

Pendle Local Plan



Invitation to Tender Retail & Leisure Capacity Study

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Borough of
Pendle

Versions

Document:	Invitation to Tender – Retail and Leisure Capacity Study 2022
Legislation:	-
Regulations:	-
Author:	Pendle Borough Council
Document Reference:	SLP/EVB/003/2022

Version	Date	Detail	Prepared by	Checked by	Approved by
1.1	23.03.22	First draft	Craig Barnes	John Halton	N/A
1.2	28.04.22	Second draft	Craig Barnes	John Halton	N/A
1.3	19.05.22	Final draft	Craig Barnes	John Halton	Neil Watson

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1. Introduction

- 1.1 Pendle Borough Council [“the Council”] is looking to appoint consultants to produce a Retail and Leisure Capacity Study. This Study will help to inform the preparation of a new Local Plan, which will help to guide future development in the borough.
- 1.2 A robust and up-to-date evidence base is required to support policies in the new Local Plan. It will also help to address concerns that elements of the existing evidence base are no longer valid because of the impact of Brexit and the COVID-19 pandemic.
- 1.3 Our most recent assessment of the capacity for growth in Retail and Leisure was carried out in [2012](#). Changes made to permitted development rights¹ and the Use Class Order² require this evidence to be updated to inform new policy development and the potential need to allocate sites in the new Local Plan.
- 1.4 The Retail and Leisure Capacity Study must be responsive to requirements of the 2021 [National Planning Policy Framework \[“NPPF”\]](#) and have regard to guidance set out in national [Planning Practice Guidance \[“PPG”\]](#).
- 1.5 Tenders are invited from suitably qualified consultants with relevant experience. The team responsible for carrying out the commission must demonstrate sufficient skills and capacity necessary to carry out the research and modelling work necessary to prepare a Retail and Leisure Capacity Study.
- 1.6 This project brief outlines the matters that the Council wishes to see addressed in the Retail and Leisure Capacity Study. Moreover it sets out the proposed scope of the study together with the requirements of the tendering process, including confirmation of:
 - The purpose and scope of this contract.
 - Anticipated outputs and requirements of the Retail and Leisure Capacity Study.
 - The commencement, milestones, and duration of the contract.
 - Confirmation of project management measures, including ensuring quality control and transparency of report and data.
 - Tender submission and evaluation.
 - Summary Terms and Conditions.

¹ The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (Order)

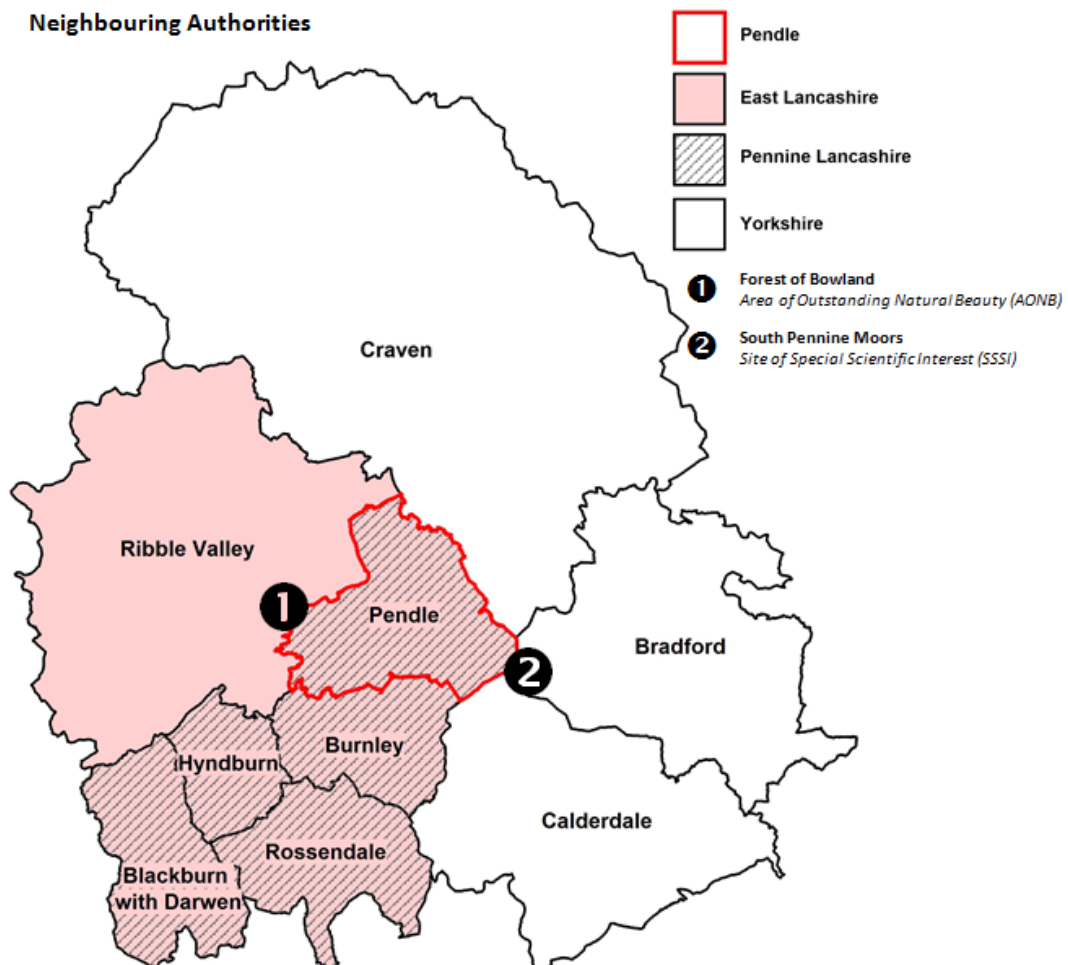
² The Town and County Planning (Use Classes) (Amendment) (England) Regulations 2020.

