

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Report to: Cabinet

Date: 10/10/2022

Subject: White City Central area - Construction of New Affordable Homes and Community Facilities

Report of: Cabinet Member for the Economy - Councillor Andrew Jones

Report author: Niral Patel, Senior Development Manager

Responsible Director: Jon Pickstone, Strategic Director for the Economy

SUMMARY

This report concerns the proposed development of the site known as White City Central area ("Site").

Following extensive public consultation with the White City Estate Residents Advisory Panel (WCERAP), community stakeholders, and operators, the proposed development ("Development") will provide 268 homes of which at least 134 (50%) will be affordable, along with the reprovision of nursery and community facilities. A planning application for the scheme is scheduled for submission in late 2022.

This report seeks approval of a procurement strategy for a principal construction contractor, along with other recommendations that will enable the construction of the development.

A further governance report will be produced upon completion of the procurement process which will inform the council of the likely cost of the project, this prudent approach is being adopted in response to the current economic conditions.

RECOMMENDATIONS

1. That Appendix 6 is not for publication on the basis that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information) as set out in paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended).
2. To approve the Procurement Strategy, as set out in Appendix 1, to procure a construction contractor on a design and build basis for the Development via an established and independent framework, that is independent from any of the contractors, in accordance with Public Contracts Regulations 2015.

3. To delegate authority to the Strategic Head of Regeneration & Development, in consultation with the Director of Finance, to take any necessary steps to resolve matters arising from the grant of planning permission, including the authority to enter into any associated legal agreements arising from the delivery of the development and enabling deeds and agreements with statutory utility providers and third parties including the surrender and re-grant of a lease on existing sub-station, highways agreements, the granting of a new lease and any necessary appropriation of land which is surplus to requirements to expedite and secure the best use of the land.
4. To delegate authority to the Strategic Director for the Economy, in consultation with the Director of Resources, to progress the appropriation of the Site for planning purposes and the use of powers under Section 203 of the Housing and Planning Act 2016 in order to authorise any interference with easements, covenants and other rights in respect of the Site including authorisation to take all necessary steps required in relation to any associated claims, settlements and legal agreements so as to enable the Development of the Site.
5. To carefully considers the responses to consultation undertaken by the Council under Section 105 of the Housing Act 1985 in relation to the Development. The Section 105 consultation process will be completed by early 2023.

Wards Affected: White City

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	The Development of the site will bring about measurable local benefits, including realisable benefits during the construction stage where contractors, under the council's procurement policy, will be incentivised to provide Social Value that is aligned to the council's strategies such as the Industrial Strategy.
Creating a compassionate council	The Development will help to meet the acute need for affordable housing in the locality as well as the wider borough with the provision of 134 affordable homes. The construction contractor will also be required to engage in comprehensive public consultation on all aspects of its work to mitigate any short-term impact on local residents. The contractor will be required to not arrange deliveries to or from the site during school drop-offs and pickups, as well as restricting the use of residential roads around the site for traffic to and from the site.
Doing things with residents, not to them	The construction contractor will be required to work in accordance with council's values of doing things with residents, not to them, throughout all Development stages. Residents will be involved in the appointment of the

	contractor and consulted during further detailed designs
Being ruthlessly financially efficient	Selection of the construction contractor through a robust procurement process will ensure that the project has the best possible chance to deliver high-quality residential homes that are developed to sustainable standards, above current building regulations, through the use of external funding and incorporation of private sale homes, demonstrating the ruthless financial efficiency of the Development while maximising the number and sizes of affordable homes.
Taking pride in H&F	The aim of the Development is to create a lasting and positive legacy through well-designed blocks, re-provision of community facilities and the nursery, while meeting both the climate challenge and the acute need for affordable housing in the borough.
Rising to the challenge of the climate and ecological emergency	The Development will deliver highly sustainable homes that achieve high levels of energy efficiency and are fossil-fuel free, and so help create and sustain a low carbon community and neighbourhood. It is estimated that the scheme will result in a 60% reduction in carbon

Financial Impact

The financial implications regarding the procurement strategy are set out in Appendix 1.

The financial implications on other recommendations will be provided in the future decision reports as and when approvals are requested to use the delegations, which are subject to the project approval by Full Council.

Implications completed by Andrew Lord Head of finance – strategic planning & Investment, 16 May 2022

Verified by: Sukvinder Kalsi, Director of Finance, 26 August 2022

Legal Implications

The Council has a legal duty under section 105 of the Housing Act 1985 to consult with secure tenants where the changes are likely to substantially affect them, the consultation will be carried out to enable the responses to be considered prior to making a decision on the recommendations in this report. The consultation process has been summarised in [Appendix 5].

In making its decision the Council must ensure that it complies with its public sector equality duty contained in section 149 of the Equalities Act 2010 which requires the

Council to have regard to equalities duties when making decisions and exercising its functions. The protected characteristics are as follows:

- Age
- Disability
- Gender reassignment
- Marriage or civil partnership
- Pregnancy and maternity
- Race religion or belief
- Sex
- Sexual orientation

An Equalities Impact Assessment has been carried out for consideration prior to making any decision [appendix 4], the assessment provides evidence that the Council has complied with its statutory duties prescribed in the Act.

Recommendation 3 seeks endorsement of the submitted planning application. Section 316 of the Town and Country Planning Act 1990 provides authority for the Council to submit a planning application on the land of an interested planning authority subject to compliance with the normal planning application submission and determination procedure. Any application must be determined in accordance with the statutory tests and in accordance with development plan unless material considerations indicate otherwise. The planning application for this site has yet to be determined and delivery of the scheme will be contingent on the grant of a planning permission within the necessary timescales in order to comply with grant funding requirements.

The Council will be required to enter into legally binding agreements and commitments on behalf of the Council to facilitate the delivery of this Site including planning agreements, leases, a highways stopping-up order to extinguish any highways rights, agreements with statutory utility providers and third parties including the surrender and re-grant of a lease on existing sub-station and the granting of a new lease as well as discharging conditions and the authority to negotiate and enter into those agreements will be delegated to Council officers.

