



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Non Salaried Inspectors 2019

Invitation to Tender

Contract Reference: PINS 17/2/857

31 May 2019

Revised 24 June 2019

Invitation to tender for the provision of Non Salaried Inspector services for the Planning Inspectorate

The Planning Inspectorate is procuring additional Non Salaried Inspectors and invites you to submit a tender to work with us on a fee-per-case basis.

It should be noted that the intention of this procurement is to increase the number of Non Salaried Inspectors available to us and does not guarantee when work will be available.

To ensure fairness, all suppliers are required to submit their proposals in accordance with the instructions provided. Failure to do so could invalidate your proposal.

Thank you for taking the time to consider working with the Planning Inspectorate, I look forward to hearing from you and encourage you to ask any questions should you require any clarification once you have reviewed all of the documentation.

Please contact me if you have any queries on 0303 444 5459 or at procurement@planninginspectorate.gov.uk

Yours sincerely



Julie Oakes MCIPS
Commercial Manager

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1. About the Planning Inspectorate

- 1** The Planning Inspectorate is an Executive Government Agency in the Department for the Ministry of Housing, Communities and Local Government (MHCLG) and the Welsh Government. It is responsible for:

 - national infrastructure planning, which includes large-scale projects such as harbours, power generating stations and electricity transmission lines;
 - planning and enforcement appeals;
 - examining local plans and community infrastructure levy charging schedules;
 - listed building consent appeals;
 - advertisement appeals;
 - reporting on planning applications that are called in for MHCLG's Secretary of State to decide;
 - compulsory purchase orders;
 - rights of way cases;
 - cases arising from the Environmental Protection and Water Acts, the Transport and Works Act and other Highways Legislation; and,
 - applications for awards of costs which may arise from any of the above.
- 2** Our headquarters are in Bristol, where about 370 support staff and senior management are based. We also have a small office in Cathays Park, Cardiff which deals with casework arising in Wales. Support staff carry out a wide range of functions such as those relating to all aspects of casework (including dealing with the public); providing direct support for Inspectors; formal decision making for some types of casework; and ensuring essential organisational support through the provision of Corporate Services such as Finance, Commercial, HR and Information Technology.
- 3** Appeals are determined and recommendations are made by our home-based workforce which consists of some 350 Planning Inspectors, all of whom are professionally qualified (for example, as town planners, architects, lawyers or engineers). They come into the Bristol office infrequently but they are provided with remote access to the Inspectorate's ICT systems. In addition we contract with 79 Non Salaried Inspectors (NSIs) who are similarly geographically dispersed. More information about the Inspectorate is available [here](#).
- 4** The Planning Inspectorate's Strategic Plan for 2017-2020 has three clear Strategic Priorities:



- 5** To deliver these priorities, a Transformation Programme has been established and work is now underway in most areas following approval to proceed (and associated funding) from the Ministry of Housing, Communities and Local Government. This is an exciting time for the Inspectorate as we strive to become an exemplar organisation, putting the customer at the heart of what we do.

Non Salaried Inspectors

- 6** The Planning Inspectorate currently engages 81 NSIs who undertake casework on a call off contractual basis under the following legislation:
- i. Planning Appeals (S78 of the Town and Country Planning Act);
 - ii. Householder and Commercial Appeals Service; and
 - iii. Enforcement Appeals (S174) and Lawful Development Certificates (S195).
- 7** The Planning Inspectorate is looking to procure around an additional 30 NSIs to provide a range of services on a call off contractual basis. Details of the Lots required can be found in section 4. The increase in resource required reflects the Inspectorate's desire to utilise NSIs to a greater extent across a wider range of casework to meet both the short and long term demands of the organisation.

2. The Requirement

- 8 Casework shall be undertaken by NSIs in a manner reflecting the high standards and reputation of the Planning Inspectorate in accordance with the Franks Principles of openness, fairness and impartiality at all times.

Contract Model Structure

- 9 Successful suppliers shall be appointed on a call-off contract basis.
- 10 The work required by NSIs has been broken down into the following 6 Lots, further details can be found in Section 4:
- **Lot 1 – S78 Planning Appeals General**
These appeals are decided by way of written representation and will typically be relatively small scale developments. This Lot does not include S78 casework relating to Kiosks.
 - **Lot 2 – Householder and Commercial Appeals Service**
These appeals are typically less complex than S78 and includes extensions, conversions and adverts
 - **Lot 3 – S174 Enforcement and S195 Lawful Development Certificate Appeals**
These appeals will typically be of moderate complexity decided by written representation
 - **Lot 4 – S78 Planning Appeals Specialist**
These appeals are decided by way of written representation similar to Lot 1, but will be of moderate complexity
 - **Lot 5 – Heritage - S20 Listed Building Consent Appeals**
These appeals will typically be of lower complexity and will be decided by way of written representation.
 - **Lot 6 – Tree Preservation Order Appeals**
These appeals will typically be of lower complexity and will be carried out by written representations under the fast track process.
- 11 NSIs may tender at this time to undertake work in any or all of the of the lots listed. The Inspectorate reserves the right to offer contracts to those NSIs who offer the most flexibility in the work they are willing to undertake.
- 12 Additional lots may be added to the contract model to meet future business needs and NSIs will be invited to undertake that work.