- 1.7 Submissions must be accompanied by a completed Suitability Assessment Questionnaire (SAQ). This document will help the Council to assess the ability of applicant(s) to carry out the work.
- 1.8 Incomplete submissions may be rejected.
- 1.9 Pendle Council has also issued a separate Invitation to tender for an Employment Land Review [“ELR”].
- 1.10 Due to the close relationship between retail, leisure and employment, close cooperation will be required between the authors of the Retail and Leisure Capacity Study and the ELR.

2. Background

The Study Area

- 2.1 Pendle is one of 12 district councils in the county of Lancashire. Together with Blackburn-with-Darwen, Burnley, Hyndburn, Ribble Valley and Rossendale, it also forms part of the East Lancashire sub-region.
- 2.2 To the south and west Pendle shares a border with the Lancashire districts of Burnley and Ribble Valley. To the north and east lies Craven, which is part of North Yorkshire, whilst to the south-east Bradford and Calderdale, both part of West Yorkshire.
- 2.3 Pendle is part of the same Travel to Work Area (TTWA) area as Burnley. In particular, the settlements in the south of the borough have strong economic, social and cultural ties with their larger neighbour and share similar characteristics, issues and constraints.



- 2.4 The latest mid-year population estimates indicate that the population of Pendle is 92,145. Roughly two thirds reside within the densely populated M65 Corridor in the south of the borough, which includes the settlements of Nelson, Colne, Brierfield, and Barrowford. The highest levels of deprivation are recorded in this part of the borough and land values and property prices are relatively low making viability a significant challenge.
- 2.5 With the exception of the small towns of Barnoldswick and Earby, the remainder of the borough is predominantly rural in character. Large areas of open countryside are included within the Forest of Bowland Area of Outstanding Natural Beauty (AONB) and the South Pennines Site of Special Scientific Interest (SSSI). Viability in the rural areas of Pendle is much healthier than the urban south, with levels of deprivation much lower.

Retail and Leisure Market Overview

- 2.6 Pendle has six recognised town and local shopping centres: Nelson, Colne, Barnoldswick, Brierfield, Barrowford and Earby. None serve a catchment that extends significantly beyond the administrative boundary of the borough.
- 2.7 Burnley town centre, approximately two miles south west of Pendle is the nearest centre fulfilling a sub-regional role. Previous studies have shown that Skipton town centre, approximately 8 miles north-east of Pendle, draws some residents from West Craven in the northern part of the borough. The recent development of an Aldi supermarket in Barnoldswick may have helped to reduce this outflow to some degree.
- 2.8 Further afield, direct bus and rail links make Blackburn, Preston and Manchester an attractive proposition for Pendle residents seeking a diverse retail and leisure offer, or for those seeking higher order goods and services, which are not available within the borough. They also offer visitors a more varied and attractive night time economy.
- 2.9 With a population of 29,135 Nelson is the largest town in Pendle and its administrative centre. In terms of the amount of floorspace and the number of units it is also the largest town centre in the borough. Colne at roughly two-thirds the size of Nelson, is the second largest town centre. Its high street features a wide range of small independent shops and a night-time economy based on cafes, restaurants and theatres. Colne was voted one of the top three Market Towns in the country in the 2015 Great British High Street Awards. The previous year Barnoldswick, the third largest town centre in Pendle, had been voted the best Local Centre in the same competition. It is around half the size of Nelson and like Colne is dominated by independent retailers. Brierfield, Barrowford and Earby are considerably smaller centres, serving their immediate catchment.

- 2.10 All centres feature a broad range of uses. With the exception of Earby, the majority of units within each centre are occupied by shops of varying types. Residential tends to be the second most common use. Office floorspace within each of the six centres is limited. The presence of financial and professional services within Pendle's centres has been declining in recent years and is largely driven by bank closures. Only Colne and Barrowford can claim to have a significant night time economy. Pendle's last cinema closed in 1997, but there are three theatres in Colne. Community uses are present in all six centres with Nelson and Colne benefiting from centrally located leisure facilities.
- 2.11 The overall town centre vacancy rate in the borough is 9% (June 2021). The highest figure is recorded in Nelson (16.5%). Only neighbouring Brierfield (15.3%) has a vacancy rate that is also higher than the national average (14%). Barrowford has the lowest vacancy rate (2.7%), with the rates for Colne (5.9%), Barnoldswick (6.2%), and Earby (7.6%) all well below the national average. The low vacancy rates experienced in many of Pendle's centres can be partly attributed to the absence of national brand retailers and the high concentration of independent outlets. This is particularly significant in Colne, Barnoldswick and Barrowford, which experience the healthiest occupancy rates in the borough. Recent studies have shown that national brands have been affected more significantly than independents by the COVID-19 pandemic. The reduced role of Nelson as a retail centre can be largely attributed to its proximity to Burnley, resulting in an oversupply of units. Brierfield and Earby are much smaller centres, where a small number of additional vacancies can have a significant effect on the overall vacancy rate.
- 2.12 The Council has been successful in securing funding for Colne³ and Nelson Town Centres⁴ to improve the built environment, support ongoing projects and enhance the cultural offer. The Council has recently published the Nelson Masterplan⁵ which sets a strategy for urban renewal within the Town Centre in an effort to increase footfall and attract inward investment. The Colne Neighbourhood Plan⁶ is currently being prepared by Colne Town Council and contains measures to maintain and enhance the attractiveness of Colne Town Centre.
- 2.13 Outside the borough's recognised centres the large Boundary Mill Stores, outlet, situated at the end of the M65 motorway, is the most significant retail space in the borough. Offering a department store like experience, it focuses on the sale of designer brands at discounted prices. The outlet has a significant sub-regional draw, attracting consumers from across Lancashire, Yorkshire and further afield. Boundary Mill is currently the largest employer in the borough.

