

Document reference no.	FW09
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1. Inspector request

1.1 West Winch – Monitoring of Part B of the Policy E2.1

Need to monitor elements to the proposal and in particular to Part B of policy E2.1:

- Commitment to monitoring / phasing / implementation of plan (Infrastructure Delivery Plan)
- Publish the Draft IDP brief and provide further reference to the IDP in the policy.
- The IDP should be shown to be a document which gives certainty to the process with a realistic delivery framework

2. Response

2.1 Part B of the Policy E2.1 expressly deals with the way in which an application should be brought forward, relating the aspirations in Part A of the policy to deliverable and timely provision of infrastructure and financial contributions. An 'infrastructure delivery plan' (IDP) is seen as key to providing a clear list of items and timings to support the development.

2.2 The draft brief for the IDP is attached as Appendix 1. It should be stressed that this draft will be refined before formal tenders are sought to carry out the work. It is currently anticipated that the Borough Council will commission the IDP, and agree a legal agreement with landowners to implement the provisions. Notwithstanding the currently draft nature it shows the intention of the Borough Council to seek a properly structured and measurable agreement. Advice and assistance has come from the ATLAS team, based on experience from similar situations outside Norfolk.

2.3 Material published previously for the Examination 'Statement for Issue 5 'West Winch (E.2)' (CD 08 – June 2015) noted:

3.6. In the wider context of planning applications being submitted the sequence would be:

- During plan preparation aspects of strategic provision will be clarified and included in Local Plan
- Background studies will be undertaken to clarify infrastructure needs (e.g. Hardwick Interchange)
- A draft IDP is written into a PPA and prepared as part of work on individual planning applications.
- Once a draft IDP is prepared to the satisfaction of the landowners the Borough Council will test it independently, and seek endorsement of the Borough Council (possibly through the Planning Committee) that it can deliver the strategic outcomes in a viable way.
- Planning applications will be supported by this common IDP document showing any joint elements.
- Permission will be linked to the IDP

It also included a project timetable extract of the draft Planning Performance Agreement with the main landowners showing the crucial role of the IDP.

2.4 Policy E2.1 Part B, b. references the IDP, and c. notes that a scheme and timetable of phasing of construction over the period to 2026 (and beyond) needs to be provided with a planning application. The IDP will also perform this function. In the context of the Inspectors request above it meets the first and third bullet points. As noted above the second bullet point is covered by the inclusion in this document of Appendix 1.

2.5 In order to embed / better explain this in the policy E2.1 the following modification is proposed:

- New paragraph to follow existing E.2.24, entitled 'Infrastructure Delivery Plan':
 - Policy E2.1 Part B, b requires the preparation of an Infrastructure Delivery Plan. This is an important mechanism to ensure that an agreed set of infrastructure is identified; costed and; apportioned between respective landowners. However in order to provide certainty about provision the IDP needs to identify and ensure programming of the individual elements. Trigger points and phasing need to be included. With the numbers of units involved and the complexity of the wider growth area to beyond 2026, the IDP will set out monitorable milestones. The IDP will be translated into a legal agreement between the Borough Council and landowners and developers to formalise the provision of infrastructure. The IDP will be published by the Borough Council. The Borough Council will publish monitoring updates through its Annual Monitoring Reports.

Draft of the Brief for the preparation of an Infrastructure Delivery Plan

West Winch – INFRASTRUCTURE DELIVERY BRIEF – Draft 1

Introduction

Summary of site, policy position and context

West Winch is a site to the South of Kings Lynn which has been identified as an urban extension to the town in order to provide up to 3,500 homes and associated infrastructure.

The site has been allocated in the draft Local Plan for housing.....

The need has been identified for an Infrastructure Delivery Plan (IDP) to set out how the infrastructure will be delivered. Initial work on the viability of providing this infrastructure and costings has been undertaken¹ but as we move towards determining planning applications for the site more advanced work needs to be done to (a) test and refine the cost assumptions (b) understand viable options for delivery mechanisms and (c) gain agreement between developers and the planning authority on a robust delivery mechanism.