- 13** Section 4 of this document provides further information on each of the lots and the essential skills and experience needed.

Holding pool

- 14** The purpose of this procurement is to increase the number of Non Salaried Inspectors available to us to meet future demand. We are currently unable to confirm when work will start so successful NSIs may be placed in a holding pool.
- 15** In the event that the holding pool is used, NSIs will be selected from this in order of total evaluation scores by casework type, determined during the procurement process.

Fee Rates

- 16** NSIs will be paid on a fixed, non-negotiable fee per case rate which has been determined by the Planning Inspectorate. The full schedule of fees and expenses is included in Schedule 1 of the Conditions of Contract (Annex A). However, the table below summarises the fee per case rates for each lot:

Lot	Fee per case rate Excluding VAT & Expenses
1 – S78 Planning Appeals General	£425
2 – Householder and Commercial Appeals Service	£350
3 – S174 Enforcement and S195 Lawful Development Certificate Appeals	£450
4 – S78 Planning Appeals Specialist	£530
5 – Heritage - S20 Listed Building Consent Appeals	£450
6 – Tree Preservation Order Appeals	£425

- 17** To ensure compliance with EU Procurement Directives, NSIs shall not be paid more than £100k including VAT per 18 month period. This shall be managed by the Inspectorate and individuals informed at agreed points.

Skills and Experience

- 18** We want to work with NSIs who can demonstrate the skills and experience listed below. Additional skills are required for Lots 3 – 6. Further details of the evaluation criteria which will be used in the selection of successful tenderers can be found in section 6.

Successful tenders will demonstrate the following for all Lots:

- i. Educated to at least degree level or equivalent;
- ii. Membership of a relevant professional body (included in Annex B);
- iii. At least 5 years post graduate experience (Lots 1 – 5 only) demonstrating an accomplished capability in planning or other relevant profession such as Architect or Lawyer;
- iv. At least 5 years working in arboriculture (Lot 6 only) with a recognised Arboricultural qualification at technician level or above.
- v. Have demonstrable experience on the application of relevant planning law and town and country planning policy and principles;
- vi. Proficiency at assimilation and analysis of evidence, which at times may be complex and conflicting;
- vii. Proficiency at approaching opposing views and evidence impartially; and, drawing on the evidence before them, reaching a convincing, reasoned and thus lawful judgement and conveying this in written decisions;
- viii. Proficiency at producing clear and concise written work, using plain English; explaining technical matters in easily understood terms; producing accurate summaries of detailed information;
- ix. The ability to relate to and work well with people in a range of environments; and in particular members of the public who may have limited or no experience of the planning system; and
- x. A proven track record of delivery to contractual deadlines whilst maintaining quality standards.

Additional Skills and Experience for Lots 3 - 6

- 19** As well as the skills and experience listed above, the following additional skills and experience should be demonstrated for each of the specialist lots listed below:

Lot 3 – S174 Enforcement and Lawful Development Certificate

- 20** These appeals will typically be of moderate complexity and will include Lawful Development Certificate (LDC) appeals and S174 appeals on any of the grounds ((a), (b), (c), (d), (e), (f) or (g)), or a combination of grounds and decided by written representation. In addition to the overarching skills and experience you should meet the following essential criterion:
- Five or more years of working as an enforcement planner or solicitor or a demonstrable track record in dealing with planning related enforcement matters.

- 21** The following criteria would be desirable and will be used to rank tenders:
- Evidence of continuous professional development in s174 work
 - A qualification in a legal profession

Lot 4 – S78 Planning Appeals Specialist

- 22** These appeals will typically be of moderate complexity usually due to a combination of any of the following: reasons for refusal; technical reports; size of development; volume of representations; casework designation¹. They will be decided by written representation. In addition to the overarching skills and experience you should meet the following essential criterion:
- Five or more years of working as a senior or principal planner or solicitor or a demonstrable track record in dealing with a wide range of s78 planning applications and/or appeals.
- 23** The following criteria would be desirable and will be used to rank tenders:
- A qualification in the legal profession

Lot 5 Heritage – S20 Listed Building Consent Appeals

- 24** We are seeking to work with NSIs who have substantive employment experience in historic environment management. These appeals will typically be of lower complexity and will be decided by written representation. In addition to the overarching skills and experience you should meet the following essential criterion:
- Three or more years of working as a heritage specialist.
- 25** The following criteria is desirable and will be used to rank tenders:
- A recognised qualification in historic environment conservation;
 - Evidence of continuous professional development in historic environment conservation;
 - Full/associate membership of the Institute of Historic Building Conservation;

Lot 6 – Tree Preservation Order Appeals

- 26** We are seeking tenders from NSIs who have substantive employment experience in arboriculture. These appeals will typically be of lower complexity and will be carried out by written

¹ Such as Green Belt or Special Protection Area

representations under the fast track process. In addition to the overarching skills and experience² you should meet the following essential criterion:

- Five or more years' experience of undertaking visual tree assessments and making and writing management recommendations.

27 The following criteria is desirable and will be used to rank tenders:

- Membership of the Arboricultural Association, Technician or above.
- Evidence of continuous professional development in arboriculture.

