

DIRECTOR DECISION – DD146

Title: Assessing the Environmental Statement accompanying the planning application at 1 Portal Way, North Acton

Executive summary

The appointment of external consultants is required to provide expert assistance to Old Oak and Park Royal Development Corporation (OPDC) in the assessment of an Environmental Statement (ES) relating to the proposed development at 1 Portal Way, North Acton, W3 6RS.

OPDC requires additional expertise for this exercise to enable a full and proper assessment of the Environmental Statement submitted with the planning application for 1 Portal Way and to ensure compliance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). OPDC does not have the technical expertise necessary to undertake this assessment in-house.

The value of the contract is expected to be up to a maximum of £25,000. An undertaking will be secured with the planning applicant to meet the cost, and reimbursement will be required before the application is determined.

Decision

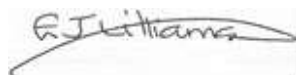
The Director of Planning approves:

- i. Expenditure up to £25,000 on an external expert assessment of the Environmental Statement for the development at 1 Portal Way, North Acton. The costs will be met in full by the applicant (Imperial College London).

Authorising Director

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

Signature:



Date: 15 December 2021

PART 1: NON-CONFIDENTIAL FACTS AND ADVICE

1. Background and context

- 1.1 Imperial College London (ICL) have submitted a hybrid planning application (part full/part outline) for redevelopment of the site at 1 Portal Way for the construction of up to seven buildings to provide up to 1,325 residential units, 384 co-living units and c.30,000 sq.m of commercial floorspace in buildings of up to 56 storeys (227.75 metres). An Environmental Statement (ES) has been submitted with the application in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

2. The proposal and how it will be delivered

- 2.1 OPDC were engaged in pre-application discussions with ICL and the London Borough of Ealing (LBE) since March 2021. The planning application was submitted on 28 October 2021. Under the Scheme of Delegation agreed between OPDC and LBE, planning applications in North Acton have historically generally been delegated to LBE for determination. However, in this instance a decision was made on 10 November 2021 that OPDC should retain the submitted planning application for its own determination. The planning application was validated on the 18 November 2021 and the statutory determination target date is 9 March 2022.
- 2.2 As the decision for OPDC to determine this application was only made on submission of the planning application, there was no opportunity to procure environmental consultants ahead of the receipt, validation and start of consultation on the planning application. In the interests of ensuring value for money, officers have sought quotes from three sets of consultants and received two fee proposals. The third consultant is unable to act on OPDC's behalf due to a conflict of interest.
- 2.3 The appointment of external consultants is required to assist OPDC in undertaking a robust assessment of the ES submitted in support of the planning application, which identifies a range of environmental impacts in relation to the proposed development, in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. OPDC does not possess the necessary expertise in-house to deal with all the technical environmental matters raised by a proposal of this scale and complexity.
- 2.4 The main duties of the appointed environmental consultants will be to:
- Undertake a technical assessment of the ES on OPDC's behalf and produce a report on the robustness of the methodology and significance of the environmental effects including the appropriateness of any mitigation measures proposed by the Applicant.
 - Advise on the compliance of the ES with the procedural requirements of the EIA Regulations 2017.
 - Prepare a request for further information under Regulation 25 of the EIA Regulations 2017 (if necessary).
 - Assist OPDC's negotiations with the Applicant, liaise with the Applicant their consultant team, assist with the drafting of comments on the EIA for inclusion in

the Planning Committee report and the drafting of conditions and the Section 106 legal agreement (as required).

3. Objectives and expected outcomes

- 3.1 The appointment of external consultants is required to assist OPDC in providing a robust assessment of the Environmental Statement submitted in support of the application, which identifies a range of environmental impacts in relation to the proposed development, in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 3.2 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 mixed-use development within the North Acton and Acton Wells area. The input would also help to expedite the assessment of the Environmental Statement and timely determination of the planning application.
- 3.3 Consultants with recent experience of these issues in the OPDC area are required to provide the necessary expertise and ensure OPDC meets its statutory duty to respond to requests in time. The expenditure on external consultants for this work is expected to be up to a maximum of £25,000. This cost will be funded by the applicant. A written undertaking to meet these costs will be secured from the applicant.

4. Strategic fit

- 4.1 OPDC's Post Submission Modified Draft Local Plan (PSMDLP) Place Policy 7 (North Acton and Acton Wells) supports the delivery of 6,200 new jobs and minimum of 8,000 new homes in this part of the OPDC area. Early delivery of 5,250 new homes is identified within the first ten years of the plan period.
- 4.2 1 Portal Way is an allocated site within the PSMDLP and the proposed development of up to 1,325 residential units, 384 co-living units and c.30,000 sq.m of commercial floorspace represents a significant opportunity for delivery of PSMDLP objectives.

5. Project governance and assurance

- 5.1 This work will be overseen by the Principal Planner, who is also the Case Officer on the planning application. Duties will include instructing and liaising with the consultants, reviewing their draft findings, and issuing the final report to the applicant.

Risks and issues

- 5.2 The contract will be managed in accordance with OPDC standard contract management procedures. 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. Delays in appointing consultants, and consequential failure to determine the planning application in a timely manner, could lead to an appeal to the Planning Inspectorate on grounds of non-determination.

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.¹
- 6.2 Securing appropriate environmental advice in relation to the 1 Portal Way planning application will contribute to the delivery of the regeneration objectives for Old Oak and Park Royal, as set out in the Opportunity Area Planning Framework and the draft OPDC Local Plan.

7. Other considerations

Consultations and impact assessments

- 7.1 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.

Sustainability

- 7.2 The Environmental Statement includes detailed consideration of issues related to Climate Change.

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

9. Financial comments

- 9.1 The expenditure of up to £25,000 will be incurred by OPDC in the first instance and recovered in full from the applicant.

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.

- 9.2 Officer(s) should ensure an agreement to recover the costs is in place with the applicant prior to making contractual commitments with the supplier. The applicant should be invoiced in a timely manner to reduce the risk to the Corporation

10. Summary timeline

Activity	Date
Award	December 2021
Delivery start date	December 2021
Initial Review	January 2022
Delivery end date	Spring/Summer 2022

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**

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: Jon Sheldon has drafted this Form in accordance with OPDC procedures, including for handling conflicts of interests, and confirms that:



Advice: The Finance team 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 10 December 2021.

Chief Finance Officer, JASBIR SANDHU

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

Signature: 

Date: 17 December 2021