

DIRECTOR DECISION – DD133

Title: Appointment of EIA consultants in association with the planning application for '115-129a Scrubs Lane'.

Executive Summary:

This decision form seeks approval of expenditure on consultancy services to provide expert assistance to Old Oak and Park Royal Development Corporation (OPDC) in the assessment of an Environmental Statement relating to the proposed development known as 'North Kensington Gate South' at 115-129a Scrubs Lane, London, NW10 6QY.

OPDC requires additional expertise for this exercise to prevent delays in assessing the proposals in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).

Expenditure against the contract is expected to be up to a maximum of £30,000. An undertaking will be secured with the planning applicant to meet the cost, and reimbursement will be required before the application is determined.

Decision:

That the Director of Planning approves:

- Expenditure of up to £30,000 on consultancy services, in the form of an assessment of the Environmental Statement for the proposed development at 115-129A Scrubs Lane.
- Receipt of income, to cover the cost of the above, from the applicant (City & Docklands).

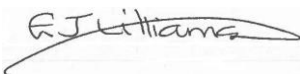
AUTHORISING DIRECTOR

I have reviewed the request and am satisfied it is correct and consistent with the OPDC business plan and priorities. It has my approval.

Name: Emma Williamson

Position: Director of Planning

Signature:



Date: 2 September 2020

PART I - NON-CONFIDENTIAL FACTS AND ADVICE

Decision required – supporting report

1. Introduction and background

- 1.1 In June 2018, OPDC granted planning permission for the following development at 115-129A Scrubs Lane, London, NW10 6QU ('North Kensington Gate South'): "Demolition of existing buildings and redevelopment of the site to provide a new building ranging from 6 storeys (25.1 metres above ground level) to 22 storeys (80.4 metres above ground level) in height over a new excavated basement, comprising 750sqm (GIA) of ground floor commercial floorspace (use class A1/A2/A3/B1) and 164 residential units (use class C3), with basement car parking and plant space, landscaping and associated works."
- 1.2 Arcadis were appointed by OPDC to advise on the Environmental Statement (ES) submitted in support of the consented scheme.
- 1.3 City & Docklands have submitted a full application to vary the extant consent at 115-129A Scrubs Lane to increase the number of residential units from 164 to 208 through a change in the unit mix and amendments to the height and massing of the building. OPDC and City & Docklands had a pre-application meeting in October 2019 and a formal planning application was submitted in August 2020. An Environmental Statement has been submitted with the planning application in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

2. Objectives and expected outcomes

- 2.1 The appointment of external consultants is required to assist the OPDC in providing a robust assessment of the Environmental Statement submitted in support of the planning application. The ES covers a range of environmental impacts in relation to the proposed redevelopment of 115-129A Scrubs Lane, in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 2.2 The use of external consultants provides the additional expertise necessary to ensure that the decisions issued by OPDC are robust and are less susceptible to legal challenge. Legal challenges could result in delays to the delivery of development on this key site, with implications for the delivery of residential development along Scrubs Lane. The input would also help to expedite the assessment of the Environmental Statement, thereby facilitating the determination of the planning application within the statutory time period.
- 2.3 A competitive exercise will be undertaken to procure the consultants, with assistance from TfL. In the first instance, a call-off from a suitable framework will be sought. If this is not possible, a formal tender process will be undertaken.

3. Equality comments

- 3.1 Under section 149 of the Equality Act 2010, as a public authority, the OPDC is subject to the 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.
- 3.2 Protected characteristics under section 149 of the Equality Act are age, disability, gender, gender re-assignment, pregnancy and maternity, race, religion or belief, sexual orientation, and marriage or civil partnership status (all except the last being “relevant” protected characteristics).
- 3.3 In relation to this decision proposal, officers do not consider that the proposal raises any equality issues and the proposal benefits all persons equally by facilitating timely and robust assessment of the planning application.

4. Other considerations

Key risks and issues

- 4.1 If consultants are not appointed to assist with the work, there is a risk that the environmental assessment would not be sufficiently robust owing to the wide range of technical environmental issues that need to be addressed. There may also be delays in undertaking a comprehensive assessment of the planning application whilst issues are resolved.
- 4.2 The contract will be managed in accordance with OPDC Contracts and Funding Code.

Links to OPDC strategies and priorities

- 4.3 The delivery of the 115-129A Scrubs Lane site represents a critical objective of the OPDC draft Local Plan for Scrubs Lane which supports the delivery of a range of mixed used development along Scrubs Lane by contributing to the delivery of 1,200 new jobs and a minimum of 2,600 new homes including 1,950 new homes within the first 0-10 years.

Impact assessment and consultations

- 4.4 The planning application and Environmental Statement will be subject to public consultation in accordance with the Town and Country Planning (Development Management Procedure Order) 2015.
- 4.5 OPDC consulted on Regulation 19 of the OPDC draft Local Plan in June-July 2018 before going through public examination between April and July 2019.

5. Financial comments

- 5.1 Expenditure of up to £30,000 for the appointment of external consultants will be funded from the 2020/21 Development Management budget. However, this expenditure will be reimbursed by the applicant. A written undertaking to meet these costs will be secured from the applicant. It is advisable that undertakings with the applicant exist prior to entering into any commitments. The applicant must be invoiced in a timely manner to recover the costs and decision notices must not be issued until this is settled, so as not to expose the Corporation to financial risk.
- 5.2 Further expenditure is subject to the Corporation's decision-making process.
- 5.3 Should the deliverables slip into the next financial year, expenditure will need to be met from existing budgets.

6. Legal comments

6.1 Legal comments are not required for contracts below £50,000.

7. Planned delivery approach and next steps

Activity	Timeline
Invitation to Tender issued	August 2020
Deadline for receipt of bids	August 2020
Award subject to contract	September 2020
Review of applicant's Environmental Statement	September 2020
Completed assessment of North Kensington Gate (South) Environmental Statement	TBC

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the OPDC 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 approval or on the defer date.

Part 1 Deferral:

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

Until what date: N/A

Part 2 Confidentiality: Only the facts or advice considered to be exempt from disclosure under the FOI Act should be 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:

Sophie Lee has drafted this report in accordance with OPDC procedures and confirms that:

✓

Finance advice:

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

✓

Legal advice:

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

✓

CHIEF FINANCE OFFICER:

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

Signature



Date

28/08/2020