Kings Lynn and West Norfolk Borough Council Authority and developers are therefore seeking consultancy services to undertake work to inform and resolve how infrastructure will be funded and provided in the development. This would be set out in a Draft IDP alongside the suggested options to secure its outcomes within future Section 106 agreements. The objectives of the commission are:

- Refreshing and clarifying costs for the identified infrastructure and other key assumptions to the development appraisal and reaching agreement with the council and development promoters on these to establish a baseline for more detailed viability and phasing work as appropriate.
- Establish agreement on the methodology and content of a Draft IDP between the council and development promoters that clearly sets out an appropriate robust delivery mechanism for infrastructure.

In summary, tenders are sought to undertake the work in up to three stages (not necessarily sequential). The need and scope of Stage 2 work will depend on the outcomes of Stage 1. Tenders are invited to set out how each of the following stages of work would be met and costed:-

Stage 1:

Clarification of costs of key infrastructure items and build costs;

Available evidence to be reviewed. It would include the developers IDP submitted in February 2015,

Stage 2:

Depending on the outcomes of the Stage 1 work, a subsequent phase of work and further advice may be commissioned to review the viability of the West Winch scheme and provide advice on the necessary steps to make the scheme viable and deliverable.

Stage 3:

Exploration of legal and cost ramifications of different options for delivery of infrastructure culminating in preparation and brokering of a deliverable Draft IDP with the parties. Provide advice as to how implementation of the draft IDP can be secured.

Background

¹ It is necessary to revisit what material has been provided previously as it will provide a starting point for this commission.

- Site location and characteristics
Location, site area, major characteristics and boundaries (include site plan as appendix)
- Policy
Policy context, relevant site allocations, policy infrastructure requirements
- Land ownership context
Identification of different land parcels, size and location

The following is a list of the key landowners and developers of West Winch, along with a general description of their relevant land interests:-

List of land owners and developers, alongside their individual interests

There is currently no developer agreement between all the parties in respect of bringing forward development in West Winch.

- Current planning application (Reference)
Summary of current planning application, major issues and timescales
- Current issues with infrastructure delivery
(the points below to be discussed, past work checked, and agreed)
A draft Infrastructure Delivery Plan was submitted in February 2015 and can be used as a starting point.
A viability assessment is required to test the deliverability of site specific infrastructure requirements.

It is evident that there are two main issues which are creating potential blockages to the delivery of West Winch. These are:-

1. Questions and challenges about the overall viability of the West Winch scheme;
2. Absence of an agreed delivery mechanism for necessary strategic infrastructure based on individual planning applications.

- Approach
It has been agreed that this work will be commissioned by KLWNBS but with the collaboration of relevant parties (*developers*). Included at Appendix 3 is a note setting out the roles and contributions expected of this joint working arrangement.

Scope of Commission

STAGE 1: Review of costs, infrastructure, phasing and other key inputs.

An update of cost and delivery assumptions is needed to inform future viability work.

Should include a table setting out the current assumptions relating to strategic infrastructure and estimations of costs.

These costs need to be refined and brought up to date to give the most accurate picture of the investment needed to deliver the required infrastructure. Use of such a table will highlight where there are gaps in the information and potential lines of further enquiry. In addition to the infrastructure items, the work will need to ascertain the build costs associated with constructing a development which is policy compliant.

Once build and infrastructure costs are established, a comparative exercise of these against any cost assumptions made in relevant viability work will need to be undertaken. This is to establish where there are significant differences and possible implications.

In advance of the commission, triggers should be established for delivery of the various elements of infrastructure. In the main, the triggers relate to the occupation of housing units, or another event in the delivery of the garden suburb rather than a specific date or timeline, given that the rate of construction cannot be predicted with a high degree of certainty.

A review of the infrastructure phasing is required which will necessitate a more detailed look at the timetables involved with the procurement and construction of each strategic infrastructure item and at what point funding will be required. Advice on how this works alongside affordable housing provision will also be required, together with the identification of any funding gaps between potential S106 receipts and infrastructure investment which may impact upon the deliverability of the scheme.

Outputs – Draft report of findings which includes: agreed set of costs for strategic infrastructure and construction which can be used in all detailed viability assessments submitted with planning applications and how this can be updated over lifetime of development; up to date view on how these assumptions affect the original viability assessment of West Winch; updated and more detailed information of infrastructure phasing and affordable housing; identification of funding gaps in infrastructure provision.

STAGE 2: Viability Review

Following preparation of the draft report for Stage 1, West Winch will review the outcomes with partners and may if necessary commission a further strategic appraisal, along with advice as to how the scheme viability and funding gaps can be improved in order to achieve a viable and deliverable scheme.

