



DISTRICT OF
HARBOROUGH
RURAL SOUTH LEICESTERSHIRE

Harborough District Council



INVESTOR IN PEOPLE

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To: All Members of the Executive

Cc: All other Members for information

In reply quote: EMB

Please ask for: Miss Baker

Direct Line: 01858 821368

Email: e.baker@harborough.gov.uk

24th September 2002

Dear Councillor

Executive – 25th September 2002

I write regarding paper number 10 for the above meeting, titled "Preparation of an Urban Capacity Study – Appointment of Consultants", that was circulated yesterday.

The additional information referred to in Section 7 of that paper has now been received and is enclosed with this letter.

If you have any queries regarding this, please do not hesitate to contact me.

Yours sincerely

Elaine Baker

Elaine Baker
Senior Committee Officer

Date sent: **Fri, 20 Sep 2002 10:12:35 +0100**
From: **"Alan Cave" <Alan.Cave@chesterton.co.uk>**
To: **<s.hunt@harborough.gov.uk>**
Subject: **capacity study**

re your letter of 18th September.

1.we have advised in our submission that as far as we are aware there are no conflicts of interest relating to client interests in the study area. 2.this remains the case.we have a potential conflicts system on our internal communication network to seek advice of such circumstances from the various chesterton offices. 3.in the 16 capacity studies we have so far undertaken we have provided a letter of reassurance to the client when requested that there are no known conflicts and the action we would take where a conflict to arise. 4.you will be aware that we have been retail advisers to your council and also rating advisers and are unaware of any conflicts in those respects. 5.we have a reputation applying also to the 16 local authority studies so far undertaken,for providing totally independent advice.please take up references from them as necessary.we can provide contact names on request. 6.if we find a conflict does arise we immediately bring the issue to the clients attention so that there is a transparent situation.we also advise chesterton staff who may be considering or be invited to act on sites for prospective clients that we are acting for the local authority and acting for a landowner etc in such circumstances should be avoided. 7.if a potential new instruction were to arise associated with residential land we would bring it to your attention to seek response as to how best to resolve the matter. 8.if for any reason a situation arises where there is an unavoidable potential conflict relating to particular land,then we would seek to agree with you the use of an agreed consultant to give independent advice on that land.this situation has not occurred so far in our local authority studies. 9.working for you on the housing study would preclude us from representing land interests on the local plan,and we are unaware of any representations made by chesterton. 10.We trust this provides appropriate reassurances.We have as a further precaution circulated again by e-mail to our bham and nottingham offices seeking any potential conflicts.We have asked for such info by 10am on Monday,and will advise if any issue has arisen of which you need to be aware. Please advise if further information is required. yours sincerely, alan cave director of planning and development.

This e-mail is confidential and may contain legally privileged

Entec




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Our Reference S09238C003/DAK/ljh

23 September 2002

Ms S Hunt
Principal Planning Officer
Harborough District Council
Adam & Eve Street
Market Harborough
Leicestershire
LE16 7AG

FAX  SARAH HUNT
01858 821000
 DAVID KENYON
ENTEC
2 23/09/02 

Dear Ms Hunt

URBAN CAPACITY STUDY - HARBOROUGH DISTRICT

Thank you for your letter of 18 September 2002. I can confirm that Entec UK Ltd has no conflict of interest in respect of housing matters within the District of Harborough. We have not been involved in related issues in the District previously.

Should a potential conflict of interest arise during the course of undertaking the study we would notify you about it as soon as possible, whether this potential conflict was pursued by ourselves would be subject to the results of our discussions.

The opportunity to work with any customer, providing impartial and (when required) confidential advice, is fundamental to our business. Entec therefore has a policy of:

- | | |
|-----------------|--|
| Disclosure | We openly disclose our relationship to our parent company and specifically discuss areas where a potential conflict of interest exists. |
| Professionalism | Entec employs highly qualified consultants, many of whom are chartered members of the appropriate professional bodies. In this way, individuals have a duty to provide advice which is fair, unprejudiced and balanced. |
| Customer Focus | Entec has made a policy commitment to all customers which, amongst other things, ensures that 'in all cases, we treat information used and produced with an appropriate degree of confidentiality, in line with your (i.e. the customer's) needs'. |

Often this will be a specific contractual obligation.