The Council has the power under section 122 of the Local Government Act 1972 to appropriate land which is within the Council's ownership for a relevant statutory purpose, the Council may seek to appropriate land under section 226 of the Town and Country Planning Act 1990 for planning purposes. The Council has a general power of disposal under Section 123 of the Local Government Act 1972 which states that a principal council may dispose of land held by them in any manner they wish. Except with the consent of the Secretary of State, a council shall not dispose of land under this section, otherwise than by way of a short tenancy, for a consideration less than the best that can reasonably be obtained. Any disposals of land will be subject to future approvals.

The re-provision of the playing fields will require Secretary of State consent under Section 77 of the School Playing Fields General Disposal and Change of Use Consent (No5) 2014 Schedule any disposal of the former maintained nursery school will require consent under Schedule 1 of the Academies Act 2010 prior to any disposal.

Recommendation 4 seeks authority to take steps to resolve ancillary matters including those arising from the grant of planning permission for the Development. This recommendation includes authorisation to appropriate land which is surplus to requirements. This is separate to the authorisation of appropriation conferred by recommendation 5, as this may be required to enable the delivery of highway infrastructure or otherwise facilitate the redevelopment as well as including the power to enter into legal agreements including leases.

Recommendation 5 seeks authority for the Council to exercise its powers under Section 203 of the Housing and Planning Act 2016 in this case by way of officer delegation subject to compliance with the statutory tests and if necessary, in order to override any easements or interests in the land where the land has been appropriated for planning purposes and this will be subject to the payment of any necessary compensation.

Any exercise of powers under Section 203 of the Housing and Planning Act 2016 will require a further approval pursuant to the delegation. At that stage, the Council acting through that delegation will give further and full consideration to exercising the legal powers available to (i) appropriate land and (ii) override third party rights as required

The use of these powers creates an interference with private property rights. The constitution states that the use of CPO powers for planning purposes are exercised by the Cabinet Member for the Economy and the Cabinet Member for Environment. Recommendation 5 relates to the exercise of section 203 powers and officers will have the delegated authority as necessary to take all steps to progress and exercise powers under Section 203. Prior to any delegated decision being taken officers have a legal duty to prepare and consider an Equality Impact Assessment and address Human Rights impacts of those persons who are affected. The legal process has been addressed in Appendix 2 of the report.

Jane Astbury Chief Solicitor (Planning and Property) 13 May 2022

*Legal implications on procurement can be found under Appendix 1 of this report.
Joginder Bola, Senior Solicitor (Contracts & Procurement), 13/05/2022*

Legal implications and explanations on the use of S203 can be found under Appendix 2 of this report.

Background Papers Used in Preparing This Report

None

DETAILED ANALYSIS

PROPOSALS AND ANALYSIS OF OPTIONS

Background

The council has embarked on a major development programme that will see 1,800 homes delivered over 10 years under the Building Homes and Communities Strategy (2019). The White City Central development contributes substantially to this programme of new homes along with delivering new community assets and public realm.

1. The White City Central area (the site) is located on the White City Estate, in the White City ward. The site comprises of parts of the area bounded by Canada Way to the East and India Way to the West and extending from the southern boundary of St John XXIII Catholic Primary School and Our Lady of Fatima Catholic Church to the southern boundary of Randolph Beresford Early Years Centre and the former White City Health Centre.
2. The site is freehold owned by the council



3. Following Cabinet approval in June 2019, the council began working with residents to explore the potential for new council homes and community facilities in the central area of the estate. An initial feasibility budget was also approved as part of this decision and a further budget approved at Cabinet in July 2021 to progress the project to the procurement of the main contractor.
4. In January 2020, officers worked alongside residents to set up the White City Estate Residents Advisory Panel (the Panel), which is made up of local residents to work on this project.

5. The Panel's proposed ways of working with the community and values have been adopted as commitments for the Project and are described in the community brief:
 - Co-production throughout the project
 - Clarity & honesty
 - Checking back with residents
6. In June 2020, members of the Panel and officers jointly appointed Mae Architects and make:good (Community Engagement Consultants) to work on this project with local people. The aim was to bring forward a design which is co-produced with local residents.

Co-production and Consultation

7. The White City Central project began prior to the implementation of the council's Defend Council Homes Policy (DCHP). However, the approach to consultation and engagement aligns with the principles and objectives of the policy.
8. The engagement process began in September 2020 with a series of Covid-safe, in person, consultation activities. The council also extensively consulted with and engaged residents in the wider area in line with the council's value of "*doing things with local residents, not to them*".
9. Engagement and co-production with both residents of the estate and wider residents' groups have had a direct and material effect on the evolution of the design from a concept design to the planning submission stage.
10. Between September 2020 and March 2022, the project team has spoken with 950 local residents and stakeholders about the project. In total, 40 public events and 8 exhibitions at key stages have provided feedback on developing designs and ideas.
11. Some notable changes to the design as a direct result of residents' views include:
 - Heights and distance between buildings matching existing homes at the edges of the site
 - Look and feel of new buildings being sensitive to the surroundings
 - Creating spaces for people to interact with nature and sustainability – White City Nature Garden co-designed with local young people
 - Developing ideas for public art in the heart of the community to create a landmark
 - Ensuring that the scheme is as sustainable as possible
 - Co-designing ideas for play and other active outdoor spaces
 - Inclusion of Community Café and workshop space within proposed community hub
 - Extension of Bridget Joyce Square to allow for more social activities connected to the hub

- Creation of public adventure playground retaining connection to community hub.
12. The White City Central area provides a number of well used community facilities as well as some disused plots. The design proposals for the new facilities have been co-produced with stakeholders of the existing community facilities and Randolph Beresford Nursery, with 14 resident advisory panel meetings and 40 meetings on and off site with stakeholders and operators. Key stakeholder feedback that has been incorporated into the proposed scheme design includes:
- Separate community and nursery buildings without residential dwellings above.
 - Work around adjacencies with different organisations and key outside spaces.
 - Extensive coproduction with Randolph Beresford Nursery to design their building and outside space both with design team and Client design advisor.
 - Detailed work developing design for community hub, layout and functions.

