

CEO DECISION – CD 147

Title: Construction and Delivery of the Old Oak Lane Towpath Access

Executive summary

OPDC was awarded £1,200,000 of capital funding from the Mayor of London's Good Growth Fund Round 2 to deliver a series of community and public realm focused initiatives along the canal. One of these projects is a new stepped and step-free access linking Old Oak Lane to the canal towpath, which seeks to improve accessibility and the canal-side environment at a key gateway for existing and future communities.

Since April 2020, the towpath access project has gone through design and planning, with planning approval granted in November 2020. OPDC is now seeking to progress the project to construction and delivery in partnership with the London Borough of Ealing.

OPDC's Chief Executive is being asked to approve this expenditure under authority delegated by the Board on 26 September 2019.

Decision

That the Chief Executive approves:

- i. A grant of up to £360,000 to the London Borough of Ealing to construct and deliver a new access from Old Oak Lane to the Grand Union Canal towpath and surrounding public realm improvements (the "Projects"), drawn from Good Growth Round 2 capital funding in FY21/22.
- ii. Expenditure of up to £40,000 on design and construction consultancy services in FY20/21 to mobilise the project for construction, drawn from the OPDC's Delivery revenue budget.

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: 09 March 2021

PART 1: NON-CONFIDENTIAL FACTS AND ADVICE

1. Background and context

- 1.1 In September 2019 OPDC published its Canal Placemaking Study, funded by the Mayor of London's Good Growth Fund Round 1, which sets out a coherent vision and placemaking principles for the Grand Union Canal in Old Oak and Park Royal. The study identifies the opportunity to deliver quick win public realm improvements at key access points to demonstrate and establish the canal's value, including a new access at Old Oak Lane to the canal towpath.
- 1.2 To deliver the projects set out in the Canal Placemaking Study, OPDC was awarded £1,200,000 of capital funding in December 2018 from the Good Growth Fund Round 2, which was approved by the OPDC Board on 26 September 2019. Of this funding, £250,000 was allocated to design and deliver the Project. Subsequently, up to £150,000 has been allocated to the Project, which was originally intended to fund an open-access boaters and cycle repair workshop proposal in Harlesden, but which now cannot be delivered. This reallocation of funding has been agreed with the GLA.
- 1.3 Expenditure of Good Growth Fund Round 2 funding for consultancy fees to design the new towpath access and for technical services, such as site surveys and approvals, were approved under CD128 and DD129 respectively. DKCM architects were appointed on 29 April 2020 as design consultants for the Project through RIBA Stage 0 (inception) to RIBA Stage 6 (project completion) under a call-off contract GLA 80868/Task 1040 through the GLA Architecture Design + Urbanism Panel (ADUP) Framework.
- 1.4 DKCM have now produced the design for the new towpath access and planning permission was granted on 17 November 2020 following determination by the OPDC Planning Committee under OPDC's Scheme of Delegation. The project is now being mobilised for delivery, with construction programmed to begin in May 2021.

2. The proposal and how it will be delivered

- 2.1 The construction of the new Project will be led by the London Borough of Ealing (LB Ealing) and delivered through their framework contractor for highways and public realm works. The new towpath access will provide a stepped and step-free access from Old Oak Lane to the canal towpath that is compliant with modern accessibility standards.
- 2.2 A grant agreement will be put in place between OPDC and LB Ealing to transfer the construction budget of up to £360,000 of Good Growth Round 2 funding. LB Ealing will lead the construction of the towpath access and appoint its own contractors from its framework for similar works. LB Ealing is the Highway Authority for Old Oak Lane to which this canal towpath access joins.
- 2.3 DKCM will continue in their appointed role as lead consultant and designer's during the construction of the Project under the existing call-off contract. This approval includes an additional £35,000 for work including stakeholder design liaison and

approvals (Network Rail, National Grid, Canal & River Trust) and construction stage design assurance.

- 2.4 Before construction begins, LB Ealing and their framework contractor will be required to provide the final construction budget including requirements for contingency. LB Ealing's contractor will also be providing pre-construction services, on-site set-up, health and safety and early site clearance works. This decision will authorise up to £5,000 from OPDC's Delivery budget for these services.