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Entec

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23 September 2002

Ms S Hunt, Harborough District Council

I therefore confirm Entec's ability and commitment to provide impartial and independent advice to its customers and, when agreed, to keep such advice, and any information provided to Entec in order to formulate the advice, confidential between parties.

Yours sincerely



DAVID KENYON
Senior Consultant

24 SEP 2002

PLAN

Our Ref: MF/05sad3508/JBA.2824**E-mail: FlatmanM@rpsplc.co.uk****Date: 23 September 2002**

Mrs Sarah Hunt
Planning Services
Harborough District Council
Adam & Eve Street
Market Harborough
Leicestershire
LE16 7AG

Dear Mrs Hunt

Town and Country Planning Act 1990
Harborough District Urban Capacity Study

I refer to your letter dated 18 September 2002 in connection with the above.

I note that at the Executive Meeting on 11 September 2002 your members considered a report pertaining to the instruction of consultants to undertake an Urban Capacity Study and that lengthy debate centred on the potential issue of conflict of interest within the district. You will recall that we discussed this issue at our meeting on 6 September 2002 and I confirm the position of RPS below.

RPS are instructed by David Wilson Estates in relation to the progression of development opportunities on the residential Greenfield site known as Farndon Road that is allocated at Policy MH/3 of the Harborough Local Plan. RPS has also submitted representations to your Authority on behalf of David Wilson Estates in respect of the Alterations to the Local Plan. This work has been undertaken by Tony Bateman with the support of Joanne Hedgley from the Birmingham office and they are also likely to act on behalf of David Wilson Estates in relation to the eventual submission of any planning application at Farndon Road. No other potential conflicts of interest have been identified.

The team assembled to undertake the Urban Capacity Study, in contrast, is to be led by Mark Flatman, who is based in the East Midlands and will shortly be opening an East Midlands RPS Office with the support of other members of RPS staff not previously involved with any work in the Harborough area. If commissioned, the Urban Capacity Study will be therefore be undertaken under the auspices of East Midlands office and not the Birmingham Office.

Your concern with regard to conflict of interest no doubt relates to the output of results from the Urban Capacity Study, and issues of probity and transparency given the nature of undertaking such studies, particularly at the discounting stage. As set out in the Tender documentation, it would be our intention to agree a methodology for undertaking the Urban Capacity Study with officers and members of the Council and subsequently to prepare the study in accordance with that agreed methodology. Our experience suggests that the study would benefit from officer input, particularly with regard to detailed local knowledge. You have agreed the benefits of this approach, and consequently RPS would agree the findings of each stage of the Urban Capacity Study with the Authority.

Therefore, by adopting this approach, the officers will be aware of all sites identified by the study and the reasoning for any discounting. Furthermore, the involvement of other interested parties, including agents and land owners together with officers from the Council underpins an approach that will ensure a transparent, robust Urban Capacity Study and prevent any potential conflict of interest influencing the outcome of the study.

You will recall that RPS have previously undertaken an Urban Capacity Study of Melton Borough. Indeed in this instance, RPS were instructed by David Wilson Estates, and the Capacity Study was prepared following the submission of an outline planning application on the allocated Greenfield site at Kettleby Magna. Within that study, all those involved in the work were advised that RPS had been instructed by David Wilson Estates. However, the methodology for the study was agreed with officers and members of the Authority, and at each stage of the study the findings were discussed and agreed with officers. Indeed, it is significant to note that this study identified a significantly greater level of urban capacity than had previously been included in the urban capacity work undertaken by the authority themselves as an input into the review of the Leicester, Leicestershire and Rutland Structure Plan.

In considering issues of probity and transparency during the consultation exercise on the Melton Urban Capacity Study, the Government Office for the East Midlands advised that they saw no reason why a private consultant could not undertake an Urban Capacity Study at the cost of a developer rather than the Local Authority. In the view of the Government Office this approach would not prejudice the output of the study. I enclose a copy of this letter for your files. Clearly in the Harborough situation there would be a direct client consultant relationship between RPS and the District Council.