New homes and community facilities

13. In terms of homes, the final proposals deliver in 268 homes of which:
- a. 81 (60%) will be genuinely affordable social rented homes
 - b. 53 (40%) will be for shared ownership; and
 - c. 134 will be private sale homes.
14. The delivery of these 134 new affordable homes equates to 50% affordable housing. The delivery of 134 private homes is in line with the Building Homes and Communities Strategy principle of a self-financed affordable development. The Development is also partly financed by Greater London Authority funding and Right to Buy receipts.
15. The new Randolph Beresford nursery will extend to 1,536 sq m, accommodating 140 admissions. The existing nursery currently extends to 1,434 sq m; it is considered inefficient in terms of layout and not considered “fit for purpose” in terms of current use and standards. The new school will benefit from enhanced outdoor play space and design curated to meet current standards and stakeholder requirements
16. The new Community Centre will extend to 1,421 sq m and comprise the following services: Play Association / SEN, Café, Family Centre, One O'clock Club and Housing Services
17. This Development proposal supports the council's 2018-2022 Business Plan objectives and aspirations, and would accelerate the delivery of much needed affordable housing.

18. Importantly, the proposed Development meets the council's financial viability tests, while maximising the number of affordable homes and utilising external funding. The development achieves a positive Net Present Value [at year 60] and internal rate of return above 4%.

Sustainability

19. The proposed development will be designed and constructed to meet the National, Local and Regional Planning Policies. Through the application of the energy hierarchy the following energy saving measures have been applied:
 - 'Be Lean' – Enhanced building fabric specification and Mechanical Ventilation with Heat Recovery (MVHR) to reduce space heating demand and provide continuous supply of fresh air. Energy efficient controls for lighting, space heating and hot water to reduce unnecessary use of systems.
 - 'Be Clean' – Localised plant rooms for each block providing communal space heating and hot water. This strategy has been applied to help reduced distribution losses, improving the efficiency of the systems for low temperature distribution. Each block will be provided with necessary provisions within the ground floor plant room for future connection to a District Heating Network should one become available in the future.
 - 'Be Green' – Use of Air Source Heat Pumps (ASHP) for low-carbon heating and hot water. Maximisation of solar Photovoltaic (PV) array across residential building where feasible.
 - With the above strategy applied an estimated 60% carbon dioxide emission reduction is achieved.

Design principles

20. Collaborative working with residents and co-production of the design has been the foundation of the Development from the start of the project.
21. Ecology and net zero carbon – The Site was selected early in the process to be one of first sites to be delivered under the Council's Climate and Ecology Strategy. the Development is expected to reduce on-site carbon emissions by about 60% and, in doing so, help to bring down residents' energy bills by about 40%.
22. Accessibility and inclusiveness of the design has been one of the core principles underpinning the design brief from the start. The council engaged specialist accessibility consultants to maximise accessibility within the development. The final design deals well with a complex site with significant level changes ensuring all new and existing homes can be reached via level access and new amenity space is inclusive and welcoming. Notably, Hammersmith and Fulham Disability Forum Planning Group were engaged and were given the opportunity to feed into the design. Their feedback was valuable

and overwhelmingly positive. Changes to the scheme include the provision of a “Changing Places toilet”, 2 lifts, baby changing and accessible toilets in the community centre. Within the nursery, feedback resulted in the provision of a hygiene room. With respect to the residential accommodation, feedback resulted in changes to the wheelchair transfer zone orientation, whilst level access kerbs and signage changes have been incorporated to the landscaping proposals.

23. Secure by Design principles were followed to ensure the safety and wellbeing of all residents. Changes to the scheme included, furniture and lighting provision, pathway orientation, security standards within doors and windows, stairs and flat entrances and private / public interfaces.
24. A number of other key principles that have underpinned the design are optimising urban greening and ecology of the Site; providing a high level of permeability across the Site, linking the Site to the existing parts of the estate and to its surrounding; providing a range of facilities on site, including recreational provision for all age groups.

Public benefits

25. The Development would contribute significantly to the council’s commitment to respond to the climate change challenge as well as the delivery of genuinely affordable homes that are energy efficient under its housing development programme. The Development would deliver substantial public benefits that far outweigh any potential interference in any third-party rights. Public benefits can be summarised into three distinct categories:
26. Local transformation – The Development would transform the site currently comprising a number of well used community facilities and vacant plots to create a lasting and positive legacy through a well-designed residential and community uses development including new estate amenities. Those amenities have been designed to be inclusive, accessible and importantly incorporate the new parts of the estate into the existing parts.
27. New Homes – The Development would provide 268 sustainable new homes of which 134 will be affordable. The proposed mix of units will range from 1 bed (2 person) homes to 4 bed (7 person) homes.
28. Bridget Joyce Square- The site wide development approach is to look at stopping up the central access road (Australia Road), incorporating a wider and improved BJS that makes a more integral sustainable urban drainage system (SuDs) for the whole new development, which will help to reduce rainwater entering the combined sewer system and reduce the peak discharge during rainfall.
29. A Lasting Legacy - Social and Economic Impact – The Development would have significant positive impact during its whole lifecycle starting with the construction stage which will create direct and measurable benefits to the locality arising from construction works and the contractor being required to offer training, apprenticeship and employment to local residents as well as being required to incorporate local small and medium-sized enterprises (SMEs)

by into its supply chain. The social and economic benefit of this sustainable development once occupied is significant especially at a time of energy price inflation and fuel poverty.

Planning Application

30. A Planning application for the Development is scheduled to be submitted in late 2022, with an expected decision around in the Spring, 2023.
31. Further consultation will occur during the application period with statutory consultees and the GLA.

Next Steps

32. The next stage of the development is to procure a principal construction contractor. The report seeks approval of a Procurement Strategy, as set out in Appendix 1, to procure the contractor, as well as other recommendations that would enable the successful delivery of the Development.
33. A separate report will be submitted to the Council in late 2023 to secure a full development budget to fund construction and other development activities through to completion as outlined in Appendix 6 (exempt). The budget request will be informed by the outcome of the procurement process and the cost estimates returned by bidders.
34. Procurement of the construction contractor is planned to commence in Spring 2023, leading to start on site' in Spring 2024.
35. The Procurement Strategy proposed in this report is to run a mini-competition on the A2Dominion LN3 framework. This is a viable strategy as it delivers the benefits that frameworks offer: competition between the providers that are part of the framework, a level of assurance of compliance from the setup of the framework itself, and potentially a quicker procurement than an open tender process by limiting the number of bidders. The strategy should deliver a good balance between best value and programme efficiency.
36. The Framework (operation) of A2Dominion is a wholly discrete and separate operation to A2Dominion itself. The framework is open for other registered housing providers to utilise for their procurements.
37. Following a thorough soft market review, A2Dominion's Framework was identified as the most suitable framework for the development as it has an extensive list of contractors with demonstrable experience, and the ability to deliver a development of this size and nature. The framework is independent from contractors appointed on this.
38. Residents of White City, through the Residents Panel, will be invited to participate in the selection of the construction contractor who will be required to work closely with residents to mitigate impact of any construction activities on the locality. The project team is working closely with group Procurement & Commercial to address the best options for how this can be legally / compliantly achieved.

39. The Council has been consulting with existing operators on the Community Hub proposals and temporary decant to the disused Health Centre on the site. As the scheme is scheduled to be delivered in two phases, most operators will be decanted to the Health Centre to continue their services (for up to 2.5 years) which allows works on Phase 1 to start. Once the Community Hub has been built all Operators will move to their new premises. The Play Association and Harrow Youth Club are likely to move their operations to different premises as the Health Centre cannot accommodate their needs. Officers are working closely with colleagues in Children’s Services and Property Transformation to identify suitable locations.
40. A Notice under the DCHP will be issued to residents subject to planning permission and after the appointment of a construction contractor. The Notice includes a statement of substantive commitments to residents on matters such as how residents may continue to be involved and co-produce the Development; the timing and phasing of the construction programme; site conditions and security; engagement and consultation including on any temporary works or diversions, on-site communications and complaints including named officers residents may contact.
41. Further enabling works will need to be carried out alongside procurement of the construction contractor. This will include works to the existing health centre, which will be used as temporary accommodation for existing community services as well as the potential decommissioning of an electrical sub-station on site and the installation of a temporary sub-station away from the foundations of the new buildings. The cost of these enabling works will be included in the subsequent budget report to full Council.
42. Should planning permission be granted, some pre-commencement planning conditions might need to be discharged by the council, in its capacity as the landowner, and before the construction contractor takes over the Site. Approval (under recommendation 4) to discharge these pre-commencement conditions, and not delaying them to be discharged by the construction contractor will help ensure Spring 2024 start on site date. The council may also need to appropriate the land for planning purposes as set out in Appendix 2 and covered in recommendation 5.
43. In addition, if planning permission is granted, the council would be required to make up a “stopping up order” under Section 247 or 248 of the Town and Country Planning Act 1990 for part of Australia Road known Bridget Joyce Square. This road has been closed to through traffic since 2015. The development has been designed assuming a successful stopping up order can be made, which aligns to the original development brief, for the redevelopment of White City Central in its totality.
44. The target milestones in the development are outlined below.

Development’s Main Milestones	
Cabinet approval Procurement Strategy	10 Oct 2022

Planning application submission	Nov 2022
Anticipated Planning Application Decision (Committee)	Spring 2023
Commencement of the Procurement	Spring 2023
Council approval - Development Budget	Winter 2023
Contract Award Decision	Jan/Feb 2024
Construction contractor to start on site	Spring 2024
Completion of Phase 1 (North part of the site)	Summer 2026
Completion of Phase 2 (south part of the site)	Summer 2028

45. Due to the size of the Development, a phased practical completion will be adopted which would allow sections of the Development to be ready for occupation before the rest are completed. It is anticipated that phases 1 and 2 will be completed in Summer 2026 and Summer 2028 respectively.
46. The construction industry is facing substantial pressures due to macro-economic conditions affecting build costs, labour and borrowing costs. This procurement strategy is the first step in the procurement of a contractor and starts a process that will conclude in early 2024. It is only at this stage that the full cost of construction will be known and therefore the viability of the scheme determined. Further delegated approval will be required before construction contracts are completed.
47. The development currently meets all the council's viability hurdles and this will be regularly reviewed with updated build, borrowing and sale value assumptions during the procurement process.

Options Analysis

Option 1: Do nothing (not recommended)

48. The "do nothing" option would either mean not proceeding with this decision or not proceeding with the Development.
49. Not proceeding with this decision but proceeding with the Development would result in a significant delay to the construction and start on site. This option presents significant risk as prior funding agreements may need to be renegotiated, and there is no guarantee that the Council will receive similar, or any, funding.
50. Not proceeding with the Development would mean immediate write-off of costs incurred by the council.
51. Not proceeding with this Development will also mean restarting a new process to help decide the future of the Site.

52. Ultimately not proceeding with this decision or the Development would indefinitely postpone the delivery of much needed genuinely affordable housing in the Borough and new community facilities.

Option 2: Approve this report's recommendations (recommended)

53. This is the recommended option as it will allow the Development to proceed to the construction stage; deliver on the council's commitment to increasing provision of genuinely affordable homes in the borough; safeguard the council's investment so far.
54. Analysis of options relating to the Procurement Strategy are set out in Appendix 1 of this report. Analysis of the delegated decision on the potential use of Section 203 are set out in Appendix 2 of this report.

Reasons for Decision

55. Procurement Strategy: to comply with requirements contained in Contract Standing Orders (CSO 18), requiring approval of a Procurement Strategy before a regulated procurement exercise is commenced as well as outlining the procurement route selected to achieve best value for the council.
56. Other construction enabling decisions: to allow the Development to proceed to construction stage so as to achieve the council's overall objectives including increasing the provision of affordable housing in the borough.

Equality Implications

57. As per the Equality Act 2010, the Council must consider its obligations with regard to the Public Sector Equality Duty (PSED). It must carry out its functions with due regard to the duties (including under the Human Rights Act 1998) and its effect on the protected in a relevant and proportionate way. The PSED duty came into effect on 6th April 2011.
58. An Equality Impact Analysis (EqIA) has been undertaken for the redevelopment, see appendix 4 for details. It shows that the redevelopment of the site, to provide residential homes of which the majority to be affordable homes, when reviewed against the profile of persons and households on both the council Housing Register and the Home Buy register (affordable homeownership register) to have a positive impact on, the following groups:
- **Age** — the Development provides a higher proportion of affordable homes and so would meet some of the demand of younger and older households seeking first home or downsizing. The new Randolph Beresford Nursery will provide additional facilities for younger children than currently provided. The new community centre has been designed to cater for all ages.
 - **Disability** —the Development will incorporate 10% wheelchair homes / M4 (3) as well as designing all homes to "Lifetime Homes Standards". Additionally, principles of accessibility by design have underpinned the whole design philosophy of the Development.

- **Gender reassignment** — the Development is not anticipated to have any impact on persons with this protected characteristic.
- **Marriage or civil partnership** — the development is not anticipated to have any impact on persons with this protected characteristic.
- **Pregnancy and maternity** — the Development is not anticipated to have any impact on persons with this protected characteristic.
- **Race religion or belief** — the Development is not anticipated to have any impact on persons with this protected characteristic.
- **Sex** — the Development is not anticipated to have any negative impact on persons with this protected characteristic. It may have an indirect positive impact through the provision of family sized homes to families in overcrowded accommodation to alleviate overcrowding and sibling of different sexes sharing rooms.
- **Sexual orientation** — the Development is not anticipated to have any impact on persons with this protected characteristic.

59. In addition to, and separate from the Section 105 consultation, the Council has a duty under the Equality Act 2010 to have due regard to the impact of the Development on estate amenities including parking might have on residents with “protected characteristics” (in this context the most obvious group being disabled persons reliant on their (or their carer’s) cars in order to get about and families with young children). The scheme will incorporate 27 disabled parking spaces, accessible to residents in the new blocks once completed.

Risk Management Implications

60. This is a significant scheme to build new homes of the council’s modern era development programme. The fact that it has been over 40 years since the council had an active development programme rises contractual, financial and operational risks that could be mitigated against through the use of external experts and consultants. While this may mitigate against contractual and operational risks, it may result in council development cost to be marginally higher than comparable private developers.
61. However, these risks have been considered by the Council and adequate mitigations have been put in place to deal with such risks.
62. In any case, specific risks and mitigation for each delegation would be considered as part of the decision to exercise of the delegations to be granted by the recommendations of this report.
63. Officers will ensure that it is made clear to tenderers that progressing the scheme is subject to the overall scheme budget being approved.
64. Appropriate programme and governance will be put in place to ensure that the programme is delivered, to budget, on time and the required outcomes are achieved. This will include maintaining a programme risk register.
65. Risk implications relating to the Procurement Strategy are set out in Appendix 1 of this report. Risk and mitigation relating to the delegated decision on the potential use of Section 203 are set out in Appendix 2 of this report.

Undertaking a competitive procurement process is in line with the Council objective of being ruthlessly financially efficient.

David Hughes, Director of Audit, Fraud, Risk and Insurance, 12 May 2022

Climate and Ecological Emergency Implications

66. New building has climate change impacts through both 'operational' emissions (from ongoing use of the building) and 'embodied' emissions (arising from the materials and construction).
67. The proposed design will be a fossil-fuel free development, and achieves operational emissions reduction compared to current industry standards, with a 60% reduction in carbon. This goes beyond the minimum 35% reduction on-site required by the London Plan and the average 37% achieved by major developments in H&F in 2020, but is short of the circa 85% reduction that can be achieved through more stringent passivhaus designs. The opportunity to specify thicker insulation should be explored at procurement stage to achieve further operational emissions reduction.
68. Analysis of the embodied emissions in the current design is not yet finalised, but is expected to be close to GLA benchmarks, although not aspirational targets. Consideration should be given to how embodied emissions can be reduced through specification of materials, in line with the council's Climate and Ecology Strategy.
69. The development has used the H&F climate implications toolkit to maximise sustainability across the range of considerations. The development increases the area of planting and sustainable drainage over the existing site, and includes measures to provide resilience against extreme heat.

Jim Cunningham, Climate Policy Lead, 18 May 2022

Local Economy and Social Value

70. Local economy and Social Value are considered in Appendix 1 – Procurement Strategy.

Consultation

71. The council will undertake a statutory consultation under Section 105 Housing Act 1985 with council secure tenants in the relevant parts of the estate. The consultation sought council secure tenants' (and other resident's) views on the Development including proposed changes to estate amenities and car parking.
72. This statutory 105 consultation will be in addition to the on-going co-production with residents (under the DCHP) who have been involved from the start and helped shape the Development proposal.

73. Since September 2020 there has been an extensive programme of engagement, and to date there has been 51 activities with the community and stakeholders including 11 exhibitions.

LIST OF APPENDICES

Appendix 1 – Procurement Strategy
Appendix 2- Use of Section 203 Powers
Appendix 3 - Public Sector Equality Duty
Appendix 4- Equality Impact Assessment
Appendix 5- Section 105 Consultation
Appendix 6- Exempt Finance comments

APPENDIX 1 – PROCUREMENT STRATEGY

SUMMARY

1. This Procurement Strategy sets out the procurement route for procuring a principal construction contractor for the proposed development of White City Central area, to provide 268 new homes of which, 134 homes will be affordable homes, a new nursery and community facilities
2. The scheme responds to the Council's Climate and Ecology Strategy and transitional targets. This project will be designed and delivered to achieve transitional targets on carbon reduction. Designs would reduce on-site carbon emissions by about 60% and, in doing so, help to bring down residents' energy bills by about 30%.

FINANCIAL IMPACT

3. The report proposes to use the A2Dominion framework (Lot No: LN3) for the procurement of a single stage, design and build construction contract for the delivery of the new development on the White City Central area.
4. There is no direct financial impact of approving this strategy except a Procurement Levy of £3,000 and legal costs, which can be funded from the existing RIBA stage 4 development capital budget of £5,581,500 approved under the 'Investing in White City' Cabinet report dated 5 July 2021.
5. The actual cost of the design and build contract will not be known until the tender process is complete. Full financial implications and checks on the financial standing of the successful tenderer will be set out in the subsequent contract award decision report.
6. Only the initial expression of interest stage will be completed before Full Council considers the budget approval. Mitigations will be in place to manage the financial risk of any claims from tenderers submitting expression of interest if the scheme does not obtain budgetary approval to proceed.
7. Further finance comments are in Appendix 6 - Exempt

Implications completed by Andrew Lord , Head of Finance – Strategic Planning & Investment, 16 May 2022.

LEGAL IMPLICATIONS

8. The procurement strategy proposed has identified the A2Dominion framework (Lot No: LN3) for the procurement of the main principal contractor.
9. The value of the call-off contract is over the threshold for works, and therefore subject to the full remit of the Public Contracts Regulations 2015 ("PCR"). Legal services evaluated the A2Dominion framework and confirmed that it is compliant with the PCR and is appropriate for use.

10. Under the Contract Standing Orders (CSO), this contract is a High Value works contract. Under CSO 19, a mini competition and then call-off from a compliant framework satisfies the Council's procurement requirements for High Value works contracts, provided that the rules of the Framework have been followed.
11. As this report concerns the procurement of a contract in excess of £300,000 in value it is a Key Decision (see Article 12 of the Constitution) and must be submitted to Committee Services for publication on the Council's website.
12. This procurement strategy must be submitted to the Contracts Assurance Board before being submitted for approval to the decision maker in accordance with CSO 18.1

*Legal Officer: Joginder Bola, Senior Solicitor (Contracts & Procurement),
06/5/2022*

THE STRATEGY

Market research

13. The construction sector is showing particular signs of labour inflation, but business sentiment remains positive, regardless of inflationary headwinds. The February 2023 IHS Markit UK PMI showing growth for the thirteenth month in row. This is not to say that there are no risks on the horizon – businesses are still concerned with the effects of pandemic and persistent labour shortages, and now must deal with the Ukraine conflict too. New build construction output is now in line with long term volumes observed since 2016. Once repair and maintenance are included, overall output exceeded pre-Covid levels in November 2021.
14. Most of the inflation in the construction sector in 2021 was driven by increased costs of construction materials– caused initially by rocketing raw materials prices and more recently by record energy costs. The cost of the BEIS basket of construction materials continued to increase throughout 2021, although the rate of cost growth was slowing by the end of the year. By December 2021, the cost of the basket was up by 20% year-on-year. On a positive front, timber prices, one of the biggest movers in 2021, were reported to have fallen by 30%. Sadly, global prices are moving upward so this relief may be short-lived. Increased energy costs and disruption to raw materials supply chains are a likely consequence of the Ukraine conflict. The question that cannot be answered is whether they will trigger similar record-breaking inflation as was seen in 2021.
15. The construction industry, like many other industries, was affected by the lockdown and downturn in business, creating some uncertainty over the medium to long term viability of many companies in the industry. While larger construction companies have so far been able to withstand disruption to their supply chain, smaller and medium size companies have been more affected with some notable regional companies entering administration. This creates additional risks for the Council which this, procurement strategy seeks to control through the use of an existing Framework and the application of strict financial and quality control mechanisms in the contract.

16. The Council, with the support of its external consultants, Arcadis, has carried out detailed soft market analysis, including direct engagement with proportionately sized construction principal contractors. This was to understand market capacity, contractors' appetite for a development of this size and type, deliverability of the development within the Council timeline as well as the relative desirability of different procurement routes.
17. The soft marketing exercise has identified that the scheme can be procured using a single stage procurement route, with 50% of contractors approached endorsing this approach at this time (as detailed in section 3 of their report). This exercise identified that contractors were keen to have a level playing field in terms of contractor size and capability; sufficient design information to mitigate pricing risk; a pre-qualification and adherence to a tender programme.
18. It is the intention to ask the contractors to provide a fixed price for phase 1 and 2 at the outset but maintaining a flexible pricing structure to be agreed by council officers together with their professional advisors. Adopting this approach protects the council against excessive negotiated inflation allowances, a risk identified by Arcadis.

Development Objectives and Delivery Options

19. The objective of the development is to develop the White City Central area. The development will provide 268 high quality, sustainable and affordable homes, as well as new nursery and community facilities that achieves exemplar sustainability standards.
20. Design and Build was selected as the optimum route over other, traditional, approaches to construction for this project because it is ideal for managing the balance of risk together with allowing value-engineering which will deliver significant value for money savings.
21. The Council and their consultants, Arcadis, have reviewed different options for the delivery of this scheme being:
 - Single Stage Design and Build
 - Two stage Design and Build
22. The relative strengths and weaknesses of each option have been considered and a preference to proceed with a single stage Design and Build to ensure delivery high design commitment and highest level of risk transfer placed on the contractor.

Development cost

23. The estimated contract sum for the principal contractor is set out in Appendix 6 (exempt).
24. In arriving at this estimate of costs, the council has employed a cost consultant to work alongside the development team and architects. The role

of cost consultants is to provide detailed advice based on benchmarked industry information on materials and labour, to ensure that the council can accurately tender for a contract and secure the appropriate budget.

Quality

25. The technical requirements are dictated by various statutory policies, regulations and grant agreements etc, but, detailed proposals are currently being finalised, but the main quality objective is the construction of 268 homes operationally net zero homes.
26. In line with the council's value of "doing things with local residents, not to them", the contractor to be appointed under this procurement will be required to engage with local resident and minimise impact of its work on residents.

Analysis of Procurement route options

27. The estimated value of the contract is above the threshold for works and so, the Public Contract Regulations (2015) would apply to this procurement.

Procurement Routes

28. In proposing this procurement route, officers considered factors such as the complexity of the construction, the experience required, the need for real and measurable competition to assure the council of best value for money and deliverability and risk mitigation. After the exploration of options a framework route is proposed adopting A2 Dominion (Lot LN3).
29. Current Government guidance (as of 04/01/2021) stipulates that any public procurement works contracts that are tendered from the 1st of January 2021 must be posted on the UK's new Government's new online tendering portal- Find A Tender Service (FTS) which has replaced OJEU / TED.
30. Procurement framework agreements are FTS compliant, removing the need to undertake a full FTS procurement process, as this has already been done as part of the setting up of the framework. A framework, in simplest terms, is a supplier agreement under which goods and services can be obtained based on pre-agreed terms / conditions, price and quality levels.
31. A review has been undertaken to compare the advantages and disadvantages of using of using a FTS procurement process versus FTS Compliant Main Contractor Framework.
32. The procurement route proposed by this report is the use of a third-party Framework to call-off a contract following a mini-competition which will assure the council of achieving best value for money in accordance with CSO 19. As is common with both privately and publicly run frameworks a small fee, whose fee is to support the framework forms part of this proposal. The advantage of the A2 Dominion Framework is that it is a single fixed cost rather than with others a running percentage and therefore represents good value for money in terms of



the work that has been done by the framework provider, which otherwise would be a cost incurred by the Council.