3. Objectives and expected outcomes

- 3.1 The Project aims to improve connectivity and access to the Grand Union Canal for existing and future communities by providing a new stepped and step-free access from Old Oak Lane to the canal towpath. The new towpath access will comply with modern standards of accessibility and replace the existing non-compliant ramp so that the canal will be accessible to all. The project will also upgrade the overall space to deliver high-quality public realm and enrich the wildlife of the area.
- 3.2 The design of the new towpath access has been guided by the following key principles:
- To be accessible for nature and people;
 - To be explorative, interactive and playable;
 - To make use of local materials and skills; and
 - To celebrate the canal and its character.

4. Strategic fit

- 4.1 The Project forms part of OPDC's 'In the Making' initiative, incorporating OPDC workstreams which are delivering creative projects and activities benefiting local communities and creating a new public life and a sense of place across Old Oak and Park Royal in the next 1-5 years.
- 4.2 The overarching objectives of 'In the Making' are:
- Delivering everyday improvements and opportunities with and for local people;
 - Growing initiatives which will shape successful places; and
 - Celebrating and promoting what makes Old Oak and Park Royal special.
- 4.3 The 'In the Making' capital projects form part of the OPDC's wider delivery approach of Accelerated Delivery.
- 4.4 The Grand Union Canal is to be a defining feature of the OPDC area and delivering improved connections to the canal from surrounding areas is a key aim set out in OPDC's Local Plan. This Project is to be the first of such canalside improvement projects delivered in the OPDC area. It will enhance accessibility of the canal for existing and future communities.
- 4.5 The Grand Union Canal is also a Site of Importance for Nature Conservation (SINC) and the OPDC Local Plan seeks to enhance the ecological value of the canal. The new access will be accompanied by rich planting and landscaping that aims to create a mini nature reserve.

5. Project governance and assurance

- 5.1 LB Ealing will lead the construction and delivery of the Project. LB Ealing have requested that the funding for the construction budget be transferred in advance of the construction works. With the advance transfer of funds, OPDC will receive monthly monitoring reports outlining spend and deliverables achieved during the period. These monitoring reports will be signed and approved by the Head of Highways for LB Ealing. OPDC will also use DKCM to independently inspect the works as design guardians.
- 5.2 OPDC will have regular meetings with LB Ealing during the construction programme to monitor progress.
- 5.3 OPDC will continue to project manage DKCM during the construction of the Project to delivery. DKCM will attend the regular progress meetings with LB Ealing to ensure works accord with contract documents and answer any queries from the contractor. From OPDC, the Senior Responsible Officer is the Development Director and the Project Lead is the Principal Project Manager.
- 5.4 Management and maintenance of the site after the Project has been delivered will be the responsibility of the Canal & River Trust (CRT) as landowners. This has been agreed in writing by CRT. The soft landscaping will be maintained for three-year by the contractor to ensure planting establishment, after which CRT will maintain the landscaping. CRT will also attend the regular progress meetings.

Risks and issues

Risk description	Inherent Score	Mitigations	Target Score
Quality of delivery – There is a risk the works are not completed to the expected quality standard when handing over the project to LB Ealing for delivery.	Likelihood: 3 Impact: 4 Total: 12	Construction works will be delivered by an approved contractor. OPDC will monitor the design quality standards with design consultants DKCM.	Likelihood: 2 Impact: 3 Total: 6
Purdah – There is a risk that the pre-election period causes a delay to construction commencement due to being unable to proactively communicate upcoming activity on site.	Likelihood: 3 Impact: 3 Total: 9	LB Ealing will be project managing the construction activity and the borough, or the contractor, will be responsible for any operational communications. Mitigation strategy being prepared with OPDC Head of Communications	Likelihood: 2 Impact: 2 Total: 4
Management and maintenance – There are not appropriate	Likelihood: 4 Impact: 4 Total: 16	CRT have agreed to manage and maintain the new access and	Likelihood: 1 Impact: 2 Total: 2

