

CEO DECISION – CD 180

Title: Environmental advice to the OPDC Planning Directorate

Executive summary

OPDC's Planning Directorate is seeking to procure environmental and sustainability consultancy services to support:

- Development Management officers in the assessment of environmental and sustainability matters for proposed developments at pre-application and planning application stage
- Planning Policy officers to draft the environmental sustainability sections for two forthcoming Supplementary Planning Documents (SPDs) the Public Realm and Green Infrastructure SPD and the Industrial SPD.

This will ensure:

- high standards of environmental sustainability are embedded within planning policy guidance
- environmental and sustainability matters are robustly assessed and addressed as part of planning applications.

Decision

That the Chief Executive approves:

- i. Expenditure of up to £150,000 to procure environmental consultancy services to support the Planning Directorate in the development of planning policy guidance and the assessment of planning applications
- ii. The receipt of up to £120,000 income to recover the costs of the planning and pre-application assessments where an agreement to do so has been made with the applicant

Chief Executive Officer

I do not have any disclosable interest in the proposed Decision. It is consistent with OPDC's priorities and has my approval.

Signature:



Date: 6 May 2022

PART 1: NON-CONFIDENTIAL FACTS AND ADVICE

1. Background and context

- 1.1. OPDC is the local planning authority for 650 hectares of land in west London, which spans three London boroughs: Ealing, Brent, and Hammersmith & Fulham. The area includes the Park Royal Strategic Industrial Location, the Old Oak development area around the new Old Oak Common (High Speed 2 and Elizabeth line) Station, and Wormwood Scrubs Metropolitan Open Land.
- 1.2. OPDC has full planning powers for the area and the Development Management team is responsible for assessing and determining planning applications, negotiating Section 106 agreements and discharging conditions. The varied character of the area means OPDC deals with a wide variety of development proposals including residential development, student accommodation, large-scale purpose-built shared living, hotels, new railway and associated infrastructure, employment and industrial developments and data centres. Many of these proposals are of a strategic scale, include tall buildings, and are Environmental Impact Assessment developments or are supported by a range of technical environmental studies.
- 1.3. As OPDC is a local planning authority and regeneration agency and not a local authority, the full range of expertise required to undertake robust assessments of technical studies and draft environmental sustainability guidance is not available in-house and so external support is required.

2. The proposal and how it will be delivered

- 2.1 The proposed expenditure will allow for the Planning Directorate to draw on expert environmental and sustainability consultancy support that will feed into planning policy guidance and assessments of planning applications and pre-applications for development. The consultants will ensure that OPDC can secure high standards of environmental performance from schemes brought forward in the OPDC area.
- 2.2 The costs for the support in the production of planning policy guidance are estimated to be £30,000. These costs will be met from the Planning Policy budget within the Planning Directorate budget.
- 2.3 The costs for the assessments of planning applications and pre-applications for development will, where feasible, be recharged to applicants.

3. Objectives and expected outcomes

- 3.1 The objective is to ensure OPDC's Planning Directorate is supported by an expert environmental and sustainability consultancy team to assist in:
 - ensuring planning guidance is supporting developers in achieving high standards of environmental sustainability
 - assessing planning applications and pre-applications to ensure that OPDC's and the Mayor's planning policies for high standards of environmental performance are being adhered to.

- 3.2 The outcome would ensure that OPDC is undertaking a robust assessment of planning applications enabling OPDC to make effective decisions on development proposals and ensure that planning applications that are approved deliver high standards of environmental sustainability.

4. Strategic fit

- 4.1 The environmental consultancy services will help inform a number of existing and future OPDC workstreams including:
- Ensuring the OPDC area contributes towards the Mayor of London's target for London to be net zero carbon by 2050.
 - Delivering policies EU1-EU11 of OPDC's Local Plan, regarding delivering of open space, biodiversity, water efficiency and quality, minimising flood risk, air quality, minimising noise and vibration, minimising waste and promoting the circular economy, use of sustainable and healthy materials, minimising carbon emissions and overheating, promoting smart technology and appropriately remediating contaminated land.
 - Supporting the host boroughs of Brent, Ealing, and Hammersmith and Fulham with their declarations of a climate emergency.

5. Project governance and assurance

- 5.1 Suitably qualified consultants will be procured through a competitive tender process using the TfL's Professional Services framework for Town Planning and Impact Monitoring including Health and Safety Environment (TPIM&HSE). This will be managed by Transport for London (TfL) in accordance with the OPDC Contracts and Funding Code. Consultants will be shortlisted through selection criteria, including price, quality and social value. OPDC would enter into the contract with the successful bidder. The contract will take the form of a single call-off contract with the successful consultancy.
- 5.2 The contract will be managed by the Head of Development Management with oversight from the Director of Planning. The project will be governed by quarterly meetings and regular communication including monthly look aheads.

Risks and issues

- 5.3 OPDC will need assistance with reviewing application and pre-application material at short notice. There is a risk that the consultant team may not have the capacity to deal with reviewing material for large-scale proposals as such short notice. To mitigate this risk, the tender specification will be clear on the need for a quick turnaround for assessments of pre-applications and applications and during procurement, the bidders will be required to demonstrate that they have sufficient capacity to assess proposals at short notice. OPDC will provide the successful tenderers with schedules of upcoming pre-applications and applications so that the tenderers are sighted on forthcoming assessments and can ensure they have sufficient officer capacity to review proposals. Review meetings will be held with the successful tenders during the contract to ensure that the tenderers are kept abreast of emerging pre-applications and planning applications.

- 5.4 There is a risk that poor quality outputs will adversely affect OPDC's ability to use the commission as intended. OPDC's client team will seek suitably qualified consultancy team with the necessary expertise and experience. Project management by OPDC will manage risks associated with quality control.

6. Equality comments

- 6.1 Under Section 149 of the Equality Act 2010, as a public authority, OPDC must have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation as well as to the need to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not.¹²_[OBJ]
- 6.2 The commission will support OPDC in delivering environmentally sustainable developments, benefitting those living, working and visiting the OPDC area including those with protected characteristics.
- 6.3 The Supplementary Planning Documents, of which the environmental consultancy would support the drafting, will undergo a Strategic Environmental Assessment Screening to ascertain whether or not a Sustainability Appraisal needs to be undertaken. If this screening process determines that a Sustainability Appraisal is required, a Sustainability Appraisal to assess SPDs' impacts on sustainability criteria, which would include an assessment of the SPD's impacts on equalities. If the screening process determines that a Sustainability Appraisal is not required, the reason for this would be that the Local Plan's Integrated Impact Assessment (IIA) is determined to have appropriately tested the proposed guidance within the SPDs. In this circumstance, the IIA for the Local Plan incorporated an Equalities Impact Assessment and this assessment concluded that the policies in the Local Plan will have generally positive impacts on communities, including those with protected characteristics.

7. Other considerations

- 7.1 There are no other considerations that need to be considered in the taking of this decision.

8. Conflicts of interest

- 8.1 No one involved in the preparation or clearance of this Form, or its substantive proposal, has any conflict of interest

¹ The protected characteristics and groups are: age, disability, gender reassignment, pregnancy and maternity, race, gender, religion or belief, sexual orientation and marriage/ civil partnership status. Fulfilling this duty involves having due regard to: the need to remove or minimise any disadvantage suffered by those who share a protected characteristic or one that is connected to that characteristic; taking steps to meet the different needs of such people; and encouraging them to participate in public life or in any other activity where their participation is disproportionately low. Compliance with the Equality Act may involve treating people with a protected characteristic more favourably than those without the characteristic. The duty must be exercised with an open mind and at the time a Decision is taken in the exercise of the OPDC's functions.

9. Financial comments

- 9.1 Expenditure of up to £150,000 (£90,000 from 2022/23 and £60,000 from 2023/24) to be initially funded from the Planning Directorate budgets; however, advice provided on pre-applications and planning applications will, where appropriate, be recharged to the applicants, so will be recognised against the Cost Recovery budget.
- 9.2 The SPD work is estimated to come to £30,000 and will be met from the Planning Policy 2022/23 budget (c.f. 1.2 above).
- 9.3 The expenditure of up to £120,000 (£60,000 in 2022/23 and £60,000 in 2023/24) to fund the planning and pre-application assessments will be funded from the Planning Directorate budget. To the greatest extent possible, OPDC will seek to offset the net cost of this work by way of discretionary contributions from the applicants. Where an agreement is made with an applicant to recover the costs of the work undertaken, this will be recognised against the Cost Recovery budget.
- 9.4 Any further expenditure is subject to the Corporation's decision-making process.

10. Legal comments

- 10.1 The report above indicates that the decision requested of the Chief Executive falls with the OPDC's object of securing the regeneration of the Old Oak and Park Royal area and its powers to do anything it considers appropriate for the purpose of its objects or purposes incidental to those purposes, as set out in the Localism Act 2011.
- 10.2 In taking the decisions requested, the Chief Executive 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 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 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).
- 10.3 The services required should be procured in accordance with the OPDC's Contracts and Funding Code by relevant procurement officers. Officers must ensure that appropriate contract documentation is put in place and executed by the successful consultant and OPDC before the commencement of the services.

11. Summary timeline

- 11.1 The indicative timeline is set out in the below table.

Activity	Timeline
Invitation to Tender issued	April 2022
Deadline for bidder clarifications	April 2022

Deadline for receipt of bids	May 2022
Interviews for shortlisted bids (if required)	May 2022
Award subject to contract	May 2022
Drafting of SPD text	May – August 2022
Support to Development Management	Ongoing

Appendices

- None

Other supporting papers

- None

PUBLIC ACCESS TO INFORMATION

Information in this Form (Part 1) is subject to the Freedom of Information Act 2000 (FoIA). OPDC aims to publish the Form within three working day of approval.

If immediate publication risks compromising the implementation of the Decision (for example, impacting a procurement process), it can be deferred until a specific date (when it will be published). Deferral periods are kept to the shortest length strictly necessary.

Part 1 – Deferral

Publication of this Part 1 is to be deferred: **No**

The deferral is until: N/A

This is because: N/A

Part 2 – Confidential information

Only the facts or advice that would be exempt from disclosure under FoIA should be included in or attached to any separate Part 2 Form, together with the rationale for withholding the information at this time.

There is a separate and confidential Part 2 Form: **No**

DECLARATIONS

Drafting officer: Tom Cardis has drafted this Form in accordance with OPDC procedures, including for handling conflicts of interests, and confirm that:



Advice: The Finance and Legal teams have commented on the proposal.



CONFIRMATIONS

Section 106 funding: N/A

SMT review: This Decision was circulated to the **Senior Management Team** for review on Monday 25 April 2022.

Chief Finance Officer

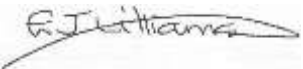
Financial and legal implications have been appropriately considered in the preparation of this Form.

Signature: 

Date: 05 May 2022

Director of Planning

I do not have any disclosable interest in the proposed Decision. It is consistent with OPDC's priorities and can be referred to the CEO for final approval.

Signature: 

Date: 05 May 2022