33. The use of an existing third-party Framework offers demonstrable advantage to the council as it offers resource and time efficiency to both the contracting authority and contractors on the framework. The use of a framework allows the procurement resources to be focused on content over process.
34. The selected framework, A2 Dominion, provides an extensive list of suitably qualified and vetted contractors from which to draw a competition- thereby to ensure excellence of work and value for money.

Frameworks considered

35. There are various compliant frameworks provided by public bodies and major housing associations that offer a quicker route to market than the Government “Find a Tender” and access to a pool of pre-selected contractors that have already been pre-assessed by framework providers as suitable for delivering construction works of this size and complexity.
36. Of the 25 contractors approached, 8 contractors met the threshold of having both suitable residential and education experience and responded positively to being willing to consider the scheme on a single stage basis. 6 Frameworks were identified as being potentially suitable: A2 Dominion (Lot LN3); London Construction Programme (Lot 1.4); Procure South East (£12m+); CCS (Lot 6.2); CCS (Lot 7.2); Pagabo and Hyde Housing. The basis of that consideration included the capability, capacity, quality and experience of the participants on the framework. Also the status and currency of those participants who could bid successfully for this particular project and are likely to be able to meet the projects objectives and the Council’s arrangements and ambitions.

London Borough of Hammersmith and Fulham
White City Central - Review of Frameworks

DRAFT FOR DISCUSSION
17th June 2022

	Education Experience	Residential Experience	WCC Soft Market Test Response	A2 Dominion (Lot LN3)	London Construction Programme (Lot 1.4)	Procure South East (£12m+)	CCS (Lot 6.2)	CCS (Lot 7.2)	Pagabo	Hyde Housing
Compliant Contractors										
Hill Partnerships				✓	x	x	x	x	x	✓
Mullaley & Company				✓	x	x	x	x	x	x
Bouygues				✓	x	x	✓	✓	✓	x
Durkan				✓	✓	x	x	x	x	x
HG Construction				✓	x	x	x	x	x	x
Graham				x	x	✓	x	x	x	✓
Lovell				x	x	x	✓	x	✓	x
McAleer and Rushe				x	x	x	x	x	x	✓
Total Compliant Contractors	8	8	8	5	1	1	2	1	2	3

37. Following the review, A2Dominion’s Framework (Lot LN3) was identified to be the most suitable for use for the development as it has an extensive list of contractors with demonstrable experience and ability to deliver a development of this size and nature. A2 Dominion’s Framework would provide a competitive tender as there would be 5 suitable parties who would have both educational and residential experience and have responded positively to the soft market testing.

38. Documentations of this framework have been examined and following determination that the framework is compliant, the Council entered into an access agreement with the framework provider.
39. This framework has also been selected for the appointment of the contractor on Hartopp and Lannoy Point, although the assessment of this project was taken with an open mind for the best route forward.

Contract Specifications Summary

40. The form of contract to be used will be the industry recognised JCT Design and Build standard form of Contract (2016), with specific council amendments. This contract and the amendments are permitted by the proposed Framework. This main contract will also be underwritten by various sub-contractor/consultant JCT warranties.
41. The contract length is envisaged to be approximately 48 months and would be subject to the appointed contractor's programme which will include sectional (phased) completion.

Main options considered

Option 1: Do nothing (not recommended)

42. The "do nothing" option would either mean (a) not proceeding with this decision or (b) not proceeding with the development of the site or (c) not appointing a construction contractor at this stage and extending the involvement of the architects to produce detailed design to RIBA Stage 4.
43. Not proceeding with this decision but proceeding with the development would result in a delay to procurement of the construction principal contractor. This option would significantly delay commencement on site, jeopardise external funding linked to start on site and ultimately delay the delivery of much needed affordable housing.
44. Not proceeding with the development would mean significant abortive costs incurred so far from concept design to the Planning Application submission stage.
45. Not procuring a construction contractor at this stage but proceeding with the development would mean continuing detailed design with existing Architect and associated consultants (after securing a new budget and approval to vary the previously tendered commissions). While this may offer some advantages in terms of offering certainty about design integrity it would mean significant detailed design would be completed by the architect with no direct 'buildability' input from an experienced contractor. This would also mean result in an extension of the programme by at least 9 to 12 months resulting in a loss of the external funding for the development making the Development unviable.

Option 2: Carry out an end-to-end tender process through Capital E-Sourcing (not recommended)

46. For a large construction site, traditional Open, Restricted, Competitive Procedure with Negotiation or Competitive Dialogue procedures would test the whole market bringing about more competition but would hugely increase the resources needed to carry out a procurement and the timescale to appointment.
47. Additionally, the fact that contractors incur significant costs for each tender submission they prepare for a construction of this size, an open tender process with potentially unlimited participation may deter many established suppliers from taking part. This would also very likely result in a mixed quality of submissions (including local SME's) however, with potentially noticeable absence of some experienced contractors for this size and complexity of project.
48. The significance of the of the risk of experienced contractor not participating in an open tender became apparent during market engagement as it was clearly communicated that contractors are selective of tenders they participate in and open tenders with potentially high participation present unacceptable risk to their upfront cost and so many stated that they would not participate in such tenders.

Option 3: Procure through A2 Dominion Lot LN3 – London and Home Counties (above £25m) of the identified framework (recommended)

49. The identified framework; A2Dominion, features 29 contractors arranged over three regional lots with each lot split into three bands based on contract value: up to £10m, £10m to £25m, and more than £25m. Following the soft marketing exercise, there are 12 contractors within Lot LN3, with 5 to date having expressed an interest to tender.
50. The framework was deemed to be the most suitable because it has a high number of experienced and capable contractors as well allowing value for money to be assured through a mini-competition exercise to be run following an expression of interest (PQQ) process.

Competition process

51. The mini-competition process would be run as a single stage tender following an expression of interest (Pre-Qualification Stage or PQQ) stage, where upto 4 contractors would be shortlisted in order to be invited to participate in the mini-competition.