<p>arrangements in place for the ongoing management and maintenance for the works.</p>	<p>landscaping. CRT have been involved in the project since inception and have signed off proposals at each stage of design. CRT will continue to attend regular project meetings through to completion.</p>		
<p>National Grid assets – There are a number of assets (two junction boxes on site and three high voltage cables along the towpath) that were to be decommissioned and removed by National Grid separately prior to commencement of construction works. This decommissioning project is now on hold and there is a risk that National Grid will no longer want to remove their assets from site.</p>	<p>Likelihood: 4 Impact: 5 Total: 20</p>	<p>OPDC and CRT are in discussions with National Grid so that works can be coordinated. National Grid have indicated that they are open to collaboration.</p>	<p>Likelihood: 3 Impact: 3 Total: 9</p>
<p>Construction impacts – The construction works are likely to cause disruption to the area, particularly Old Oak Lane and the canal towpath, potentially requiring towpath closure at this site during part of the construction period.</p>	<p>Likelihood: 4 Impact: 3 Total: 12</p>	<p>OPDC is working closely with LB Ealing to ensure towpath closures are avoided or minimised. Any works and mitigation, such as diversion routes, will be discussed in advance with OPDC and CRT communications teams to ensure appropriate messaging to the community.</p> <p>OPDC and LB Ealing regularly attend the HS2 Traffic Liaison Group and so are aware of other construction projects</p>	<p>Likelihood: 3 Impact: 3 Total: 9</p>

occurring in the vicinity to coordinate appropriately.

6. 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.¹
- 6.2 The new towpath access has been designed to comply with modern standards of accessibility, particularly BS8300-12018. The proposal will provide improved access to all, irrespective of specific needs or requirements and will replace the existing non-compliant access.
- 6.3 During construction, OPDC, LB Ealing and CRT will work together to ensure minimal disruption to users of the canal towpath and ensure any diversion routes, if required, are appropriately provided for and communicated to the public.

7. Other considerations

- 7.1 Originally Good Growth Round 2 funding was to be spent by March 2021. However, OPDC can continue the Project during financial year 2021/22 due to an extension to the spending deadline of one year to March 2022 to take into account project delays resulting from COVID-19. This project was affected by the national lockdown in April-May 2020 when on site surveys were not able to be completed.

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 Expenditure of up to £360,000 to be financed by Good Growth Round 2 capital funding in 2021/22, and of up to £40,000 on design and construction consultancy services in 2020/21 to mobilise the project for construction, drawn from the OPDC's Delivery revenue budget.
- 9.2 Further expenditure and contract variations are subject to the Corporation's decision-making process.

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.

- 9.3 All procurement must be undertaken in line with the Corporation's Procurement Guidance and the Contracts and Funding Code is adhered to.

10. Legal comments

- 10.1 The report above indicates that the decision requested of the Chief Executive falls within OPDC's objective 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 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 Chief Executive should have particular regard to section 6 (above) of this report.
- 10.3 Paragraph 2 above indicates that the contribution of funding to LB Ealing will amount to the provision of grant funding and not payment for services. Officers must ensure that an appropriate funding agreement is put in place between and executed by the OPDC and to LB Ealing before any commitment to fund is made.
- 10.4 The officers have also indicated in section 2 that the services required are within the scope of the existing call-off contract with the service provider (No. GLA 80868/ Task 1040). Officers must ensure that the appropriate contract mechanism for instructing the services is followed and required documentation is put in place when instructing the services.

11. Summary timeline

Activity	Date
Bill of quantities	February – March 2021
Material orders/ permits	April 2021
Construction works	May 2021 – July 2021
Site clearance/ handover	August 2021
Project closure	September 2021

Appendices

- None

Other supporting papers

- OPDC Board Paper (26 September 2019)

- CEO Decision CD128 (20 February 2020)
- Director Decision DD129 (18 May 2020)

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: **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: Clare Healy 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 26 February 2021.

Chief Finance Officer

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

Signature:



Date: 09/03/21

Director: Development Director

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:

A handwritten signature in black ink, appearing to read 'Ben O'Neill', with a long horizontal stroke extending to the right.

Ben O'Neill

Date: 8 March 2021