

**CEO DECISION – CD 158**

**Title: Western Lands: detailed site capacity studies – Homes England funding**

**Executive summary**

This decision form seeks approval to receive £50,000 from Homes England as a contribution to OPDC expenditure on consultancy services for technical assurance of development site capacities (the work is being led by Gort Scott Architects). The commission is feeding into a developing strategic outline business case for the Western Lands strategy, on which Homes England and OPDC are collaborating.

OPDC appointed Gort Scott Architects in January 2021 from the TfL's Architecture, Design and Urbanism (ADUP) framework through a competitive procurement process. The balance of the contract is being funded from the OPDC's Western Lands development budget for financial year 2020/21, as approved in CD149.

**Decision**

That the Chief Executive approves:

- i. Receipt of £50,000 from Homes England to part-fund the commission of Gort Scott to provide technical due diligence in support of the development of the Western Lands strategy. Total expenditure on the contract will remain within the £80,000 approved under CD149.

**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:** 17 March 2021

## **PART 1: NON-CONFIDENTIAL FACTS AND ADVICE**

### **Background and context**

- 1.1 In January 2020, the Board approved OPDC's revised 'Western Lands' delivery approach. At its 13 October 2020 meeting, the Board approved a delegation to the CEO to approve detailed expenditure proposals, drawing down the Development Team's Western Lands budget of £440,000, to support the development of a Western Lands business case and delivery strategy. Further to that delegation, CD149 approved expenditure of up to £80,000 for the services of an architecture practice to provide design analysis to support the development of the business case. The commission was awarded to Gort Scott Architects.
- 1.2 Homes England (HE) officers are working in close collaboration with OPDC to develop the business case and HE has confirmed it is able to provide funding support for this external consultancy.
- 1.3 This form seeks approval for the receipt of £50,000 from HE to part fund the Gort Scott commission, reducing net OPDC expenditure to £30,000.

### **The proposal and how it will be delivered**

#### *The proposal*

- 2.1 Since their appointment in January 2021, Gort Scott Architects have been working on detailed site capacity studies of the public sector landholdings in the Western Lands. These studies will provide technical due diligence on development viability appraisals that OPDC has already, and further to CD148, commissioned Savills to undertake.
- 2.2 The commission is due to be completed at the end of March 2021. Following feedback on the strategic outline business case, there may be a further phase of this work required, subject to approval.

#### *Delivery method*

- 2.3 OPDC carried out a competitive procurement process in line with OPDC's Contracts and Funding Code to appoint Gort Scott, from the Architecture, Design and Urbanism (ADUP) panel. HE staff were on the panel that reviewed the tender documents and a contract is in place between OPDC and Gort Scott.
- 2.4 In line with HE's internal governance arrangements, the contract with Gort Scott will be varied to make this a tripartite contract between HE, Gort Scott and OPDC. Transport for London (TfL) Commercial and TfL Legal are assisting with this.
- 2.5 OPDC will continue to have overall responsibility and day to day management of the contract with Gort Scott and will pay Gort Scott for the services provided. OPDC will re-claim HE's contribution of £50,000 by submitting evidence to HE that Gort Scott has carried out the work to the value of the claim.

## **Objectives and expected outcomes**

### *Objectives of the study*

- 3.1 OPDC and Homes England are seeking to achieve a coordinated approach to the major strategic development and regeneration of these sites to support the creation of an urban district that will realise the full potential for development and placemaking in Old Oak which has been created by the significant investment in the Elizabeth Line and High Speed 2. The preparation of a credible business case requires a detailed understanding of the viability and deliverability of several delivery scenarios.

## **Strategic fit**

- 4.1 This proposal supports OPDC's Western Lands strategy; a revised delivery approach which was approved by the Board in January 2020.

## **Project governance and assurance**

- 5.1 The Development Director will act as Senior Responsible Officer (SRO) for this procurement, and the subsequent management of the contract. Day to day management of the work will be led by the Head of Design with support from the Principal Urban Designer.
- 5.2 Regular project meetings will be held to monitor project progress, with the OPDC/Homes England Client Group and consultant in attendance.

### *Risks and issues*

- 5.3 At a strategic level, the primary risks associated with this commission are in line with the risks attached to the overall Western Lands programme regarding funding and delivery. It is anticipated that this commission will play a valuable role in mitigating some of these risks by providing a robust assessment of site capacity as well as evidence to support the need for a central role for OPDC in coordinating delivery of development and infrastructure so as to maximise the opportunity to create an exemplary new urban district.
- 5.4 In terms of the risks and issues associated with the specific tasks being commissioned, these primarily relate to:
  - The need for a bespoke agreement mechanism that meets both HE's and OPDC's requirements. This is currently in the process of being finalised, and therefore this risk is being managed.
  - The requirement for HE to authorise the funding contribution before 31 March 2021. This requires tripartite agreement to be in place between OPDC, HE and Gort Scott. Although there have been some delays to this process, this risk is being managed by ensuring that as far as possible the paperwork is ready to be processed as soon as the tripartite agreement is in place.

## **Equality comments**

- 6.1 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.<sup>1</sup>

- 6.2 OPDC's infrastructure, development and funding work is at an early stage and does not have yet any identifiable equalities impact. As and when specific proposals or recommendations from this work be brought forward, the equalities impact will be considered at that time.
- 6.3 The consultant team has been appointed from the GLA's Architecture, Design and Urbanism (ADUP) framework where five per cent of the total evaluation score is allocated to social value.

### **Other considerations**

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

### **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.

### **Financial comments**

- 9.1 The receipt of £50,000 from Homes England will reduce OPDC's expenditure to £30,000 and can be contained within the existing budget.
- 9.2 The maximum expenditure will be £80,000.

### **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

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<sup>1</sup> This 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. 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. 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.

characteristic and persons who do not share it (section 149 of the Equality Act 2010). To this end, the director should have particular regard to section (6) of this report.

- 10.3 Officers have indicated in paragraphs 2.1 and 2.4 of this report that the services have been procured in accordance with the OPDC's Contracts and Funding Code and the Public Contracts Regulations 2016. Officers must ensure appropriate documentation is put in place and executed in relation to HE's contribution to the services being provided.

## **Appendices**

- None

## **Other supporting papers**

- 30 January 2020 – Board Paper
- CD149 – Western Lands: detailed site capacity studies

## 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 days 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: **Yes**

The deferral is until: 31 March 2021

This is because: Negotiations are still underway between Gort Scott, Homes England and OPDC regarding the tripartite agreement.

### 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:** Eleanor Fawcett 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 Friday 12 March 2021.

### Chief Finance Officer

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

**Signature:**



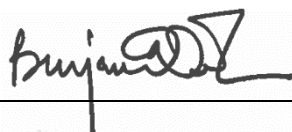
**Date:**

**16/03/21**

### Director of Development

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:**

**16 March 2021**