³ £6.5 million secured for investment within the Heritage Quarter and redevelopment of Colne Market and Bus Station. See [Levelling Up Fund to transform Colne town centre - Pendle News Room](#)

⁴ £25 million secured for projects across the central part of Nelson. [£25 million Town Deal success for Nelson! - Pendle News Room](#)

⁵ See [Nelson Masterplan | Nelson Masterplan Consultation | Pendle Borough Council](#)

⁶ At the time of writing, the Colne Neighbourhood Plan has reached its draft stage. [View a copy of the Draft Neighbourhood Plan](#).

- 2.14 The Swinden and North Valley Retail Parks, also in Colne, are the largest in Pendle and home to a number of well-known national retailers. The Swinden Retail Park is anchored by a large ASDA supermarket. It also features recognisable brands such as Next, B&M Bargains, Poundland, DFS, Pets at Home and Pure Gym. The North Valley Retail Park features stores occupied by TK Maxx, Matalan and Poundstretcher; supermarkets for Lidl and Aldi and drive-thru fast food outlets for McDonalds and KFC. Beyond these locations there is a large B&Q store alongside the Pendle Village Mill outlet in Brierfield and edge-of-centre supermarkets in Colne (Sainsburys) Nelson (Morrisons) and Barnoldswick (Aldi).
- 2.15 The significant development of new edge and out-of-centre retail space in the early years of the 21st century has meant that in recent years new retail development in Pendle has been limited, with only the opening of a new Aldi in Barnoldswick being of note. The majority of activity in the retail property market relates to the change of use of existing units. This includes the reoccupation of a former Tesco Store on the periphery of Nelson town centre by Home Bargains in 2018. Despite the relatively limited size of the retail sector in Pendle, it is the second largest sector for employment in the Borough (after manufacturing) employing around 6,000 people. Almost 2,250 people are employed in the hospitality and entertainment industry (the 6th largest employment sector).
- 2.16 New leisure facilities such as the Steven Burke Cycle Hub and the Indoor Spa at Wavelengths in Nelson have expanded the borough's leisure and recreation offer in recent years. This complements leisure facilities offered within the three main settlements of Nelson, Colne and Barnoldswick.

Policy Position

- 2.17 Policy SDP5 of the Core Strategy currently defines the retail hierarchy in Pendle. Nelson, Colne and Barnoldswick are designated as Town Centres through the policy and are confirmed as the focus for major retail developments. Brierfield, Barrowford and Earby are designated as Local Shopping Centres and are suitable for smaller-scale retail development. In the rural areas, retail provision is encouraged within the Rural Service Centres of Fence, Trawden, Foulridge and Kelbrook (see Policy SDP2). These settlements are not formally part of the retail hierarchy.
- 2.18 Policy WRK4 of the Core Strategy sets out the approach to the development of town centres and retail proposals in Pendle. It confirms the Town Centre first policy requiring a sequential assessment and application of the Impact Test where required in alignment with the NPPF. Within town centres, the Primary Shopping Area and Primary and Secondary Shopping Frontages are defined to help maintain vitality and viability by restricting the conversion of shops to non-retail uses. Localised issues and priorities are also established for the three spatial areas.