STAGE 3: Delivery options and Draft IDP

Advice is sought on the range of delivery mechanisms available for delivering the strategic infrastructure. For each option an analysis on the legal and cost implications will need to be identified and recommendations for the most appropriate option to be used in the West Winch development. This piece of work is expected to address the following points but does not preclude the consultant from proposing additional options or areas of consideration to those listed, subject to discussion with West Winch:-

- Delivery options to consider the geography / phasing of infrastructure;
- Legal implications of pooling S106s & ways of overcoming this via other mechanisms such as a site specific CIL;
- Use of framework agreements or other umbrella to inform individual S106s;
- Use of CPO & other local authority powers/mechanisms to aid delivery of strategic infrastructure;
- Heads of Terms for uplift capture mechanisms to use in S106s if policy position cannot be achieved at the outset;
- Consideration of implications if certain sites do not come forward within IGS or sites do not come forward in the phasing order assumed;
- Implications of ransom strip scenarios on viability and deliverability.

The results of the above work shall be incorporated into a draft IDP which is brokered and agreed between parties and covers the information required by the IDP note in appendix 3. Provide advice as to how the draft IDP is implemented and secured in light of the independent nature of the planning applications coming forward for the West Winch area.

Output – Draft report which includes: analysis and evaluation of the delivery options available in order to inform a deliverable and viable infrastructure delivery strategy; recommendations for most appropriate option to proceed with and advice on practicalities of implementing and securing through planning permission etc; and agreed delivery option to be incorporated into draft IDP. Draft IDP to be produced which sets out the mechanism for delivering the necessary infrastructure along with advice as to how it's implementation can be secured.

Methodology

To fulfil this commission, the consultant appointed will be expected to consult with relevant local landowners, agents and other key stakeholders as appropriate to inform the core elements of the commission. The consultant may also be required to attend and contribute to joint discussions between the Council and landowners in respect of implementation and delivery issues.

The methodology for the commission would be expected to include:-

- Working closely with parties / stakeholders

- Attendance at Steering Group
- Mediation between developers
- Liaison and information collation from key parties such as Norfolk County Council, Network Rail etc.

Deliverables

Consultants are expected to provide a program showing the duration required for each stage of work and dates anticipated for the delivery of the final documents compliant with schedule and timeline below.

For each stage of work a report setting out the findings is required and will be shared with landowners/developers. This will include a presentation to Steering Group members.

Final documents required include:-

- A draft and final report for each of stage work which sets out the findings and addresses the outputs described.
- Draft IDP – which covers the information set out in appendix 3.

Schedule and deadline

A planning application has been submitted to the Council with determination date in September 2015. We are therefore looking for each stage of work and final documents to be completed within the following timeframe:-

- **date** – consultants appointed
- **date** – Stage 1 work completed. The output expected at the end of this stage is a written report to the Council that address the outputs outlined for Stage 1.
- The commissioning and commencement of Stage 2 of the commission will be confirmed in writing by the Council and a timeline for completion of this stage agreed. If Stage 2 work is necessary then this would need to be completed by **date**.
- Commencement of Stage 3 of the commission will be confirmed in writing by the Council and a timeline for completion of this stage agreed. To fit with the determination of the first planning application Stage 3 work would need to be completed by **date**.

The Council will aim to keep to the above timetable but stress that changes may occur that are outside the Council's control. However, the Council will ensure that the appointed consultants will be kept up to date as much as possible as to potential changes.

Submission Requirements

Proposals should be comprehensive and contain the following:

- Details of any sub-contractors to be used;
- A declaration of any potential conflict of interest and steps proposed to avoid/address identified conflicts;
- Names and address of two referees with contact details preferably from different local authorities where similar studies have been undertaken by the consultant company which will be undertaking this project. Please ensure that the referees know they may be consulted by Ipswich Borough Council; and
- The timetable must allow for a further draft copy of the final documents to be submitted to the local authorities, following any comments made on earlier draft documents, for informal approval prior to the final documents being published.

The tender will be evaluated on the basis of 40% Price and 60% Technical.