Conditions of Contract

28 The contract will be subject to the Planning Inspectorate's Conditions of Contract included at Annex A.

Contract Location

29 Casework will be offered across the whole of England with a small amount in Wales, although most of our work is located in the South East of England.

30 Contractors are expected to travel to meet the needs of the contract and reasonable applicable expenses will be reimbursed at cost in accordance within the limits set in Schedule 1 of the Conditions of Contract (Annex A).

31 NSIs choose where and when to undertake their work, aside from site visits which are scheduled by the Inspectorate.

32 To ensure impartiality and fairness, NSIs are not able to work in areas which could result in, or be perceived as, a conflict of interest. During the tender process you will be asked to provide information on this. The information shall not be evaluated but may be taken into consideration during the final shortlisting.

Contract Duration

33 The call off contract shall be for up to 18-months with an option to extend for a further 18-months subject to business need and contractor performance.

² For the purposes of this casework type experience is required in arboriculture; it is not essential that it is post graduate.

Resources

- 34** NSIs must provide their own office space, stationery and IT to complete the duties required of the contract.
- 35** NSIs will access a portal to download their casework and then upload their decision within the contracted timescales.
- 36** It is the responsibility of the NSI to ensure their own access to the most appropriate and up-to-date documentation, such as Government statutes, Statutory Instruments, planning advice, circulars, policy statements and guidance, regulations and related material.
- 37** The Planning Inspectorate will periodically email or upload notices of key policy and legislative changes to the NSI and the NSI is expected to maintain their own records.
- 38** NSIs are not employees and do not therefore have access to the same benefits offered to salaried staff.

Contract Performance

- 39** To ensure that NSIs meet the required standards through the life of their engagement with the Inspectorate, they shall be monitored through key performance indicators included in Schedule 3 of the Conditions of Contract, they include quality and timeliness targets.

Briefing Lots 1 - 5

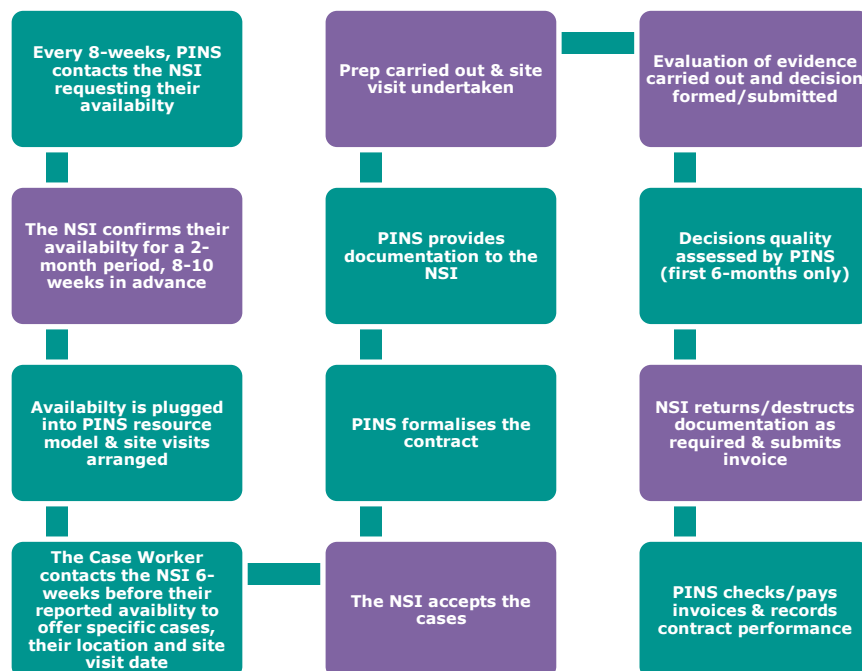
- 40** Once contracted, NSIs undertaking work in Lots 1-5 will be required to attend a mandatory 8-day briefing.
- 41** Additional briefings will also be required for Lots 3 – 5 to cover the specialised areas involved.
- 42** The briefings will be held in London or Bristol and dates and location are to be confirmed.
- 43** The purpose of briefing session is to ensure that NSIs are fully aware of the Inspectorate's standards and procedures and will be provided with guidance on how to conduct casework and write a decision.
- 44** Casework will not be offered to NSIs unless they have attended the briefings.
- 45** Briefings will be held annually to provide up to date information to NSIs and give an opportunity for questions and interaction.
- 46** A fee is paid for attendance at the briefings with expenses in accordance with the Schedule of Fees & Expenses at Schedule 1 of the Conditions of Contract (Annex A).

Briefing Lot 6

- 47 Once contracted, NSIs undertaking Lot 6 work will be required to attend a mandatory 4-day briefing.
- 48 The 4 day briefing will be held in London or Bristol and dates and location for this are to be confirmed.
- 49 The purpose of briefing session is to ensure that NSIs are fully aware of the Inspectorate's standards and procedures and will be provided with guidance on how to conduct casework and write a decision.
- 50 Casework will not be offered to NSIs unless they have attended the briefing.
- 51 Briefings will be held annually to provide up to date information to NSIs and give an opportunity for questions and interaction.
- 52 A fee is paid for attendance at the briefings with expenses in accordance with the Schedule of Fees & Expenses at Schedule 1 of the Conditions of Contract (Annex A).