Furthermore, with regard to the Urban Capacity Study undertaken in Melton Borough, whilst RPS were instructed by David Wilson Estates to undertake the Capacity Study in connection with a Greenfield development opportunity, the Birmingham office of RPS was subsequently instructed by Melton Borough Council, and not David Wilson Estates, to present evidence on their behalf in relation to the Urban Capacity Study at the forthcoming Call-in Inquiry that resulted from the submission of the Kettleby Magna planning application. I would suggest that the above serves as an endorsement of the robust impartiality of the RPS Urban Capacity Study methodology.

Indeed, once the Urban Capacity has been agreed with the District Council, many external influences will determine the timing over which urban capacity sites come forward for development.

In light of the above therefore, I trust you will find everything in order, however, if you require any clarification or further information, then please do not hesitate to contact either myself or Michael Robson.

Kind regards.

Yours sincerely



MARK FLATMAN
Associate

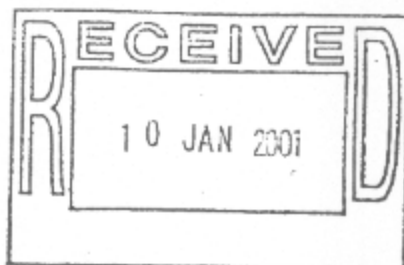
Enc. c.c.

Michael Robson - RPS



GOVERNMENT OFFICE
FOR THE EAST MIDLANDS

Mr N Harris
Planning Director
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cpackman.goem@go-regions.
gsi.gov.uk

Your refs: NH/CLH/00.12.0254 & NH/CR/01.01.0290
Our ref: EMP2430/520/4/1

9 January 2001

Dear Mr Harris

URBAN CAPACITY STUDY, KETTLEBY MAGNA, MELTON

Thank you for your letters of 19 December 2000 and 5 January 2001 inviting comments on the approach that you are taking on an urban capacity study associated with the proposed new village of Kettleby Magna.

As you will be aware from PPG3 on Housing and the good practice guide on Tapping the Potential, urban housing capacity studies are expected to be undertaken in order to establish how much additional housing can be accommodated within urban areas. While local planning authorities are expected to undertake such studies, I would imagine that they would commission much of the work from independent consultants. In addition, the results of an urban capacity study would only inform an authority's consideration of a specific planning application: they would not determine whether the proposed development complies with the policies set out in PPG3. As such, I cannot see any particular problem with your company offering to pay for the proposed Melton urban capacity study, provided that all aspects of the process are readily understandable, transparent and rigorous, and that responsibility for methodology and application of the results rests with Melton Borough Council.

I hope that this clarifies the position.

Yours sincerely

COLIN PACKMAN
Team Leader
Planning 1



INVESTOR IN PEOPLE

Direct email

OUR REF: L092302JHHDC

23rd September 2002

Sarah Hunt
Acting Planning Policy Manager
Planning & Economic Development Team
Harborough District Council
Council Offices
Adam & Eve Street
Market Harborough
Leicestershire
LE16 7AG

Dear Sarah

Urban Capacity Study for Harborough District

Thank you for your letter of 18th September regarding the above.

I can confirm that Roger Tym & Partners (RTP) is not currently acting for any landowner or developer in the promotion of residential land within Harborough District. Our only recent involvement in the District is the carrying out of the Harborough District Town Centre Health Check Assessment (1998) which is already referred to in our Proposal. If our tender were successful, we would not accept any instruction that might compromise the integrity of the Study.

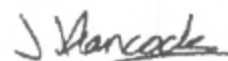
Your letter seeks a quote for the additional tasks of:

- i) surveying all potential sources of capacity and all sizes of site; and
- ii) a street by street survey.

On the assumption that these requirements apply only to the named settlements set out in your Brief, we propose an additional fee of £4,000 to reflect these additional tasks. This would increase our fee to a fixed sum of £21,500 (exclusive of VAT).

Please do not hesitate to contact me should you have any queries.

Yours sincerely



Joel Hancock
Associate

Harborough District Council
RECEIVED

23 SEP 2002