Submissions will be appraised as follows:-

Criteria	Maximum Points	Scoring Breakdown
1. Fee	40	A fixed price quotation for undertaking each stage of the commission which is inclusive of and shows breakdown of fees, travelling expenses, attendance at meetings, production of draft and final reports, and personnel costs – VAT to be identified separately. Please note that a 50% probability of the Stage 2 work being instructed will be attached to the evaluation and scoring of the Stage 2 quotation.
2. Understanding of the Brief	10	a) Demonstrate understanding of project background and issues

		involved (5) b) Demonstrate understanding of the brief requirements and outputs (5)
3. Methodology inc. project management	24	a) Demonstrate a methodology, procedure and approach that will deliver the commission outputs (7) b) Demonstrate potential creativity in delivering the commission (5) c) Demonstrate that required timetable in the brief can be met with clear milestones, project timescales and sufficient team resources identified for each stage of the commission. If a different timetable to the one set out in the brief is considered necessary please identify and provide justification (5) d) Identify a lead consultant as the main contact for the work (2) e) Identify the potential risks of over run for the commission in terms of time and how the risks would be managed (5)
4. Experience and qualifications of team members who will be directly involved in the commission, including relevant experience and demonstrable successes in similar areas of work.	26	a) Relevant qualifications and experience of the team which will be utilised to achieve the commission outputs (7) b) Details of cases / projects / commissions relevant to this brief and how these can be used to inform and achieve the commission outputs (7) c) Evidence of collaborative working with private and public sector clients which shows experience relevant to the brief and could be drawn on to best deliver the commission outputs (5) d) Details of challenges faced on similar projects and how these have been overcome and could be used to achieve the best outcomes for this commission (7)
Total	100	

Tender Submission

This invitation has been issued through the HCA's Commissioning Panels Process and tenders should be submitted according to the instructions therein. The submission date is **date**.

The successful bidder(s) will be advised of the outcome by no later than **date** with an inception meeting to be held later the following week.

The Council are not obliged to accept the lowest or any quote.

Assessment of submissions

Submissions shall be assessed through the written material submitted. Interviews will be held to clarify and ask questions related to the tender documents, and will be used to confirm the evaluation and scoring of the written material. The lead consultant would be expected to be present at the interview.

Information Sources

- Location Plan – See Appendix 1 *(to be added)*
- application site plan – See Appendix 2 *(to be added)*
- Terms of collaboration – See Appendix 3 *(to be added)*
- Relevant site specific policy – See Appendix 4 *(to be added)*
- Draft IDP February 2015 – See Appendix 5 *(to be added)*

Infrastructure Delivery Commission – Terms of collaboration

General terms

1. The collaboration will last for the duration of commission;
2. The commission is specific to this collaboration and may not be used by the developer/landowner for any other reason;
3. The parties agree and accept that KLWNBC is a local authority and therefore subject to the provisions of the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004 and accordingly any information or data that arises out of this collaboration may be subject to those statutes;
4. This collaboration is personal to the parties however KLWNBC may invite new developers/landowners to join the collaboration in the event other developers withdraw from the project or landowners dispose of their interest; and
5. A developer/landowner may leave the collaboration at any time however any information or data acquired through the commission will be returned to KLWNBC and not used for any future purpose by the developer/landowner.

Role and responsibilities of KLWNBC

1. Will be lead name and coordinator of the commission;
2. Undertake tender process through HCA Commissioning Panels and will be managed by KLWNBC officers;
3. Will make final decision on tender submissions following feedback from and with the agreement of Developers / Landowners;
4. Will be first point of contact for queries from appointed consultants;
5. Will provide necessary documentation sources;
6. Will manage the payment of consultant invoices;
7. Will manage the circulation of any consultant reports and updates;
8. Will arrange for consultant’s attendance at Steering Group meetings where appropriate;
9. Agree to utilise the advised cost information within future viability assessments where appropriate;
10. Agree to work in collaborative and productive manner during the process and in particular during the brokering stage of the commission.

Role and responsibilities of Developers / Landowners

1. Provide feedback on tender submissions;
2. To make available information requested by appointed consultants as appropriate and in timely manner;
3. Provide input and views on the final reports received after each stage of work within timescales to be agreed;
4. Financial contribution to the total commission from each developer/landowner **to be determined**;
5. The advised cost information and conclusions resulting from the commission will be used to inform future planning application submissions and viability assessments.
6. Agree to work in collaborative and productive manner during the process and in particular during the brokering stage of the commission.

Landowner / Developer Response:

I agree to the above terms of collaboration for the Infrastructure Delivery Commission.

Name (please print):	Signature (electronic is fine):
On behalf of which Landowner/Developer(s):	Date:

