

REQUEST FOR DIRECTOR DECISION – DD2518

Title: Developing a post construction monitoring platform by extending the GLA's London Building Stock Model: additional work

Executive Summary:

The GLA is developing a post construction monitoring platform to collect and display the reported energy performance data from new build developments. This is in line with the 'be seen' element of the new London Plan Policy SI 2 which requires planning applicants to monitor and report on the energy performance of their developments for at least five years post construction.

The Assistant Director of Environment and Energy approved (under cover of ADD2356) expenditure of up to £39,750 on consultancy services to be provided by UCL to support the development of a post construction monitoring platform using an existing GLA tool (LBSM), thereby supporting planning applicants to meet the new London Plan 'be seen' requirement. UCL was awarded the contract. Due to subsequent changes initiated by the GLA to host the LBSM in GLA's servers and the lack of in-house tools and support regarding a user management system, UCL have since identified additional work that is necessary to finalise the monitoring platform. This additional work includes the development of a user management system, the design of additional database schema for xml outputs, the transfer of the platform to a GLA cloud server and the linking to the London Development Database.

The additional work will cost up to £15,914 and the total cost of this contract (including the previous work approved under ADD2356 and this work) would be up to £55,664. We propose to continue to use UCL to undertake this additional work as it represents work that cannot be separated from the recent service they have provided.

Decision:

That the Executive Director of Good Growth approves:

- 1) expenditure of a further £15,914 on consultancy services to be provided by UCL to support the development of a post construction monitoring platform using an existing GLA tool (LBSM), thereby supporting planning applicants to meet the new London Plan's 'be seen' requirement, taking the total cost of this contract to £55,664; and
- 2) a related exemption from the GLA's Contracts and Funding Code so as to appoint UCL, in respect of the above expenditure, without a competitive tender.

AUTHORISING DIRECTOR

I have reviewed the request and am satisfied it is correct and consistent with the Mayor's plans and priorities.

It has my approval.

Name: Philip Graham

Position: Executive Director, Good Growth

Signature:



Date:

28 January 2021

PART I - NON-CONFIDENTIAL FACTS AND ADVICE

Decision required – supporting report

1. Introduction and background

- 1.1. New buildings are a significant source of carbon emissions in London. The Mayor has powers to establish planning policy for new development through the London Plan and a responsibility to scrutinise referable planning applications. It was estimated that in 2017 38% of London's carbon emissions were generated from homes and 36% from workplaces¹. Reducing carbon emissions from new build will require all new buildings to be built to high standards so they are very energy efficient, maximise the use of renewable energy and waste heat and minimise the need for cooling.
- 1.2. The London Plan currently set outs an energy hierarchy that requires major developments to be zero carbon through a series of steps. The energy hierarchy asks first for increased fabric and energy efficiency ('be lean'), then consideration of low carbon and secondary (waste or environmental) heat sources ('be clean') and finally maximisation of on-site renewable energy generation ('be green').
- 1.3. The new Draft London Plan introduces a fourth step under the existing energy hierarchy, the 'be seen' stage. As part of the policy update, major developments will be required to monitor their energy performance and report to the Mayor for at least five years post construction via an online portal. This will be secured through a legal agreement between the respective local authorities and the applicants during the planning determination.
- 1.4. It is widely accepted that a gap exists between the building design stage and the actual building performance and that this will need to be bridged to ensure buildings are operating as efficiently as they are expected to. There is growing concern that buildings currently use as much as 2-5 times² the amount of energy they are meant to and this 'performance gap' is undermining the move to zero emission buildings under the Mayor's London Plan policies. Numerous studies (e.g. the Committee on Climate Change's UK Housing: Fit for the Future) have also highlighted the importance of closing the performance gap and making actual energy performance data available.
- 1.5. Using post construction monitoring is considered cutting edge practice and London is at the forefront of both national and city led energy policy by securing actual energy performance data. The proposals were welcomed during public examination by both experts, NGOs and industry stakeholders with a range of both small and larger developers supporting the initiative.
- 1.6. To enable the actual energy use and carbon emissions of new developments to be monitored and reported, the GLA is developing a post construction monitoring platform which applicants will use to upload their energy data. The monitoring platform will be publicly available to help raise awareness both for developers and occupants on actual energy performance and enable a comparison to design standards.
- 1.7. The policy will apply to developments which submit a planning application after the new London Plan is adopted and will help to ensure developments meet their specified performance, help to improve design methods and inform future GLA policy. The process will require building owners/managers to submit key pieces of information on energy consumption, renewables and heat network efficiencies to ensure compliance with the GLA's zero carbon targets and inform future carbon targets and policy.
- 1.8. In December 2017 the GLA entered into a contract with UCL (approved under cover of DD2184 - London Building Stock Model) until October 2018 with a value of up to £120,000 for consultancy services to develop a new open-source, pan-London Energy Performance Certificate (EPC) data model (the 'London Building Stock Model' (LBSM)). The tool provides a central database for presenting publicly available energy performance data (or estimates of performance) related to London's existing

¹ LEGGI, 2017

² PROBE studies archive - <http://www.usablebuildings.co.uk/Pages/UBProbePublications1.html> and - Carbon Trust's Closing the Gap Publication - <http://www.carbontrust.co.uk/publications/pages/publicationdetail.aspx?id=ctg047>

building stock. The tool is also intended to store carbon and energy data collected through the Mayor's Energy for Londoners programme and associated policies, and act as a single repository for all London's building performance data to inform policies and programmes.

- 1.9. As the purpose of the LBSM is to act as a single repository for building performance data, in August 2019, the Assistant Director of Environment (under cover of ADD2356) approved expenditure of up to £39,750 to contract UCL to undertake the development of the post-construction monitoring platform by extending the LBSM. A single source justification agreement was submitted to enter into a new contract with UCL to deliver the additional post-construction monitoring layer as part of the LBSM on the grounds that UCL has had previous involvement in the project and to enable them to continue existing work which cannot be separated from the new project/work.
- 1.10. UCL was awarded the contract and through their work we have since identified additional work that is necessary to finalise the post-construction monitoring platform. This is mostly down to GLA's decision to host the LBSM ourselves (in GLA's servers) and the lack of in-house tools and support regarding a user management system, both of which entail additional work for the post-construction monitoring platform. The initial work undertaken supported the GLA in the development of the 'be seen' methodology, delivered a reporting template and set the basis for the development of a dynamic system that allows lodged reports to be directly displayed in the post-construction platform. The total cost for this additional work (covered in more detail in section 2) is estimated at up to £15,914 and will be completed by April 2021. The total cost of this contract (including the previous work and this additional work) would therefore be up to £55,664.
- 1.11. Officers, therefore, propose that UCL are contracted to undertake the additional work associated with the development of the post-construction monitoring platform as it represents work that cannot be separated from the recent service they have provided. It is not deemed an effective use of time or resources to procure different contractors to finalise the integration of the new monitoring platform with the LBSM for the implementation of the new London Plan monitoring requirement, and the expertise required is not available in house. Officers acknowledge that section 9 of the GLA's Contracts and Funding Code requires, where the expected value of a contract for services is between £10,000 and £150,000 the services required should be procured competitively or called off from an accessible framework. Section 10 provides however, that an exemption from this requirement may be approved where the proposed contractor has had previous involvement in a project or is to continue existing work which cannot be separated from the new project/work. Approval of an exemption from the requirements of section 9 of the GLA's Contracts and Funding Code is therefore sought.
- 1.12. The contract will be managed by GLA officers and its value has been based on ongoing discussions held with UCL to determine a detailed scope for this additional piece of work.

2. Objectives and expected outcomes

- 2.1. The objective of this additional work is to finalise all the necessary aspects of the post construction monitoring platform and finalise the extension of the LBSM tool to develop and publish the online platform.
- 2.2. A staged approach has been agreed with UCL with the tasks related to this piece of work including:

Phase 2a: Completion by February 2021

- enable functionality to submit 'be seen' planning data via a webform;
- provide additions to the LBSM database to store 'be seen' planning data;
- enable a functionality to add simple layer of data for the planning stage (marker on map with tabular data);
- enable cross reference of the platform to the LDD;

- add superset front end to compare the 'be seen' submissions to the planning submissions on LDD;
- begin work on xml output format processing; and
- commission Mastodon C to identify solutions for the user management system.

Part 2b: Completion by April 2021

- enable dynamic charts on the interface and provide front end design for all 'be seen' reporting stages;
- make additions to the LBSM to store as built and in-use stage data; and
- finalise the user management functionality with Mastodon C for the document upload and retrieval process.

2.3. The expected outcome is the development and finalisation of the post-construction monitoring platform, a tool that will allow public disclosure of energy performance data of new major developments in London and which will help better understand the performance gap in London to help inform future policy.

3. Equality comments

- 3.1. Under section 149 of the Equality Act 2010, as public authorities, the Mayor and the GLA are subject to a public-sector equality duty and must have 'due regard' to the need to (i) eliminate unlawful discrimination, harassment and victimisation; (ii) advance equality of opportunity between people who share a relevant protected characteristic and those who do not; and (iii) foster good relations between people who share a relevant protected characteristic and those who do not. Protected characteristics under section 149 of the Equality Act are age, disability, gender re-assignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage or civil partnership status.
- 3.2. The equality impacts have been considered while developing this and the original (ADD2356) ADD documents, and it is not anticipated that the policy will have a bigger impact or unequal outcomes on certain groups. It is intended to capture real life energy usage data to help raise awareness both for developers and occupants on actual energy performance and enable a comparison to design standards. As such, this is an inclusive policy which will apply to all new major developments in London with a platform which will also be made publicly available so that everyone can have access.
- 3.3. We, therefore, do not expect the policy to create any disadvantage to people with different protected characteristics.
- 3.4. Where this activity highlights issues where there may be a disproportionate effect on groups with protected characteristics, the GLA will address them to ensure compliance with its duty under the 2010 Equality Act.

4. Other considerations

Key risks and issues

Risk/ Likelihood/ Impact	Mitigating actions	R/A/G
<p>1. Platform not completed in time to align with adoption of LP policy. This could lead to the London Plan being published without the supporting tools being available. The likelihood of this happening is moderate.</p>	<ul style="list-style-type: none"> • To mitigate against the platform being ready in time, a manual approach has been developed to ensure a method of data reporting is available and stakeholders are clear on the information the GLA will be gathering. Moreover, the relevant 'be seen' guidance that supports the policy roll-out has been published. • After careful discussion with UCL, a specific number of days has been allocated to each additional task to ensure the work is completed in time, with sufficient time for feedback and review, based on previous experience of this type of research project and the nature of the work required. • Any slippage will be reviewed through fortnightly officer catch ups with UCL and bi-monthly meetings with a manager from both sides to ensure the project timeline is being kept to. 	
<p>2. Budget is insufficient to complete the development of the platform. This could cause delays until an extension of the contract is agreed. The likelihood of this happening is low.</p>	<ul style="list-style-type: none"> • Following extensive discussions, in light of an updated scope following GLA's decision to host the LBSM in GLA's servers (and subsequently the post-construction monitoring platform) and due the lack of in-house tools and support regarding a user management system UCL have set out an updated scope and confirmed the associated costs of finalising the online approach. UCL's experience of developing similar platforms, the LBSM, the Carbon Buzz and the Colouring London platform provide confidence in the scope and costs provided. • Regular catch-ups with UCL to ensure spend is on track. 	
<p>3. Developing a platform that is difficult for applicants to understand and use. This may lead to the platform being underutilised and receiving bad feedback which risks the GLA's reputation. The likelihood of this happening is low.</p>	<ul style="list-style-type: none"> • Extensive engagement with developers and other working groups has been undertaken to ensure that the methodology is available for trials and tests before formal issue and adoption. The proposed portal was presented to stakeholders as part of the wider consultation requirement for the 'be seen' policy and this is now available for comments. 	

- 4.1. This work links to the Mayor's Environment priorities including the ambition for London to be zero carbon by 2030 and enables the implementation of the new draft London Plan energy policies that will help ensure new build plays its role in meeting the zero carbon target.

- 4.2. This work is expected to involve the processing of energy performance data from residential buildings and has been discussed with the Information Governance Team. To ensure the GLA complies with the GDPR, data will be held and processes at an aggregated level: the energy data will be per Class Use (i.e. area weighted energy data for all residential uses within a development rather than individual data per dwelling).
- 4.3. The GLA are not aware of any conflict of interest present with appointing UCL to do the additional work required.

5. Financial comments

- 5.1. Executive Director's approval is sought for the additional expenditure in the sum of £15,914 on consultation services for the single source appointment of UCL to undertake further work for the delivery of the GLA's post-construction monitoring platform. This is in addition to the expenditure approved under ADD2356 for £39,750 therefore taking the total spend for this programme to £55,664.
- 5.2. The funding for this programme will come from the Climate Change Mitigation Team's 2020-21 budget. Payment is to be made in arrears, following evidence of achievement in milestones. The indicative profile of expenditure is expected to take place in February and March 2021.

6. Legal comments

- 6.1. The decisions requested of the Executive Director (in accordance with the GLA's Contracts and Funding Code) concern the exercise of the GLA's general powers, falling within the GLA's statutory powers to do such things considered to further or which are facilitative of, conducive or incidental to the promotion of economic development and wealth creation, social development or the promotion of the improvement of the environment in Greater London; and in formulating the proposals in respect of which a decision is sought officers have complied with the Authority's related statutory duties to:
 - pay due regard to the principle that there should be equality of opportunity for all people;
 - consider how the proposals will promote the improvement of health of persons, health inequalities between persons and to contribute towards the achievement of sustainable development in the United Kingdom; and
 - consult with appropriate bodies.
- 6.2. In taking the decisions requested, the Executive Director 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 and to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic (race, disability, gender, age, sexual orientation, religion or belief, pregnancy and maternity and gender reassignment) and persons who do not share it (section 149 of the Equality Act 2010). To this end, the Executive Director should have particular regard to section 3 (above) of this report.
- 6.3. Section 9 of the Contracts and Funding Code (the 'Code') requires the GLA to seek a call-off from a suitable framework, where possible, or if not, undertake a formal tender process which will be managed by TfL in respect of the services. However, the director may approve an exemption from this requirement under section 10 of the Code upon certain specified grounds. One of those grounds is that contractor has had previous involvement in a project or is to continue existing work which cannot be separated from the new project/work. Officers have indicated at paragraph 1.10 -1.11 of this report that this ground applies and that the proposed contracts affords value for money.
- 6.4. On this basis the director may approve the proposed exemption if satisfied with the content of this report. If so, approved officers must ensure that the contract is varied in accordance with its provisions before the additional services commence.

7. Planned delivery approach and next steps

Activity	Timeline
Procurement of contract	January 2021
Phase 2a	Jan – Feb 2021
Phase 2b	Feb – Apr 2021

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

If YES, for what reason:

Until what date: (a date is required if deferring)

Part 2 – Sensitive information

Only the facts or advice that would be exempt from disclosure under 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:

Ioanna Mytilinaiou has drafted this report in accordance with GLA procedures and confirms the following:

✓

Assistant Director/Head of Service:

Peter Daw has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.

✓

Financial and Legal advice:

The Finance and Legal teams have commented on this proposal, and this decision reflects their comments.

✓

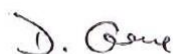
Corporate Investment Board

This decision was agreed by the Corporate Investment Board on 25 January 2021.

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature



Date

28 January 2021