Allocation of Work/Contracts

- 53 For all of the contract lots, availability shall be sought and work allocated through the following high level process for each NSI. More specific detail for each lot is provided in section 4 of this document.



- 54 As an example, in February 2019 availability was sought from incumbent NSIs for the months of June and July 2019 . In mid-

April , the Case Worker shall contact the NSIs to offer specific cases as per the reported availability.

- 55** From time to time NSIs need to provide information to assist the Inspectorate to deal with complaints or respond to High Court Challenge.
- 56** As part of the Inspectorate's Transformation Programme, the process for the allocation of work/contracts is being reviewed and may change to deliver a more streamlined process.

IR35

- 57** The work of an NSI has been deemed outside the scope of the IR35 tax intermediaries. If you have any queries relating to IR35 we recommend that you seek your own independent tax advice.

3. Supplier Event

- 58** An event was held in London on 13 June 2019. This briefing provided more information about the Inspectorate, our current challenges and the work of an NSI.
- 59** As the deadline for the procurement has been extended there may be an opportunity to hold a further event in Bristol in July (likely w/c 22 July) if there is sufficient interest.
- 60** If you are interested in attending an event in Bristol please email procurement@planninginspectorate.gov.uk by 4pm on Friday 5 July 2019 confirming this and we will contact you.

4. Contract Lots

Lot 1 – S78 Planning Appeals General

- 61** Where casework is available, the Inspectorate will offer to contract with NSIs under the Conditions of Contract, including the Fees & Expenses Schedule.
- 62** The Offer of Call-off contract shall be open for acceptance for 5 days of the date of the Offer. If this deadline is not met the Planning Inspectorate reserves the right to offer this work to an alternative NSI.
- 63** Casework duties shall include, but is not limited to:
- i. Accessing an online portal to download details of each case which will include applications, statements from parties, additional evidence supporting the appeal/application.
 - ii. Reviewing evidence and preparation;
 - iii. Conducting a site visit;
 - iv. Evaluating evidence;
 - v. Producing an evidence based decision letter/report;
 - vi. Submitting decisions by uploading onto the online portal;
 - vii. Return or destruction of all documentation in line with GDPR requirements; and
 - viii. Responding to requests for information to assist the Inspectorate to deal with complaints or respond to High Court Challenge.
- 64** On occasion other cases will be linked to the main case and the NSI will also have to determine these linked cases under the call-off contract and an additional fee will be payable (see Schedule 1 of the Conditions of Contract (Annex A));
- 65** Applications for costs may also be submitted and will need to be determined and a costs decision determined. An additional fee is payable for costs cases (see Schedule 1 of the Conditions of Contract (Annex A)).
- 66** Each call-off contract will be issued within a cluster of cases (normally 4-8 cases where possible) which will normally be located within sensible travelling distance from each other. The NSI shall be expected to undertake the site visits on the same day (or over 2 days if there are more than 5 cases) and complete the work for

each case simultaneously, within the agreed call-off contract timescales.

Deliverables

- 67** For each call-off contract, the NSI will be required to:
- Familiarise themselves with the appeal evidence provided including reason for refusal;
 - Understand and apply the statutory, national policy and guidance in relation to all work.
 - conduct a site visit as required;
 - produce a clearly written, robust decision demonstrating an understanding of all the evidence provided;
 - respond to any requests for information from the Inspectorate to assist in our responses to complaints or to High Court Challenges
 - ensure all decisions are compliant with current relevant legislation policy and guidance meeting the quality standards expected by the Inspectorate.

Timescales

- 68** The following timescales are to be met:
- All decisions to be completed within 15 calendar days following the site visit, while decisions are subject to pre-issue quality assurance checks to allow us to meet our targets;
 - Once the Inspectorate is satisfied that the NSI is consistently delivering decisions to the required standard, all decisions must be completed and submitted within 21 calendar days following the site visit.
 - In exceptional circumstances if the case is found to be unexpectedly complicated additional time may be requested at the discretion of the Inspectorate.
 - It is the responsibility of the NSI to ensure that they are able to manage their priorities to meet their contractual obligations.

Lot 2 – Householder and Commercial Appeals Service

- 69** Where there is casework available, the Inspectorate will offer to contract with NSIs under the Conditions of Contract and the Fees & Expenses Schedule (Annex A).
- 70** The Offer of Call-off contract shall be open for acceptance for 5 days of the date of the Offer. If this deadline is not met the Planning Inspectorate reserves the right to offer this work to an alternative NSI.
- 71** Casework duties shall include, but is not limited to:
- i. Accessing a portal to download details of each case which will include applications, statements from parties, additional evidence supporting the appeal/application.
 - ii. Review of evidence and preparation;
 - iii. Conducting a site visit;
 - iv. Evaluation of the evidence;
 - v. Production of an evidence based decision letter/report. Decisions should be to the quality standard and in the format required by the Inspectorate;
 - vi. Decision to be submitted to the Inspectorate by uploading on to a portal.
 - vii. Each decision will be subject to quality standard assessment for a period until the quality standards are consistently met;
 - viii. Return or destruction of all documentation to the Inspectorate in line with GDPR requirements;
 - ix. Responding to requests for information to assist the Inspectorate to deal with complaints or respond to High Court Challenge.
- 72** On occasion other cases will be linked to the main case and the NSI will also have to determine these linked cases under the call-off contract and an additional fee will be payable (see Schedule 1 of the Conditions of Contract (Annex A));
- 73** Applications for costs may also be submitted and will need to be determined and a costs decision determined. An additional fee is payable for costs cases (see Schedule 1 of the Conditions of Contract (Annex A)).
- 74** Each call-off contract will be issued within a cluster (normally 4-8 cases where possible) which will be located within easy travelling distance from each other. The NSI shall be expected to undertake the site visits on the same day (or over 2 days if there are more

than 5 cases) and complete the work for each case simultaneously, within the agreed call-off contract timescales.