- 2.19 Policy WRK5 of the Core Strategy seeks to promote tourism, leisure and cultural development, using a sequential approach to direct these uses towards designated town centres in the first instance. The approach of this policy aims to support the principles of sustainable development encouraging the reuse and renewal of existing buildings and developed land. It also aims to enhance the vitality and viability of Pendle's town centres through the diversification of uses present.
- 2.20 The Core Strategy is now more than five years old and is being reviewed through the preparation of a new Local Plan. A key part of this is the review of the Council's retail and town centre policies following changes the Government have made to permitted development rights and the Use Classes Order. The timetable for the preparation of the Local Plan was confirmed by the Council's adoption of the [Local Development Scheme \(7th revision\)](#) in March 2022.
- 2.21 The Local Plan will be consistent with the NPPF, its policies working positively within revised regulations to promote the borough's Town and Local Shopping Centres. Relevant development management policies will be updated to ensure that they do not prevent suitable and sustainable forms of development from taking place. On adoption, the Local Plan will supersede the Core Strategy.
- 2.22 The Council needs to have a full appreciation and understanding of the retail and leisure capacity and needs of Pendle's town centres. New evidence is required to inform the strategic approach to the retail and leisure development, update development management policy in relation to these uses, and confirm the need for, type of and broad locations of site allocations where justified.
- 2.23 Chapter 7 of the NPPF is devoted to town centres and main town centre uses. It confirms that planning policies should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation (Paragraph 86).
- 2.24 Paragraph 86 continues by outlining a number of issues to be addressed through planning policy to help promote town centres. This includes establishing a retail hierarchy, defining the extent of town centres, promoting markets, allocating sites, and enabling residential development. The policy relates to main town centre uses, which are defined in the Glossary and highlight the role that a wide variety of uses have in supporting town centre vitality and viability.
- 2.25 Whilst the Government's approach to Town Centres has moved on with the alterations to the Use Classes Order and amendments to permitted development rights, it is nevertheless clear that the core function of town centres, as the principle location for main town centre uses, remains a fundamental part of national planning policy. This is evidenced in Paragraphs 87 to 90, which retains the role of the sequential and impact tests in determining proposals for main town centre uses to be located outside a designated centre.

3. Specification

Purpose of the Study

- 3.1 The purpose of this work is to provide a robust evidence base for the plan-making process and future decision making.
- 3.2 The Retail and Leisure Capacity Study is a key element of the evidence base supporting the spatial strategy, site allocations and relevant development management policies in the Local Plan. This includes defining the approach to planning for main town centre uses in Pendle; setting targets and thresholds for the provision of new retail floorspace; influencing the type and location of retail and leisure uses; and promoting the vitality and vibrancy of Pendle's six designated town and local shopping centres ["the borough's shopping centres"].
- 3.3 The Retail and Leisure Capacity Study should carry out a detailed assessment of the following:
- The composition and operation of the retail and leisure stock within the borough's shopping centres and its major out-of-centre retail parks.
 - The capacity of the borough's shopping centres to absorb competition from competing centres and out-of-centre developments, without experiencing significant adverse effects on trading patterns and footfall, which would undermine their vibrancy and vitality.
 - The effect of extended permitted development rights as afforded by changes to the Use Class Order on the borough's town centres through increased opportunities for uncontrolled out of centre retail.
 - Analysis of the business needs of the operators and proprietors of main town centre uses and the shopping habits and preferences of their customers.
 - Consideration of broader trends and external influences on consumer behaviour, spending, and footfall, including land use, accessibility, and quality of the environment.
 - Quantify the need to provide additional floorspace for retail and leisure uses within Pendle in the short, medium and long term. The analysis should take into account patterns of growth and investment, comparing and contrasting these with patterns of vacancy and the quality of the existing stock.
 - Make policy based recommendations drawing on evidence relating to the allocation of sites for future development; the strategic policy approach to retail and leisure development in Pendle; and the application of nuanced policy tools, including, but not necessarily limited to the hierarchy of retail centres, the designation of shopping areas and frontages, and as well as restrictions to permitted land uses.

- 3.4 Retail and leisure needs should be assessed for the period 1st April 2022 to 31st March 2040.
- 3.5 The study should be based on a robust and credible methodology, capable of withstanding scrutiny and challenge at Examination.
- 3.6 There is a requirement for expert witnesses to be made available to explain and support the findings of the Retail and Leisure Capacity Study at Examination.

Scope of the Study

- 3.7 The study only relates to Pendle, but the assessment and findings will need to consider the influence of town centres and out-of-centre retail parks located in neighbouring authorities.
- 3.8 Officers of the Council will engage with neighbouring authorities regarding the findings of the study and potential cross boundary implications for planning policy through the Duty to Cooperate. Attendance at one or more Duty to Cooperate meetings may be requested. A separate fee will be negotiated separately where this is required.
- 3.9 The Study should consider the composition of existing retail and leisure stock and assess future needs for the borough as a whole as well as for each of the borough's shopping centres, namely: Nelson, Colne, Barnoldswick, Barrowford, Earby and Brierfield. It should also report on the health of the borough's established retail parks at Swinden and North Valley, in Colne.

Methodology

- 3.10 It is for the consultants to establish and set out methodology they intend to adopt for the Retail and Leisure Capacity Study. However, as a minimum the report should address:
 - The requirements of the NPPF and relevant guidance in PPG.
 - The existing supply of floorspace, and the potential need for additional floorspace, for convenience goods, comparison goods, and leisure uses (e.g. components of a healthy night time economy such as food and drink, entertainment experiences etc.).
 - Evidence to support the implementation of a local threshold for requiring a Retail Impact Assessment.
 - Implications of changes made to the Use Class Order both for the functionality and vibrancy of the borough's town centres (within and external influences) but also the need for potential policy tools to restrict land uses where justified.
 - Recommendations on the allocation of sites for future retail and leisure developments.

- A survey of residents, shoppers, property agents, and stakeholders, which has an appropriate sample size to allow for meaningful conclusions to be drawn.
- An explanation of the methods used within the report and any known limitations arising from these methods.
- An open and transparent justification of any assumptions, judgements and findings in the report.
- A bibliography clear referencing all documents and data sources that have been referred to and relied upon.
- Effective quality control mechanisms.
- An explanation of how the assessment findings can be monitored and updated.

