

GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION – MD2964

Title: Environment Planning Consultancy Support 2022-26

Executive summary:

The London Plan requires new developments (including planning applications referable to the Mayor) to meet environmental objectives including in relation to climate change mitigation; waste and the circular economy; water and flood risk; green infrastructure; and air quality.

AECOM and Air Quality Consultants Limited are currently engaged under contracts to support pre-application discussions and assess documents submitted as part of referable planning applications against environmental planning policies; and provide technical observations to Planning case officers. The contracts have also been used to obtain technical advice for plan-making, including for London Plan Guidance documents.

The AECOM contract is due to expire on 31 March 2022 and Air Quality Consultants Limited's contract has recently been extended, so now expires on 31 December 2022. To secure ongoing consultancy support while new procurement is undertaken, approval is sought to extend the current AECOM contract until 30 June 2022 up to a maximum value of £75,000.

Approval is also sought to procure consultancy services for the period from 1 July 2022 to 31 March 2026 up to a maximum value of £2.153m. This would be used to support the assessment of planning applications; monitor and report upon commitments in approved applications; and contribute to guidance and training. It may also support development of London Plan Guidance, the Planning for London Programme or the evidence base. The new contract will be let by way of a mini competition under the Engineering and Project Management Framework let by TfL under the Environmental Services section.

Decision:

That the Mayor approves:

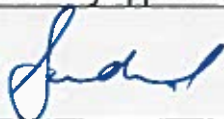
- expenditure of up to £2,228,000 comprising:
 - £75,000 on the services of AECOM for three months, commencing on 1 April 2022; and £40,000 on the services of Air Quality Consultants Limited for four months, commencing on 1 January 2023
 - procurement of a drawdown arrangement under TfL's PSFW394202 TPIM (HSE) framework to provide ongoing environment consultancy services, as required, to support the assessment of referred planning applications, and the development and implementation of planning policy and guidance documents between 1 July 2022 and 31 March 2026, with a value of up to £2,113,000
- a related exemption of the requirement to seek competitive tenders for the services of Air Quality Consultants Limited.

Mayor of London

I confirm that I do not have any disclosable pecuniary interests in the proposed decision and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

Signature:



Date:

7/4/22

PART I – NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR

Decision required – supporting report

1. Introduction and background

- 1.1. The London Plan,¹ formally published in March 2021, is the Mayor's Spatial Development Strategy. It forms part of the statutory Development Plan for London's planning authorities which are used in the determination of planning applications (irrespective of who the decision-maker is – for example, the local planning authority, the Mayor, the Planning Inspectorate or the Secretary of State). Legally, all local authority local plans must be in 'general conformity' with the London Plan.
- 1.2. Each year around 350-400 planning applications for new developments are referred to the GLA for consideration by the Mayor. GLA officers in the Environment team help to evaluate applications to ensure compliance with the London Plan policies, ensuring development complies with the Mayor's environmental targets on net zero carbon, increased green cover, climate resilience and air quality. Parts of this evaluation require specialist technical knowledge and expertise, recognising the particular circumstances of individual developments and the opportunities and constraints that apply in each case.
- 1.3. AECOM currently provides services to support the assessment of referable applications and policy development (excluding air quality) under a four-year call-off contract (TfL 91312/Task 44 – Environment Planning Consultancy Support). This was approved under MD2257 up to a value of £1m and began on 1 July 2018. AECOM were appointed following a mini competition under the Engineering and Project Management Framework let by Transport for London. In 2020, MD2641 approved an additional £313,000 of expenditure to allow for technical review of a number of new policy areas in the London Plan.
- 1.4. This current contract ends on 31 March 2022. It is possible however, to commission the further services of AECOM for a period of three months (with a value of up to £75,000) under TfL's PSFW2 94202 framework, where the GLA's requirements are such that AECOM is the most suitable supplier compared to others' capability, and where a direct award will provide better-value outcomes than a mini competition. This is considered to apply here because AECOM is already delivering the service and therefore has the existing staff, expertise and availability to continue doing so within the three-month window; this is not the case with any of the other suppliers, who would require a period of training in London Plan policies and internal procedures to be able to provide a comprehensive service.
- 1.5. Beyond this, it is proposed that a new arrangement be put in place. The new contract will be let on a call-off basis to ensure that the resource provided matches the needs of the service. This provides a safeguard – allowing flexibility while ensuring value for money, as consultant input can be reserved for busy periods, contentious applications, or where there is a requirement for specific expertise that is not available in-house. During the period of the new contract, we will also review arrangements (in consultation with the Deputy Mayor for Planning and the Deputy Mayor for Environment & Energy) to see if there are more cost-effective ways in which the GLA can support the delivery of the London Plan and associated Mayoral ambitions (for example, by bringing more technical expertise back in-house, and providing further support for boroughs) without compromising on the ability to provide the best technical advice to secure the optimal environmental outcomes for referred applications. As a result, we may be able to reduce the use of consultancy services over this period. However, this has not yet been confirmed, and so the maximum budget over the period for consultancy services proposed in this Decision remains in line with past arrangements.
- 1.6. It is important to note that the vast majority of planning applications required to implement the London Plan policies will not be referable to the Mayor, but will instead be major planning applications dealt with wholly by the boroughs. Boroughs do not have access to extensive technical

¹ GLA, [New London Plan](#)

expertise, and we therefore need to also make implementation as simple as possible through clear guidance and training.

Climate change mitigation (policies SI.2, SI.3 and SI.4)

- 1.7. The Mayor has declared a climate emergency and set an ambitious target for London to achieve net zero carbon by 2030. Wherever the Mayor's powers can help to achieve this goal (for example, through his planning powers) it is crucial that they are maximised to support London's net zero trajectory. The current contract supports this by providing consultancy support to review referable planning applications to ensure compliance with London Plan policies SI.2-SI.4, which cover: major developments being operationally net-zero or offsetting; energy efficiency targets; overheating policy; heat networks policy; and the Be Seen and Whole Life-Cycle Carbon Assessments policies.
- 1.8. Additionally, consultancy services may be required from time to time to support the development of associated guidance, and the preparation of evidence in light of further factors such as the 2021 building regulations; the Mayor's 2030 net zero carbon target for London; and the government's consultations on the Future Homes and Future Buildings Standards, expected in 2023, as well as the impact of potential planning reforms, if required. These would each be subject to specific project management arrangements and, whilst provided for under the overarching contract drawdown, would each be costed separately.
- 1.9. The specific skills required across residential and the full range of non-residential developments are: knowledge and understanding of national building regulations (specifically Part L), energy, and carbon and overheating modelling; expertise in fabric and service improvements to meet energy efficiency targets, renewable technologies including solar PV, heat pumps and emerging solutions such as ambient loops; and expertise in district heat networks. There is a significant technical aspect to this, meaning that whilst London Plan Guidance will reduce the resource requirements for local planning authorities, overall it may be difficult for planners both inside the GLA and in the boroughs to assess the full impact of schemes/negotiate technical aspects entirely in-house, particularly on larger schemes. These skills are not currently available in-house and, as such, external support is expected to be needed. Consideration will, however, be given to whether/how such expertise could be brought in-house to the GLA in order to optimise outcomes across major planning applications. The drawdown arrangements will enable full consideration to be given to how this could best be delivered.

Waste and circular economy (policies S.17 and D3)

- 1.10. Consultancy support is required to support the implementation of the waste and circular economy policies in the London Plan. This includes the waste management aspects of planning applications (assessing operational waste plans at all stages to promote waste reduction and increased recycling) as well as supporting the development of the circular economy.
- 1.11. Policy S.17 requires development applications that are referable to the Mayor of London to submit a Circular Economy Statement, whilst Policy D3 requires development proposals to integrate circular economy principles as part of the design process. Currently reviews are undertaken jointly at Stage 1; GLA Planning Officers undertake an initial review of the Circular Economy Statements and then for completeness, send on to AECOM for a technical review. Specific skills and experience are required to review the technical content of the Circular Economy Statements and provide advice notes for the pre-application responses, Stage 1 and 2 reports, including feedback and draft Conditions. These skills are not currently available in-house, and it is not considered appropriate for reviews to be undertaken solely by Development Management or planning officers, as specialist knowledge and experience is required for some technical elements currently being provided by consultants. As this requirement only relates to referable planning applications, there are no cost considerations for the boroughs unless they choose to apply the requirement at lower local thresholds, as is supported in S.17 (C).

- 1.12. This is a new policy area; therefore, higher levels of resource are likely to be required initially to ensure that these policies can be successfully implemented. For example, we need to invest resources in providing training and guidance to planning officers and refining how applications are screened for detailed circular economy comments as well as helping boroughs to develop these skills. It is envisaged that most support will be provided at the pre-application stage and Stage 1 referrals, in order to try to ensure matters are addressed well in advance of decisions being made. Developers may also need guidance on these new policy requirements, which will mitigate the risk of any unnecessary friction between the Mayor and boroughs in exercising his planning powers. Technical resource may also be required for developing mechanisms for supporting monitoring and reporting through the published Annual Monitoring Report.
- 1.13. Over time, however, we hope it will be possible to reduce the level of consultancy support needed to review planning applications, as training is embedded, and as more detailed and structured London planning guidance is published to support the Plan.

Water and flood risk (policies SI.12, SI.13, SI.5)

- 1.14. Consultancy support is required to support the implementation of the London Plan's policies on flood risk management (SI.12), sustainable drainage (SI.13), and water efficiency (SI.5). These are technical disciplines for which detailed knowledge of evolving technologies is required and having the support of consultants that also work on the preparation of schemes is essential. The recent flash-floods and subsequent roundtable discussions called by the Mayor are an indication that surface-water flooding is an important issue for Londoners, and clearly one of increased risk requiring adaptation to climate change.
- 1.15. Following the switch to the new Planning back-office system, Arcus, and the GLA's Planning London Datahub launch, we are in the process of updating the additional monitoring done by consultancy. This is essential, not only due to the increased risk and profile of surface water flooding but also because the increased availability of data means there are greater opportunities for this work to have more impact.

Green infrastructure (policies G1, G2, G3, G4, G5, G6, G7, G8)

- 1.16. Consultancy support is required to support the implementation of the suite of Green Infrastructure (GI) policies in the London Plan. The policies cover both the protection of strategic GI features (Green Belt, metropolitan open land, sites of importance for nature conservation) and other biodiversity features and trees of high value, as well as policies ensuring that new development makes a positive contribution to London's GI and ecological networks, with a specific focus around biodiversity net gain (and optimisation) and landscape strategies.
- 1.17. Guidance is being designed with the aim that policies can – as far as possible – be applied by planners whether within the GLA or boroughs. However, some aspects or complex developments may require specific expertise, for example landscaping strategies; experience of calculating and reviewing urban greening factor scores (including use of relevant software); ability to evaluate the likely ecological impacts of proposals; identifying opportunities for biodiversity net gains; and the ability to robustly review arboricultural assessments and biodiversity net gain calculations.

Air quality (policies SI.1, GG3, SD2, SD4, D1, E5, T7)

- 1.18. Tackling air pollution is one of the Mayor's top priorities. The London Plan 2021 includes new and challenging policies to tackle London's air pollution in both the short and longer terms.
- 1.19. The Mayor wants to use the planning system to ensure that all new developments meet 'Air Quality Neutral' standards and, where applicable, take an 'Air Quality Positive' approach. These (and other) policies require expert technical support to design, implement and monitor. There is also an increasing number of major infrastructure schemes that require specialist advice and input to inform GLA decision-making.

- 1.20. Air Quality Consultants Limited currently provide the specialist services required to assess the air quality aspects of referable planning applications and support policy development under call-off contract TfL 91312/Task 37, which was approved under MD2096 for the years 2018 to 2021; and MD2813 for 2021-2022. Air Quality Consultants Limited was appointed following a mini competition under the Health & Safety and Environmental Services Framework let by TfL under the Science, Research, Monitoring and Analysis lot. That call-off contract expires on 31 December 2022. In order to secure continuity of services beyond December, it is now proposed to award a further contract to Air Quality Consultants Limited for up to four months and at a maximum value of £40,000, after which the specialist services required will be obtained from the overall consultancy contract.
- 1.21. Officers acknowledge that section 9 of the GLA's Contract and Funding Code requires, where the expected value of contract for services is between £10,000 and £150,000, that such services be procured completely or called off from an accessible framework. Section 10 provides however, that an exemption from this requirement may be approved where a supplier has had previous involvement in a specific current project or the services concerned are a continuation of existing work that cannot be separated from the new project/work. Here, some of the services currently being provided are still required, including ongoing support in developing planning policy and guidance. Air Quality Consultants Limited's familiarity with the new Air Quality Neutral benchmarks, and with the aims and objectives of the new Air Quality Positive policy, demonstrate that it is uniquely placed to deliver the next stages of the guidance development, including addressing the feedback and comments resulting from the public consultation. Tendering for a different contractor would require very significant additional time and resource to bring them up to the same service level at which Air Quality Consultants Limited currently stands; doing so would also incur additional costs. Air Quality Consultants Limited's familiarity with the development and evolution of the two London Plan Guidance documents, including the research behind the updated benchmarks found in Air Quality Neutral, means it would be the most economical and efficient solution to ensure the publication of the final guidance as soon as possible. This is especially important given the delays already experienced in getting both London Plan Guidance documents out to consultation.
- 1.22. The specialist consultancy support covering air quality modelling, and assessment of planning applications, will provide the appropriate level of technical expertise to ensure that developers adhere to the requirements of the London Plan and the London Environment Strategy.

2. Objectives and expected outcomes

2.1. Objectives

In the short term it is critical that there is sufficient continued technical resource in place to support the determination of referable applications. But, alongside this, we intend to consider other delivery options in more detail, and look at how best to ensure environmental policies are implemented and outcomes are optimised. This must recognise that only a small number of planning applications are referred to the Mayor albeit significant and/or controversial; and that many boroughs do not have access to, or the funding available to procure, detailed technical support. The programme of London Plan Guidance being developed will help support implementation at borough level, together with the right balance of technical support.

Securing this consultancy support will aim to achieve these specific objectives:

- ensure that referable planning applications comply with the London Plan policies on climate change mitigation; waste and the circular economy; green infrastructure; climate change adaptation including overheating, water and flood risk; and air quality, ensuring that best practice is identified and promoted
- ensure that sufficient resource is available to undertake the necessary scrutiny of complex policy areas as applied to the largest of London's development sites

- support the Green New Deal Mission to help London become a zero-carbon, zero-pollution city by 2030 and a zero-waste city by 2050, making it better adapted to climate change and healthier for its citizens
- address themes explored during the recent Ella Adoo-Kissi-Debrah inquest such as: the importance of continued efforts to reduce air pollution in London; the provision of effective resources and support to local authorities charged with addressing local air pollution levels; and a need to address traffic and pollution on busy trunk roads
- help to secure the delivery of sustainable buildings and infrastructure investment in new developments relating to referable planning applications that contribute effectively to the Mayor's ambitions, as set out in the London Environment Strategy
- provide the stable platform and the time needed to consider a range of delivery options and the package of technical support required – in light of the needs of both the GLA and boroughs – in order to best secure positive environmental outcomes from new development.

2.2. Outputs

- Attend the Mayor's pre-planning application meetings (pre-apps) where appropriate, subject to any appropriate conflicts checks – this will be done on an ongoing basis for the duration of the contract, up to approximately 150 pre-apps per year. Where applicable, pre-app meetings should cover environment policies in an integrated manner.
- Provide written technical comments for pre-application, Stage 1, post-Stage 1 and Stage 2 for all referable applications in all environment policy areas. This will include resolving issues through liaison with GLA planning officers, developers and borough planning officers.
- Support guidance consultation events as required.
- Provide support to GLA planning officers to enable the implementation of the London Plan policies, including training sessions and internal guidance materials, the development and refinement as necessary of monitoring tools, the development and refinement as necessary of screening criteria for applications.
- Provide input on policy development to the London Plan and Environment team in the form of evidence-based reports and research.
- Provide training to borough planning officers and GLA Development Management officers as required on a drawdown basis.
- Provide advice and support in relation to the execution of the Mayor's statutory London Local Air Quality Management duties.

3. **Equality comments**

- 3.1. The Public Sector Equality Duty (PSED), set out at Section 149 of the Equality Act 2010, requires public bodies such as the GLA, when exercising its functions, to have 'due regard' to the need to:
 - eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act
 - advance equality of opportunity between people who share a protected characteristic and those who do not
 - foster good relations between people who share a protected characteristic and those who do not.
- 3.2. The three aims of the duty must be fulfilled on a continuing basis by public bodies when exercising its functions. Each aim must be considered in turn: for example, the obligation to have due regard

to advancing equality is quite separate from the obligation to have due regard to eliminating discrimination.

- 3.3. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
 - encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.4. Environmental impacts of development proposals have direct impacts on marginalised members of the community. People in receipt of lower incomes – including protected groups such as, for example, disabled people; people from Black, Asian and minority ethnic backgrounds; and women (who make up around 90 per cent of single parents²) – are more likely to be affected by health inequalities; live in disadvantaged areas of poor housing stock; and be less able to afford home retrofit, adaptation or upgrading measures to meet climate change requirements. They may be more likely to be living in fuel poverty due to their lower incomes. Climate change will disproportionately affect those least able to respond and recover from it. Poorer Londoners will find it more difficult to recover from flooding and will suffer more from the impacts of the urban heat island effect. Extreme heat events will have a greater impact on older people, very young children, socially isolated people and people with existing health conditions. Black, Asian and minority ethnic Londoners, and lower-income Londoners, are also more likely to live in areas of deficiency of access to green space, or in areas where green space quality is poor. GLA research has found that women, young adults under 25, lower-income Londoners and social renters visit parks less often. National research has found that Black, Asian and minority ethnic people are least likely to visit green spaces. Similarly, 21 per cent of households in London lack access to a private or shared garden, and across England, Black, Asian and minority ethnic people are less likely to have access to a garden than White people.
- 3.5. Furthermore, disabled people, young people (including small children) and older people are more likely to be negatively affected by poor air quality. For example, 2 million Londoners live in areas that continually exceed safe air pollution limits, including 400,000 children.³ King's College London research into the immediate, short-term impact of air pollution found that of nine UK cities researched, London's air quality is responsible for by far the most hospitalisations due to cardiac arrest, strokes and asthma related to poor air quality.⁴ Poor air quality can be a cause of both disability and poor health; and disabled people (who are more likely to be older) are more likely to be vulnerable to the negative impacts of poor air quality. The Mayor's Equality Diversity and Inclusion Strategy highlights that some environmental issues (such as air pollution) disproportionately affect certain groups. Around half of London's air pollution is caused by road transport.⁵ London Plan policies, including on parking and active travel, can play an important role in reducing car usage over time and help to improve air quality, which disproportionately affects protected groups, particularly those on lower incomes.
- 3.6. Planning decisions can positively impact these groups by ensuring robust scrutiny of planning applications and increasing the likelihood of achieving improvements to air quality, access to green space and reduced climate risk and heat risk, which would benefit these groups particularly. As such

² Gingerbread, [Single parents: facts and figures](#)

³ Transport for London, [London's air quality – how bad is it?](#), accessed 11 March 2022

⁴ *The Telegraph*, [NHS boss announces air pollution emergency as major study shows our dirty air is killing us](#), 21 October 2019

⁵ Brent Council, [Brent Breathes: Report of the Resources and Public Realm Scrutiny Committee: Air Quality Scrutiny Inquiry](#), December 2019, accessed 11 March 2022

the reletting of this contract will potentially have greater positive impacts on people with protected characteristics than on other members of society.

4. Other considerations

Key risks and issues

Risk description	Mitigation/risk response	Probability (1 high to 4)	Impact (1 high to 4)	RAG
Annual variation in amount of support required: Variation in application numbers occurs from year to year and may be more extreme during changes to building regulations, the impact of COVID-19, etc. As such, the GLA will receive more applications in some years than in others, and will potentially require fluctuating levels of support.	Allowing flexibility of budget spend between financial years, including a contingency budget allocation to absorb fluctuations in workload due to variations in the number of strategic planning applications submitted. This risk can also be managed by limiting consultancy support time to larger, more technically complex engineering designs or contentious schemes, with remaining schemes assessed in-house.	2	3	Amber
Technical: A wide scope for planning support covering all environmental policy areas could mean that knowledge breadth over several policy areas is favoured over depth in particular areas. For example, specialist energy engineering technical support could be less available to the Environment team and the planning decisions unit than under previous support arrangements. This would present challenges – for example, during changes to legislation (e.g. new building regulations, transition to zero carbon workplaces) and assessment of complex technologies (e.g. combined heat and power, pipe sizing and low operating temperatures for district heating networks, use of heat pumps etc).	Ensure that the winning consultant (or potentially consortium of consultants) has sufficient expertise on all of the environment policy areas requiring planning support including energy engineering; and sufficient capacity to ensure adequate cover is in place and that support is not impacted by consultant staff turnover.	4	2	Amber
Loss of accrued knowledge: New consultants will require time to familiarise themselves with GLA processes and procedures and build stakeholder relations with the Environment team and Planning Decision unit which is a key requirement of this role.	Ensure that the existing consultants work with the new consultants. The Project Manager will have a session with new consultants to familiarise them with GLA procedures and policies; introduce consultants to key stakeholders; and undertake training.	3	2	Amber