Deliverables

- 75** For each call-off contract, the NSI will be required to:
- Familiarise themselves with the appeal evidence provided including reason for refusal;
 - Understand and apply the statutory, national policy and guidance in relation to all work.
 - conduct a site visit as required;
 - produce a clearly written, robust decision demonstrating an understanding of all the evidence provided;
 - respond to any requests for information from the Inspectorate to assist in our responses to complaints or to High Court Challenges
 - ensure all decisions are compliant with current relevant legislation policy and guidance meeting the quality standards expected by the Inspectorate.

Timescales

- 76** The following timescales are to be met:
- All decisions to be completed within 9 calendar days following the site visit, *while decisions are subject to pre-issue quality assurance checks.*
 - Once the Inspectorate is satisfied that the NSI is consistently delivering decisions to the required standard, all decisions must be completed and submitted within 14 calendar days following the site visit.
 - In exceptional circumstances if the case is found to be unexpectedly complicated additional time may be requested at the discretion of the Inspectorate.
 - It is the responsibility of the NSI to ensure that they are able to manage their priorities to meet their contractual obligations.

Lot 3 – S174 Enforcement and S195 Lawful Development Certificate Appeals

- 77** Where there is casework available, the Inspectorate will offer to contract with NSIs under the Conditions of Contract and the Fees & Expenses Schedule (Annex C).
- 78** The Offer of Call-off contract shall be open for acceptance for 5 days of the date of the Offer. If this deadline is not met the Planning Inspectorate reserves the right to offer this work to an alternative NSI.
- 79** Casework duties shall include, but is not limited to:
- i. Taking receipt of the file for each case which will include applications, statements from parties, additional evidence supporting the appeal/application.
 - ii. Review of evidence and preparation;
 - iii. Conducting a site visit;
 - iv. Evaluation of the evidence;
 - v. Production of an evidence based decision letter/report. Decisions should be to the quality standard and in the format required by the Inspectorate;
 - vi. Decision to be submitted to the Inspectorate by email and the file returned within 3 days of the decision on being accepted using the postal return labels and envelopes which will be provided by the Inspectorate.
 - vii. Each decision will be subject to quality standard assessment for a period until the quality standards are consistently met;
 - viii. Return or destruction of all retained documentation to the Inspectorate in line with GDPR requirements;
 - ix. Responding to requests for information to assist the Inspectorate to deal with complaints or respond to High Court Challenge.
- 80** On occasion other cases will be linked to the main case and the NSI will also have to determine these linked cases under the call-off contract and an additional fee will be payable (see Schedule 1 of the Conditions of Contract (Annex A));
- 81** Applications for costs may also be submitted and will need to be determined and a costs decision determined. An additional fee is payable for costs cases (see Schedule 1 of the Conditions of Contract (Annex A)).

- 82** Each call-off contract will be issued within a cluster (normally 4 cases) which will be located within easy travelling distance from each other. The NSI shall be expected to undertake the site visits on the same day and complete the work for each case simultaneously, within the agreed call-off contract timescales.

Deliverables

- 83** For each call-off contract, the NSI will be required to:
- Demonstrate a sound knowledge in planning enforcement and LDC proceedings. Including knowledge of the legal framework, local planning authority powers, Planning Contravention Notices, Enforcement Notices, Breach of Condition Notices, Stop Notices and enforcement appeal procedures regulations and rules.
 - Critically evaluate planning enforcement notices to spot errors, mistakes or legal irregularities and to be able to correct or vary to ensure they are right and legally sound.
 - Undertake on-site assessments concerning the requirements of enforcement notices and to judge whether said requirements could be implemented and how long they would reasonably take to implement.
 - Have an in-depth knowledge of s55 and s56 of the Act, the Planning Unit, Use Classes, Changes of Use, Lawful Development, and the definitions of development. Along with an ability to consider relevant court judgements and their applicability to any case.
 - Understand and apply the statutory, national policy and guidance in relation to enforcement and LDC work. Along with a working knowledge of the judgements commonly found in enforcement work and the principles in approach they have shaped.
 - Provide a clearly written robust decision demonstrating an understanding of planning enforcement, the law and the grounds of appeal.
 - respond to any requests for information from the Inspectorate to assist in our responses to complaints or to High Court Challenges.
 - ensure all decisions are compliant with current relevant legislation policy and guidance meeting the quality standards expected by the Inspectorate.
- 84** The following timescales are to be met:
- All decisions to be completed within 21 calendar days following the site visit, while decisions are subject to pre-issue quality checks.
 - Once the Inspectorate is satisfied that the NSI is consistently delivering decisions to the required standard, all decisions must be

completed and submitted within 28 calendar days following the site visit.

- In exceptional circumstances if the case is found to be unexpectedly complicated additional time may be requested at the discretion of the Inspectorate.
- It is the responsibility of the NSI to ensure that they are able to manage their priorities to meet their contractual obligations.

Lot 4 – S78 Planning Appeals Specialist

- 85** Where casework is available, the Inspectorate will offer to contract with NSIs under the Conditions of Contract, including the Fees & Expenses Schedule.
- 86** The Offer of Call-off contract shall be open for acceptance for 5 days of the date of the Offer. If this deadline is not met the Planning Inspectorate reserves the right to offer this work to an alternative NSI.
- 87** Casework duties shall include, but is not limited to:
- i. Accessing an online portal to download details of each case which will include applications, statements from parties, additional evidence supporting the appeal/application.
 - ii. Reviewing evidence and preparation;
 - iii. Conducting a site visit;
 - iv. Evaluating evidence;
 - v. Producing an evidence based decision letter/report;
 - vi. Submitting decisions by uploading onto the online portal;
 - vii. Return or destruction of all documentation in line with GDPR requirements; and
 - viii. Responding to requests for information to assist the Inspectorate to deal with complaints or respond to High Court Challenge.
- 88** On occasion other cases will be linked to the main case and the NSI will also have to determine these linked cases under the call-off contract and an additional fee will be payable (see Schedule 1 of the Conditions of Contract (Annex A));
- 89** Applications for costs may also be submitted and will need to be determined and a costs decision determined. An additional fee is payable for costs cases (see Schedule 1 of the Conditions of Contract (Annex A)).
- 90** Each call-off contract will be issued within a cluster of cases (normally 4-8 cases where possible) which will normally be located within sensible travelling distance from each other. The NSI shall be expected to undertake the site visits on the same day (or over 2 days if there are more than 5 cases) and complete the work for each case simultaneously, within the agreed call-off contract timescales.

Deliverables

- 91** For each call-off contract, the NSI will be required to:
- Quickly assimilate and analyse a wide range of evidence including technical reports.
 - Critically evaluate technical reports concerning matters such as noise, trees, habitats, sunlight and daylight, and highway safety. Understanding and analysing conflicting views.
 - Demonstrate a sound knowledge of planning policy and principles regarding Green Belts and other designations such as Special Protection Areas, Special Areas of Conservation and Appropriate Assessment. Alongside a working knowledge of Appeals Against Conditions, Prior Approvals, Planning Obligations, Unilateral Undertakings and Viability.
 - Understand and apply the statutory, national policy and guidance in relation to all work.
 - Provide a clearly written robust decision demonstrating an understanding of all the evidence including that found within technical reports.
 - respond to any requests for information from the Inspectorate to assist in our responses to complaints or to High Court Challenges
 - ensure all decisions are compliant with current relevant legislation policy and guidance meeting the quality standards expected by the Inspectorate.

Timescales

- 92** The following timescales are to be met:
- All decisions to be completed within 15 calendar days following the site visit, while decisions are subject to pre-issue quality assurance checks to allow us to meet our targets;
 - Once the Inspectorate is satisfied that the NSI is consistently delivering decisions to the required standard, all decisions must be completed and submitted within 21 calendar days following the site visit.
 - In exceptional circumstances if the case is found to be unexpectedly complicated additional time may be requested at the discretion of the Inspectorate.
 - It is the responsibility of the NSI to ensure that they are able to manage their priorities to meet their contractual obligations.

Lot 5 – Heritage - S20 Listed Building Consent Appeals

- 93** Where casework is available, the Inspectorate will offer to contract with NSIs under the Conditions of Contract, including the Fees & Expenses Schedule.
- 94** The Offer of Call-off contract shall be open for acceptance for 5 days of the date of the Offer. If this deadline is not met the Planning Inspectorate reserves the right to offer this work to an alternative NSI.
- 95** Casework duties shall include, but is not limited to:
- ix. Accessing an online portal to download details of each case which will include applications, statements from parties, additional evidence supporting the appeal/application.
 - x. Reviewing evidence and preparation;
 - xi. Conducting a site visit;
 - xii. Evaluating evidence;
 - xiii. Producing an evidence based decision letter/report;
 - xiv. Submitting decisions by uploading onto the online portal;
 - xv. Return or destruction of all documentation in line with GDPR requirements; and
 - xvi. Responding to requests for information to assist the Inspectorate to deal with complaints or respond to High Court Challenge.
- 96** On occasion other cases will be linked to the main case and the NSI will also have to determine these linked cases under the call-off contract and an additional fee will be payable (see Schedule 1 of the Conditions of Contract (Annex A));
- 97** Applications for costs may also be submitted and will need to be determined and a costs decision determined. An additional fee is payable for costs cases (see Schedule 1 of the Conditions of Contract (Annex A)).
- 98** Each call-off contract will be issued within a cluster of cases (normally 4-8 cases where possible) which will normally be located within sensible travelling distance from each other. The NSI shall be expected to undertake the site visits on the same day (or over 2 days if there are more than 5 cases) and complete the work for each case simultaneously, within the agreed call-off contract timescales.

Deliverables

99 For each call-off contract, the NSI will be required to:

- Read, understand and convey the national importance, special architectural and historic interest and significance of designated and non-designated heritage assets;
- Undertake rapid field assessment of heritage assets that go beyond listing/scheduling descriptions and make this accessible to non-specialist readers;
- Understand the setting of heritage assets, their contexts and surroundings, in relation to other buildings, gardens or landscapes and the contributions these make to their significance;
- Understand and apply the statutory, national policy and guidance tests in relation to specific proposals for works and development and also demonstrate an awareness of UNESCO conventions and recommendations as well as ICOMOS and other recognized charters where relevant;
- Understand the history and technology of heritage assets to clearly define their identity and conservation priorities;
- Understand the full range of sources of information relevant to heritage assets and the consequent quality of evidence submitted;
- Understand the intrinsic and extrinsic causes of decay as a basis for appropriate action.
- Provide a clearly written robust decision demonstrating an understanding of significance, an assessment of the effects of proposals, apply the appropriate statutory and policy tests and undertake a balance of effects/harms against public interest;
- respond to any requests for information from the Inspectorate to assist in our responses to complaints or to High Court Challenges
- ensure all decisions are compliant with current relevant legislation policy and guidance meeting the quality standards expected by the Inspectorate.

Timescales

100 The following timescales are to be met:

- All decisions to be completed within 15 calendar days following the site visit, while decisions are subject to pre-issue quality assurance checks to allow us to meet our targets;

- Once the Inspectorate is satisfied that the NSI is consistently delivering decisions to the required standard, all decisions must be completed and submitted within 21 calendar days following the site visit.
- In exceptional circumstances if the case is found to be unexpectedly complicated additional time may be requested at the discretion of the Inspectorate.
- It is the responsibility of the NSI to ensure that they are able to manage their priorities to meet their contractual obligations.

Lot 6 – Tree Preservation Orders Appeals

- 101** Where casework is available, the Inspectorate will offer to contract with NSIs under the Conditions of Contract, including the Fees & Expenses Schedule.
- 102** The Offer of Call-off contract shall be open for acceptance for 5 days of the date of the Offer. If this deadline is not met the Planning Inspectorate reserves the right to offer this work to an alternative NSI.
- 103** Casework duties shall include, but is not limited to:
- ix. Accessing an online portal to download details of each case which will include applications, statements from parties, additional evidence supporting the appeal/application.
 - x. Reviewing evidence and preparation;
 - xi. Conducting a site visit to undertake a visual tree assessment;
 - xii. Evaluating evidence;
 - xiii. Producing an evidence based decision letter/report;
 - xiv. Submitting decisions by uploading onto the online portal;
 - xv. Return or destruction of all documentation in line with GDPR requirements; and
 - xvi. Responding to requests for information to assist the Inspectorate to deal with complaints or respond to High Court Challenge.
- 104** On occasion other cases will be linked to the main case and the NSI will also have to determine these linked cases under the call-off contract and an additional fee will be payable (see Schedule 1 of the Conditions of Contract (Annex A));
- 105** Applications for costs may also be submitted and will need to be determined and a costs decision determined. An additional fee is payable for costs cases (see Schedule 1 of the Conditions of Contract (Annex A)).
- 106** Each call-off contract will be issued within a cluster of cases (normally 4-8 cases where possible) which will normally be located within sensible travelling distance from each other. The NSI shall be expected to undertake the site visits on the same day (or over 2 days if there are more than 5 cases) and complete the work for each case simultaneously, within the agreed call-off contract timescales.

Deliverables

107 For each call-off contract, the NSI will be required to:

- Undertake visual tree assessments, in a variety of locations, in order to inform reasoned judgments on specified tree works.
- Understand the setting of trees and woodlands, their context and surroundings, in relation to the contribution they make to the character and appearance of the area.
- Understand and have experience of all management options for established and new trees (including soil care and tree planting).
- Understand and apply the law relating to trees in particular the statutory framework regarding trees, The Town and Country Planning (Tree Preservation)(England) Regulations 2012, Planning Practice Guidance and the appeal system with regard to trees.
- Understand the full range of decay detection techniques used for informing tree assessments.
- Demonstrate a full awareness of the relevant British Standards that apply to all aspects of tree management.
- Understand the principal issues involved in tree-related subsidence and the mechanisms involved. Along with the ability to interpret tree-related subsidence evidence and investigations to understand and critique engineering or any other solution.
- Provide a clearly written, robust decision demonstrating an understanding of the amenity offered by trees and an assessment of the effects of tree work proposals upon them. Balancing the effects of any works against the public benefit.
- respond to any requests for information from the Inspectorate to assist in our responses to complaints or to High Court Challenges
- ensure all decisions are compliant with current relevant legislation policy and guidance meeting the quality standards expected by the Inspectorate.

Timescales

108 The following timescales are to be met:

- All decisions to be completed within 9 calendar days following the site visit, while decisions are subject to pre-issue quality assurance checks to allow us to meet our targets;

- Once the Inspectorate is satisfied that the NSI is consistently delivering decisions to the required standard, all decisions must be completed and submitted within 14 calendar days following the site visit.
- In exceptional circumstances if the case is found to be unexpectedly complicated additional time may be requested at the discretion of the Inspectorate.
- It is the responsibility of the NSI to ensure that they are able to manage their priorities to meet their contractual obligations.