Key Outputs

3.11 As a minimum the Council would expect the report to carry out a thorough assessment and provide detailed outputs for the following:

- a) Analysis of the health of the current retail and leisure market in Pendle and each of the borough's shopping centres:
 - The current baseline position and future trends for occupancy, nature and mix of land uses, development activity, quality of existing stock, changes in rent/values.
 - Patterns of consumer spend, job density, footfall, role of online shopping, non-shopping uses, and retail parks.
 - Local trends data cross referenced to other authorities in Lancashire, Regional and National averages (where data is obtainable).
 - Analysis to inform the implementation of a local threshold for the requirement of a Retail Impact Assessment.
- b) A survey of the needs of residents and businesses providing analysis and interpretation of the results for Pendle and each of the borough's shopping centres⁷:
 - Primary data of a suitable sample size collated across the borough with reference to national trends where relevant as a benchmark.
 - Analysis of patterns of behaviour (means of shopping, frequency of shopping, preferred shopping destination).
 - Any preferences in their choice of shopping / leisure destination (e.g. purchase of local produce, all requirements under one roof, accessibility, quality of the environment, availability of facilities, parking etc.)

⁷ The questions and approach is to be agreed with the Council following appointment.

- Capture views of changes needed to alter behaviour.
- c) Identify future requirements for land and premises in Pendle and each of the borough's shopping centres:
- The results should be informed by survey feedback, evidence of demographic growth, secured economic investments, consumer spend, footfall, consumer experience choice data etc.
 - By type of unit – convenience store, comparison goods, food and drink, leisure facilities, entertainment etc.
 - Period of needs; 0-5 years, 6-10 years, 10+ years taking into account existing supply and stock, trends of stock turnover, and suitability of existing stock to meet needs (in terms of size, quality and location).
 - Analysis of future risks and opportunities – i.e. those created by changes to the Use Class Order, permitted development rights, as a result of the COVID-19 pandemic, the availability of public funding (e.g. Town Deal, Levelling-up Fund etc.)
- d) Taking into account the report's findings offer reasoned independent advice for borough-wide policy measures or targeted interventions in each of the borough's shopping centres including:
- Overview of how identified development needs over 0-5 years, 6-10 years, and 10+ year periods could be met through the identification of specific development sites; first within the town centres and then suitable edge-of-centre locations.
 - Recommendations for a vision and key objectives for retail and leisure development in Pendle based on assessment of the existing stock, current patterns of behaviour and projected needs.
 - Measures to promote vitality and vibrancy, such as:
 - (i) Review of retail hierarchy.
 - (ii) Consideration of the extent of the Town Centre boundary, Primary Shopping Area, and Designated frontages.
 - (iii) Other approaches to be suggested within the report.
 - Recommendation of policy approach regarding class E uses for the designated town centres and outside of these centres taking into account survey findings and risks/opportunities provided by expanded permitted development rights to town centre vitality and vibrancy.
- e) Provide a practical framework to enable future and regular updates of the report and a suggested monitoring framework.
- f) Comment on any equality implications arising from the findings.

Other Requirements

- 4.1 In addition the commission will require the organisation of, or attendance at:
- Client meetings
 - Stakeholder/Member workshop/presentation(s)
 - Examination hearings for the Local Plan (separate fee)

4. Management Arrangements

Project Supervision

- 4.1 The Council has set up a Project Team, who will be the key contacts for this commission (see below).

Table 4.1 – Key Contacts

Lead Officer:	John Halton Principal Planning Officer	T: 01282 661330
		E: john.halton@pendle.gov.uk
Alternative contacts:	Craig Barnes Senior Planning Officer (Policy)	T: 01282 661377
		E: craig.barnes@pendle.gov.uk
	Neil Watson Planning, Economic Development & Regulatory Services Manager	T: 01282 661706 E: neil.watson@pendle.gov.uk

- 4.2 The successful consultants will be expected to work closely with the Project Team. They should identify a single point of contact and ensure that all communications are recorded. The lead officer should be copied in on all correspondence.

Project Timescales

- 4.3 The duration of the contract is anticipated to be 13 weeks.
- 4.4 The proposed timescale, over which the work is to be carried out, will form part of the decision making process for the selection of the preferred tender. Table 4.2 is provided as a guide to the Council's thinking. The final timetable will be discussed with consultants at interview (if required) or confirmed at the Inception Meeting.

Table 4.2 – Provisional Timetable

Week	Description of Activity	Week Commencing
-	Publication of ITT by Pendle Council	6 June 2022
-	Receipt of tenders from consultants	11 July 2022
-	Interviews with shortlisted candidates (if applicable)	1 August 2022
1	Appointment of consultants	1 August 2022
2	Inception meeting	8 August 2022
7	Progress meeting To discuss the outcome of the analysis and assessment undertaken and implications for the final Report.	12 September 2022
10	Submission of Draft Report (and presentation of findings to the Council if necessary)	3 October 2022
13	Submission of Final Report	24 October 2022

	Changes to Report following Preferred Options Consultation	TBD – if necessary
	Publication of final report	TBD

4.5 Excluding any interviews, at least two face-to-face meetings will be required:

- Inception Meeting (Week 2),
- Progress Meeting (Week 10) to discuss and evaluate the findings of the data collection work with the Project Team

4.6 A presentation of the findings to the Council may also be required.

4.7 To avoid slippage against the agreed timetable, the lead officer should be kept fully informed throughout the process by providing a regular flow of information outlining progress, identifying any issues or difficulties that may arise and recommending proposals for their resolution; including details of their impact on the timetable and any contingency measures that may be required.

4.8 Whilst the Council does not intend to depart from any agreed timetable it reserves the right to do so at any stage. Tenderers will be notified accordingly where there is a change in the timetable.

Project Management

4.9 The successful consultancy must be able to demonstrate the following experience and skills to the satisfaction of the Council:

- In-depth understanding economics, retail, and statistics, as well as relevant legislative and policy requirements.
- In-depth understanding of the Council's brief.
- Ability to apply principles of sustainability and innovation to the commission, as well as the capacity to work flexibly.
- Experience of producing Retail and Leisure Capacity Study or similar, including technical analysis and modelling work where required preferably for public sector clients.
- Sufficient resource in-house to deliver the contract within expected timescales.
- Ability to draw upon a wider team to ensure a value added, multidisciplinary approach.
- Quality, performance and equality practices.
- Ability to present findings through GIS and legible graphics where required.
- Evidence of strong communication skills, organisation skills and project management skills.

- Effective stakeholder engagement, including independent liaison with members of the project team as appropriate.
 - The ability to articulate clearly and present findings to a non-technical audience.
 - Experience of, skills and knowledge to support the Council, during plan preparation and through the examination process.
- 4.10 It should also provide evidence of how the company's previous work has met the highest standards of rigor, objectivity and professionalism. Where a Retail and Leisure Capacity Study or similar has been published by your company and recently examined, details should be provided.
- 4.11 An inception meeting will establish relationships with the Council officers leading the commission and, if applicable, those representing different service areas.
- 4.12 Council data and information will be made available promptly; where this is necessary for the Retail and Leisure Capacity Study.
- 4.13 Officers of the Council are generally available from 9:00am to 5:00pm Monday to Friday.

Reporting

- 4.14 A first draft of the final report should be submitted to the lead officer for fact checking and agreement. A revised draft of this report should then be submitted, where necessary.
- 4.15 This revised draft will be subject to public consultation alongside the Regulation 14 Draft Local Plan. As part of this commission the appointed consultants will be required to prepare a response to any comments submitted to this consultation and then make any necessary changes to their document before issuing a final report.
- 4.16 Any mapping should be provided electronically in a format that can be updated by the Council; and is compatible with Mapinfo, ArcGIS and GGP Geographical Information Systems (i.e. MapInfo tab files and/or shape files).
- 4.17 Consultants should be available to attend Hearing Sessions for the Examination of the Local Plan, to address any matters relating to town centres and retail needs should this been required. The indicative costing for this should be provided, although this does not form part of this commission and a later fee will be agreed with the appointed consultant.

Document Format

- 4.18 The findings from the data collection and analysis should be set out in a detailed report.

- 4.19 The report should be presented in A4 portrait format, unless otherwise agreed in advance with the Council.
- 4.20 A non-technical Executive Summary, suitable for a non-specialist audience to understand, should accompany the Final Report. This summary should address the role and purpose of the study, its methodology, findings and implications.
- 4.21 A comprehensive glossary of technical terms should also be provided.
- 4.22 The report must be presented in a format that is accessible (see below) and capable of being easily and readily updated. As far as practicable, it should be written in plain English. Tables, maps and graphics should be used to support understanding of the issues and to illustrate recommendations where relevant and useful.

Accessibility Requirements for Documents

- 4.23 It is mandatory for all local authority websites to meet [accessibility legislation](#) for their design and content. Any new documents to be added to our website must also meet these criteria.
- 4.24 In broad terms, all local authorities must, as a minimum, meet Level AA of the Web Content Accessibility Guidelines 2.1:
- <https://www.w3.org/TR/WCAG21/>
- 4.25 Contractors **must** provide their final report in a format that meets these requirements. Guidance on how to make documents as accessible as possible is provided below.

Microsoft Word

- 4.26 If you are creating your original documents in Microsoft Word, the following link provides useful guidance on making your documents accessible:
- <https://support.office.com/en-gb/article/make-your-word-documents-accessible-to-people-with-disabilities-d9bf3683-87ac-47ea-b91a-78dcacb3c66d>

Portable Document Format (PDF)

- 4.27 All PDF documents will be run through the Adobe Accessibility Checker. This identifies where a document is likely to fail the accessibility criteria.
- 4.28 The link below provides information on how to create and verify accessible PDF documents using Acrobat Pro:
- <https://helpx.adobe.com/acrobat/using/create-verify-pdf-accessibility.html>

Further Guidance

4.29 Additional information on the Government's accessibility legislation can be found here:

- <https://www.gov.uk/guidance/accessibility-requirements-for-public-sector-websites-and-apps>

5. Tender Proposals

- 5.1 It is essential to comply with the following instructions in the preparation and submission of your tender. The Council reserves the right to reject any tender that does not fully comply with these instructions.

Format of Submission

- 5.2 Your tender must be completed in English.
- 5.3 The Council would prefer to receive tenders electronically via “The Chest”, the North West's local authority procurement portal, which can be accessed at.
- <https://www.the-chest.org.uk/>
- 5.4 Alternatively if you prefer to submit your tender by post it must include:
- One (1) bound paper copy of the tender submission, preferably in an A4 portrait format, together with any supporting documentation in a suitable format; and
 - One (1) electronic copy of the tender submission in pdf format on a CD-Rom.
- 5.5 Any potential conflicts of interest must be declared. These include, but are not limited to:
- Existing commissions or projects either within, or close to Pendle, which could potentially create a conflict with this project;
 - Relationship(s) with an elected member or member of staff at Pendle Council.
 - Other considerations which may affect your ability to carry out the requested work.
- 5.6 Any tender submitted by post will only be considered if it is in a plain sealed envelope or parcel bearing the words “Tender for Pendle Retail and Leisure Capacity Study – NOT TO BE OPENED” with no other identifying mark, addressed to:

Philip Mousdale
Corporate Director
Pendle Borough Council
Town Hall
Market Street
Nelson
Lancashire
BB9 7LG

- 5.7 Your tender must be completed in full, in accordance with the instructions provided in this invitation, signed and dated. Failure to return a fully completed tender will invalidate your submission.
- 5.8 Any tender submitted will be deemed to remain open for acceptance for a period of 90 days from the closing date stipulated above. The Council may accept the quotation at any time within this prescribed period.
- 5.9 The terms and conditions set out in Section 7 and the accompanying Suitability Assessment Questionnaire will apply to any orders placed as a consequence of this process.
- 5.10 If for any reason you are unable to submit your tender by the deadline, or you need clarification on any of the information contained in this document, the Council officer named below should be contacted in writing:

Name: Neil Watson, Planning, Economic Development and Regulatory Services Manager

Address: Pendle Borough Council, Planning, Economic Development & Regulatory Services, Town Hall, Market Street, Nelson, Lancashire, BB9 7LG

Email: neil.watson@pendle.gov.uk

Tel: 01282 661706

Fax: 01282 661630

Closing Date

- 5.11 In accordance with the Public Contracts Regulations 2015 a minimum period of 35 (calendar) days is being allowed for the return of your tender. This should allow sufficient time to assemble an appropriate consultancy team.
- 5.12 Your tender must be received by no later than **12:00 noon on Friday 15th July 2022**.

6. Terms and Conditions

Written Submissions

- 6.1 The tender should be submitted by an individual of the organisation, company or partnership who has authority to answer on behalf of that organisation, company or partnership.
- 6.2 Should the response be found to be erroneous or in any other way incorrect, the Council reserves the right to require the Tenderer to return the tender documents which will be deemed void.
- 6.3 In the case where the error or misrepresentation is not discovered until after a Contract is awarded the Council reserves the right to determine the Contract and all costs incurred by the Council as a result of the determination and to recover those costs from the Consultant(s).
- 6.4 Your written submission should include the following, as a minimum:
- A brief outline of your proposed methodology.
 - Details of your proposals for engaging with key stakeholders.
 - An outline work programme, including the identification of key stages.
 - An outline of the proposed format of your report.
 - Details of any sub-contractors you intend to employ to carry out parts of the study.
 - Details of all personnel, including those within any sub-contractors, working on the commission; including:
 - Name and position within the company
 - A brief outline of their role(s) on the project
 - A curriculum vitae illustrating their personal qualifications and a summary of their skills experience to undertake the tasks identified.
 - An indication of the time they will work on the project and their cost per hour (£)
 - A commitment to carry out all research and report preparation within the expected timeframe.
 - Identification of any risks to completion, along with an assessment of the potential impact they could have on the work being carried out.
 - Evidence of previous work of a similar nature, including a minimum of two contacts / references.
 - Particulars of professional indemnity, public liability and employer insurances.
 - A completed Suitability Assessment Questionnaire.

- A **total fixed cost** for the commission excluding VAT (see below).

Cost breakdown

- 6.5 A full breakdown of the pricing structure applicable to this contract should be provided. This should identify:
- (a) the cost for each stage of the study, together with a schedule showing the names, hourly rate and hours to be worked by each individual (including any sub-contractors); and
 - (b) any limits to be applied to expenses.
- 6.6 Ideally the breakdown of costs should be set out in a tabular format, as shown in Table 6.1, with any contingencies, expenses or other disbursements shown separately immediately below the table.

Table 6.1 – Cost Breakdown

Name	Jane Public	John Smith		Total
Position	Planning Manager	Graduate Planner		-
Hourly rate (£)	£35.00	£10.00		-
Task 1 (hours)	1.0	14.0		15.0
Task 2 (hours)		12.0		12.0
Task 3 (hours)	2.5			2.5
Total Hours Worked	3.5	26.0		29.5
Total Cost (excluding VAT)	£122.50	£260.00		£382.50
VAT	£24.50	£52.00		£76.50
Total Cost (including VAT)	£147.00	£312.00		£459.00

- 6.7 Indicative costs for the preparation of hearing statements; responses to questions posed by the Inspector; and the daily rate for attendance at hearing sessions for the Examination in Public should be provided, but do not form part of the assessment for this commission.

Data Protection

- 6.8 The Contracted Firm must comply in all respects with the Council's notification under the Data Protection Act 2018 and all subsequent and supporting legislation – see www.pendle.gov.uk/privacy
- 6.9 The Contracted Firm must indemnify the Council against all actions, costs, expenses, claims, proceedings and demands which may be brought or made against

them for breach of duty under the Act, which arise from the use, disclosure, or transfer of personal data by the Contracted Firm.

Freedom of Information

- 6.10 The Council is under a statutory duty which may require the release of information under the Freedom of Information Act 2000. Such information may include matters relating to the contracted firm and/or this commission. You agree that the Council may disclose such information if they receive a request to do so. If you feel that any information is particularly sensitive and should not be disclosed, you must advise the Council in writing, **before disclosing that information to them**. The Council still reserve the right to disclose such information, if they consider it appropriate to do so, but we will inform the Contracted Firm in writing of their intentions before doing so.

Copyright

- 6.11 The copyright of the final report and any appendices or supporting information prepared by the Contracted Firm shall, unless otherwise agreed, reside with the Council, who will be entitled to use all documents prepared by the Contracted Firm without additional payment.
- 6.12 Should the Contracted Firm wish to retain full copyright of any document this should be identified, and the written agreement of the Council sought, prior to the commencement of the commission.

Liability

- 6.13 The relationship of the Council to the Contracted Firm is as contractors only, not as partners, or as principal and agent. Nothing in this document imposes any liability on the Council in respect of any liability incurred by the Contracted Firm to any other person, except where such a liability arises directly from a breach of any terms by us.

Termination

- 6.14 The Council may suspend performance of, or cancel, or suspend and then at any subsequent time cancel, the contract without any liability if the Contracted Firm breaches any terms set-out in this tender brief, or if their business fails. A business is considered to have failed if:
- (a) it makes any voluntary arrangement with its creditors;
 - (b) it becomes bankrupt, subject to an administration order or goes into liquidation;
 - (c) a third party takes possession of, or enforces rights over, any of its property or assets under any form of security;
 - (d) it stops, or threatens to stop, carrying on business; or
 - (e) it is reasonably believed that any of the events mentioned above is about to occur and appropriate notification is provided in writing.

- 6.15 Any written notification under these Terms and Conditions will be deemed to have been sufficiently served if posted by pre-paid official postal service, or if sent by fax upon receipt of a successful answerback, or if sent by email on evidence of successful transmission, but only if the parties have previously communicated on contract matters by email.
- 6.16 Any right of cancellation or suspension under this section is additional to any rights available under the law of any relevant jurisdiction.

7. Evaluation and Selection

- 7.1 The Council is not bound to accept a quotation or tender.
- 7.2 All applicants are expected to demonstrate compliance with the Council's requirements on equality and diversity.
- 7.3 The Council is required to seek the best value for money, but the contract will not necessarily be awarded on the basis of the lowest price.
- 7.4 All tenders will be carefully assessed against specified criteria (Table 7.1).

Table 7.1 – Appraisal Criteria

Issue for consideration		Proportion of Score
1	Clarity and Methodology <i>Demonstrate an effective understanding of the key tasks; the data required for robust analysis of the issues; and the need for stakeholder engagement.</i>	30%
2	Project Management <i>Evidence of relevant experience within the consultancy team, including the seniority of officers leading on key tasks.</i>	30%
3	Quality Assurance <i>A robust method statement giving a clear demonstration of the processes and procedures to be followed.</i>	10%
4	Timescales and Resources <i>These should be realistic in order to meet the proposed timetable.</i>	10%
5	Price <i>The prices quoted must be competitive and offer value for money, but be realistic for the task.</i>	20%

- 7.5 To ensure fairness and transparency scoring will be on a range from 0 to 4, in accordance with the descriptions set out in the appraisal matrix (Table 7.2).

Table 7.2 – Scoring Matrix

Score	Criteria
4	Exceeds expectations <i>High degree of confidence that all key aspects will be achieved and can be relied upon. Proposal offers added value and/or innovation relevant to the brief.</i>
3	Meets expectations <i>Gives confidence that all aspects of the brief will be achieved.</i>
2	Partially meets expectations <i>Generally meets the requirements of the brief, but there are some minor reservations about meeting some of the requirements.</i>
1	Does not meet expectations <i>Response is limited, inadequate or does not adequately address the requirements of the brief.</i>

Score	Criteria
0	Unacceptable <i>No response, or the response is incomplete or irrelevant to the requirements of the brief, so that it is not possible to form a judgement.</i>

- 7.6 Should it be considered necessary, interviews may be held and/or references taken up to help identify the preferred appointment.
- 7.7 Any interviews will be held week commencing **1st August 2022**.
- 7.8 Candidates attending for interview will once again be assessed against the appraisal criteria (Table 7.1) and scoring matrix (Table 7.2).
- 7.9 Unsuccessful applicants will receive feedback on their applications upon request.

8. Payment

- 8.1 The contract will be let on a **fixed fee** basis including all appropriate expenses and costs. The contract will be let in accordance with the Council's terms and conditions, which are outlined above.
- 8.2 Final payment will be made upon completion of the project, with any stage payments as outlined below:

Table 8.1 – Payment Profile

Details of Payments	Amount
Attendance at inception meeting	10%
Attendance at progress meeting	20%
Receipt of Draft Final Report	30%
Receipt of Final Report	40%
Attendance at Examination	Separate negotiation

- 8.3 All work should be completed, invoiced and paid for by **Friday 11th November 2022**.

Pendle Council
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