Risk description	Mitigation/risk response	Probability (1 high to 4)	Impact (1 high to 4)	RAG
Insufficient budget: Contract budget is insufficient to allow assessment of all environment policies.	The budget requested has been estimated based on experience of previous planning support and the Environment team's knowledge of resources required to assess planning applications. Furthermore, a risk-based approach will be taken where the GLA works with the consultants to prioritise planning applications for assessment.	3	3	Amber

Safeguard

- 4.1. The contract is let on a call-off basis subject to caseload. This provides a safeguard, allows flexibility and ensures value for money as consultant input can be reserved for busy periods, contentious applications or where specific expertise not available in-house is required.

Exit strategy

- 4.2. The contract is let on a call-off basis for a maximum of four years. This will ensure that the GLA is not bound for the full budget, should full support not be required or if the work undertaken is not of a consistently high quality across all environmental areas.

Links to strategies and priorities

- 4.3. The London Plan is the Mayor's spatial development strategy for London. It sets out a comprehensive range of policies for new developments. The latest evidence will be included as part of our assessments and discussions with developers to ensure that a reasonable approach is taken that is aligned with the London Environment Strategy.

Conflict of interests

- 4.4. Special regard will need to be given to risks around interests that parties have in the development process. It is recognised that there are occasions where suppliers will seek to act for developers, whilst also acting for planning authorities. Safeguards will need to be put in place to ensure that conflicts of interest do not normally arise, and where they do, appropriate safeguarding procedures are put in place.

Impact assessments and consultation

- 4.5. This decision relates to achieving the objectives set out in London Plan policies. The development of the London Plan included a public consultation process and integrated impact assessment incorporating sustainability, community safety, health and equalities assessments. There is no requirement to further consult or undertake an impact assessment specific to this decision.

5. Financial comments

- 5.1. The current contracts for environment planning consultancy support services are due for renewal; as such, this decision seeks permission to extend the existing contracts and procure a single contractor (or consortium) for the next four financial years.

- 5.2. AECOM is one of the current providers and has held a contract with the Authority over the last four years providing specialist environment planning application support. To enable continuity, a three-month extension is being proposed to cover the period between 1 April 2022 and 30 June 2022 whilst procurement for the new contract takes place. It is estimated this extension will cost up to £75,000.
- 5.3. Similarly, Air Quality Consultancy Ltd assess the air quality aspects of planning applications for the Authority and this contract is due to come to an end on 31 December 2022. Again, to enable continuity a four-month extension is required and is estimated to cost up to £40,000.
- 5.3. Irrespective of the above, a new four-year contract is required, which is in line with the quadrennial London Plan revisions. This contract will cover the period between 1 July 2022 and 31 March 2026, and have a value of up to £2.113m. The contract will be let by way of a mini competition under the Engineering and Project Management Framework let by TfL under the Environmental Services section.
- 5.4. It should be noted that this contract will be based on a call-off basis in which funds will be drawn upon when required. The profile, alongside the budget provision for this, can be seen below – however, as caseloads can vary from year to year, these budgets may need to be reprofiled in the year in which the under/overspend occurs. The table covers both the £75,000 and £40,000 existing contract extensions and the new proposed £2.113m contract.

Policy area	Financial year 2022-23 (£)	Financial year 2023-24 (£)	Financial year 2024-25 (£)	Financial year 2025-26 (£)	Total (£)
Energy Engineering	100,000	100,000	100,000	100,000	400,000
Planning Environment Services	457,000	457,000	457,000	457,000	1,828,000
Total	557,000	557,000	557,000	557,000	2,228,000

- 5.5. As the expenditure covers future years, there is a risk the Authority's budget may not be available. However, the risk is mitigated by expenditure being dependent on the call-off element of the contract.

6. Legal comments

- 6.1. The Mayor's statutory plan-making powers are set out in Part VIII of the Greater London Authority Act 1999 (the Act). Section 334 of the Act requires the Mayor to prepare and publish the London Plan. Sections 339 and 340 of the Act require the Mayor to keep the London Plan under review.
- 6.2. Section 30 of the Act gives the Mayor the power to do anything he considers will promote the improvement of the environment in Greater London; and section 34 of the Act gives the Mayor the authority to do anything that is calculated to facilitate, or is conducive or incidental to, the exercise of any of the statutory functions of the Authority.
- 6.3. The purchase of specialist technical services, designed to ensure that the London Plan environmental policies are effectively implemented and assessed by the Mayor when reviewing referable planning applications, may reasonably be regarded as facilitating, or being conducive or incidental to, the exercise of the Mayor's powers detailed above.
- 6.4. In taking the decisions requested, the Mayor must have due regard to the Public Sector Equality Duty; namely the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010; to advance equality of opportunity between persons who share a relevant protected characteristic (race, disability, sex, age, sexual orientation, religion or belief, pregnancy and maternity, and gender reassignment) and persons who do not share it; and foster

good relations between persons who share a relevant protected characteristic and persons who do not share it (section 149 of the Equality Act 2010). To this end, the Mayor should have particular regard to section 3 (above) of this report.

- 6.5. Officers have indicated, in section 1 of this decision form, that the services AECOM is proposed to provide may be called off from TfL's PSFW2 94202 framework. Should the Mayor make the decision sought in this regard, officers must ensure that the appropriate call-off contract documentation is completed and executed by the Authority and AECOM before the commencement of the services.
- 6.6. Officers have proposed that a contract with a value of £40,000 be awarded, without competition, to Air Quality Consultants Limited for services required to assess the air quality aspects of referable planning applications and policy development. Section 9.1 of the Authority's Contracts and Funding Code (the Code) requires the Authority to call off services with a value of that concerned here from a suitable framework, where possible; or, if it is not possible, to undertake a formal tender process which will be managed by TfL Commercial in respect of the services. However, the Mayor may approve an exemption from this requirement under section 10 of the Code upon certain specified grounds. One of those grounds is that a contract may be let without competition where a supplier has had previous involvement in a specific current project, or the services concerned are a continuation of existing work that cannot be separated from the new project/work. Officers have indicated in section 1 of this report that this ground applies and that the proposed contracts affords value for money. On this basis the Mayor may approve the proposed exemption if satisfied with the content of this decision form. Should the Mayor make the decision sought in this regard, officers must ensure that the appropriate contract documentation is completed and executed by the Authority and Air Quality Consultants Limited before the commencement of the services.
- 6.7. In commissioning and managing the services to be provided by both AECOM and Air Quality Consultants Limited, officers must pay close attention to the need to managing any conflicts of interest, particularly in relation advice to be provided to the Mayor.
- 6.8. Officers must ensure that the longer-term commissioning of services proposed under the Engineering and Project Management Framework referred to is conducted in accordance with that framework and appropriate contract documentation is completed and executed by the Authority and the successful framework provider(s) before the commencement of those services.

7. Planned delivery approach and next steps

Activity	Timeline
Tender period	April – May 2022
Appointment of supplier	30 May 2022
Contract start date	1 July 2022
Contract end date	31 July 2026

Appendices and supporting papers:

None.

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FoIA) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after it has been approved or on the defer date.

Part 1 – Deferral

Is the publication of Part 1 of this approval to be deferred? NO

Part 2 – Sensitive information

Only the facts or advice that would be exempt from disclosure under the FoIA should be included in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form – NO

ORIGINATING OFFICER DECLARATION:

Drafting officer to
confirm the
following (✓)

Drafting officer:

Simon Long has drafted this report in accordance with GLA procedures and confirms the following:

✓

Sponsoring Director:

Phil Graham has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

Mayoral Adviser:

Jules Pipe and Shirley Rodrigues have been consulted about the proposal and agrees the recommendations.

✓

Advice:

The Finance and Legal teams have commented on this proposal.

✓

Corporate Investment Board

This decision was agreed by the Corporate Investment Board on 4 April 2022

✓

EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature

Date

D. Gane

5/4/22

CHIEF OF STAFF:

I am satisfied that this is an appropriate request to be submitted to the Mayor

Signature

Date

D. Bellamy

2/4/22