5. Procurement Dates

- 109** The table below sets out the procurement process and associated timescales. Key dates for suppliers (when you need to be available) are highlighted, although attendance at the supplier event is not mandatory.

Activity	Date*
Invitation to tender issued	31 May 2019
Supplier event Bristol (TBC)	w/c 22 July 2019
Closing date for questions from tenderers	18 August 2019
Tender deadline	11:59pm on Sunday 1 September 2019
Stage 1 - Evaluation of tenders & results provided to all tenderers	2 – 6 September 2019
Confirmation of progression to Stage 2	By 9 September 2019
Stage 2 – Evaluation Written test & Interviews	16 – 20 September 2019
Final scores agreed	By 27 September 2019
Contract award The contract will be awarded to the successful NSIs	By 30 September 2019
Briefing	TBC
Work starts	TBC

6. Evaluation Process & Criteria

- 110** The evaluation of NSIs will be in 2 stages:
- Stage 1 – Evaluation of tenders submitted
 - Stage 2 – Written test & Interview
- 111** You will only be invited to progress to Stage 2 of the evaluation if you pass Stage 1.
- 112** Although we are aiming to procure around 30 NSIs, there are currently no minimum or maximum numbers required for each stage. The Inspectorate reserves the right to set thresholds if required.

Scoring

- 113** Tenders will be scored against the criteria in Annex C.
- 114** Criteria will be scored on a scale of 0-5 in accordance with the Planning Inspectorate's standard scoring guide as shown below.



Stage 1 –Evaluation of tenders submitted

- 115** The tenderer must meet all essential criteria in Annex C. Should any of the essential criteria not be met, the tender will be 'Failed' and no further evaluation of the tender will be completed.
- 116** The evaluation will be scored as follows:
- The evaluator will review tenders and produce a quality score by rating tenders on a scale of 0-5 for each criterion. The scores will be added together for each Supplier giving a total score.
- 117** Tenders will not be evaluated on price/cost.
- 118** Tenders that score 3 or more in each criterion will be invited to stage 2, a written test.

Stage 2 – Written test & Interview

Written test

- 119** The suppliers shortlisted in Stage 1 will be invited to undertake a written test and interview. Suppliers will need to bring their own laptop to a selected venue.
- 120** All information needed for the test shall be provided, including the details of how the test will be conducted.
- 121** For the test, suppliers will be invited to produce a 'Draft Appeal Decision/Report' based on information and evidence provided.
- 122** The evaluator will review your decision/report and produce a quality score by rating suppliers on a scale of 0-5 for each criterion. The scores will be added together for each supplier giving a total score.
- 123** In your completed decision/report we will be looking for the quality of your judgement, logic, structured and concise reasoning, coverage of relevant issues and presentation.
- 124** On conclusion of the test tenderers will submit their report electronically and this will be confirmed as being received before leaving the venue.

Interview

- 125** The evaluators will score your responses to questions and produce a quality score by rating each criterion on a scale of 0-5. The scores will be added together for each supplier giving a total score.
- 126** The format of the interview will be dependent on the number of suppliers who proceed to stage 2.

Total Score

- 127** The total scores for each stage of the process shall be added together and suppliers shall be ranked. The highest scoring suppliers will be selected and the Inspectorate reserves the right to determine that number.

7. Your Tender

- 128** Tenderers shall provide a proposal by completing and submitting the Tender Response template included in Annex D.
- 129** The production of concise, succinct information is essential for fair evaluation of tenders.
- 130** **Tenders must be submitted by email to procurement@planninginspectorate.gov.uk no later than 11.59pm on Sunday 1 September 2019.** We reserve the right to refuse any tenders received after this deadline.
- 131** Your tender should be submitted in an **unprotected Microsoft Word format**.
- 132** Tenderers are not entitled to claim any costs or expenses from the Inspectorate which may be incurred in preparing tenders, attending the Supplier Event or whether or not the tender is successful.
- 133** While reasonable care has been taken in preparing the information in this ITT and any supporting documents, the information within the documents does not purport to be exhaustive nor has it been independently verified.
- 134** Neither the Inspectorate nor its representatives, employees, agents or advisors:
- makes any representation or warranty (express or implied) as to the accuracy, reasonableness or completeness of the ITT and supporting documents; or
 - accepts any responsibility for the adequacy, accuracy or completeness of the information contained in the ITT and supporting documents nor shall any of them be liable for any loss or damage (other than in respect of fraudulent misrepresentation) arising as a result of reliance on such information or any subsequent communication.
- 135** It is the tenderer's sole responsibility to undertake such investigations and take such advice (including professional advice) as it considers appropriate in order to make decisions regarding the content of its tenders and in order to verify any information provided to it during the procurement process and to query any ambiguity, whether actual or potential.
- 136** Questions asked during the tender process will be published with their answers to all tenderers. Any such information will be made anonymous before being passed on. The Inspectorate reserves the

right to not respond to such enquiries where this would be inappropriate.