Expression of Interest Stage – Sifting of Contractors

52. The competition process will commence with an expression of interest stage where the 12 contractors on Lot LN3 will be invited to express an interest and be sent a sifting brief. The sifting brief will set out the development and provide sufficient information about the site, background to the development, core

objectives as well as general technical information needed to help them understand the type of the construction required.

53. The sifting brief will also include specific questions designed to ascertain each contractors' capabilities and experience directly related to the delivery of residential net-zero developments within inner London areas.
54. The sifting brief will include no more than 10 questions, grouped in 3 categories:

Category	Overview	Weighing
Price	To determine if the building can be constructed to the required standard within the allocated works.	15%
Quality and Sustainability	Focus on previous experience of developing highly sustainable building and on site quality control.	60%
Logistics and Stakeholder Management	To concentrate on possible sectional completions, site logistics, stakeholder issues and programme challenges.	25%

55. Where more than 4 contractors were to express an interest, responses will be evaluated by the Tender Appraisal Panel (TAP) using the categories and weighting (set out above) with the top 4 scoring contractors moving to the mini-competition (Invitation to Tender) stage. If fewer contractors express an interest, procurement will proceed to the mini-competition stage without a need for a sifting stage evaluation.
56. Scoring of responses at the sifting stage will follow the scoring outlined in the mini-competition stage including the minimum score required. And so, each response will be marked out of a possible score of 10, with 0 being the lowest and 10 being the highest.
57. Total score for each category will then be multiplied by the relevant category weighting to arrive at a weighted score for that category. Weighted scores will be added together to produce a total sifting score which will determine the relative position of each contractor and the 4, contractors proceed to the mini-competition stage – Invitation to Tender.
58. Unsuccessful tenderers will be notified in writing and provided with feedback on their responses to the sifting stage including their scores, the total number of submissions received and the highest and the lowest score.

Mini-competition

59. Following the sifting stage, the successful tenders will be sent the full Invitation to Tender (ITT) documents and tenderers will be expected to submit by the ITT's deadline full proposals which will be evaluated in accordance with the Selection and Award Criteria section below.

60. As part of the ITT documents, tenderers will be invited to consider Social Value commitments aligned with council strategies and therefore deliverable Social Value can be on a scale commensurate with the large value of this contract. This is to maximise the social value that can be realisable from this tender.
61. The Council will secure Social Value through the use of bespoke measures that are suited to construction works and bidders will be required to offer Social Value for evaluation. 10% of the overall quality score will be ascribed to Social Value and both the value and the quality of bidders' proposals will be scored.
62. The scoring will incentivise bidders to maximise their social value offer, however, bids offering a social value of less than 10% of a bid's price will not automatically be rejected, however, this is subject to agreement. Awarding of a contract will be based on the most economically advantageous offer. This is in accordance with Council's Contract Standing Orders.
63. Hammersmith & Fulham Social Value policy incentives bidders for high value contracts to target two types of Social Value measures: training and employment for local people and incorporating Hammersmith and Fulham based supply chains into contracts. However, it is evident from existing high value works contracts that local supply chains do not exist in the borough to meet the demand of complex construction contracts. Contractors have only been able to secure a fraction of the required local spend to meet their minimum (10%) social value target. To meet a minimum social value target through employment and apprenticeships, a contractor would need to continuously employ 70 local residents throughout the construction programme. This would likely exceed the number of operatives on site at any point in construction process. Given this context, applying a minimum contract value threshold (of 10%) would risk the council not appointing the best qualified and highest quality contractor, overpaying for contract services or that the contractor could be in default during the construction process.
64. Responses will be evaluated in accordance with the scoring table set out below. Each response will be marked out of a possible score of 10. The scoring will be based on the general principles and descriptions shown in the table below. A Tender must score 4 or above on each response otherwise it may be rejected.
65. Scoring table - Zero to 10 Marking Scheme

Score	Rating	Criteria for Awarding Score
0	Totally Unacceptable	No response or response completely fails to address all of the Council's requirements <i>For designated questions, this is likely to lead a mandatory exclusion for any nominated question, as the procurement will observe strict quality thresholds</i>

1	Unacceptable	<p>Very limited or vague response which fails to address key areas or meet key Council requirements, or the response received contains a large number of weaknesses or omissions in a majority of aspects</p> <p><i>For designated questions, this is likely to lead a mandatory exclusion for any nominated question, as the procurement will observe strict quality thresholds</i></p>
2	Poor	<p>Limited or vague response that only meets some of the key Council requirements but with numerous material weaknesses or omissions and the Council has serious doubts about aspects of the response which gives rise to serious concerns, or inadequate information has been provided.</p> <p><i>For designated questions, this is likely to lead to a likely exclusion for some nominated questions, as the procurement will observe strict quality thresholds</i></p>
3	Unsatisfactory	<p>The response addresses a number of key Council requirements but is unsatisfactory in a number of material respects. The proposal contains some material weaknesses or omissions giving the Council some concerns</p> <p><i>For designated questions, this is likely to lead to a likely exclusion for some nominated questions, as the procurement will observe strict quality thresholds</i></p>
4	Fair	<p>The response generally meets key Council requirements but with some aspects giving the Council a concern due to either being incomplete or contain minimal material weaknesses or omissions, or deviate from a Council's requirement that is necessary in at least one aspect</p>
5	Satisfactory	<p>The response addresses majority of key Council requirements and is generally satisfactory but does not demonstrate clear strengths or includes noticeable weaknesses by including generic or general statements</p>
6	Generally Good	<p>The response is generally good in all material respects but does contain some minor weaknesses or omissions. The proposal does, however, have at least one clear strength.</p>
7	Strong	<p>The response is of a good quality in all respects with good concepts and approaches but contains few minor weaknesses or omissions with a clear strength in a key area.</p>
8	Very Good	<p>High quality response with clear, coherent and high-quality proposals that present a fully workable response with clear strengths in key areas, and any minor weaknesses or omissions which may be present in the response may be acceptable as offered*</p>
9	Outstanding	<p>Very high-quality example response with outstanding features in all areas. A very strong response overall with no weaknesses or omissions that has addressed all requirements in extensive details but with limited or no value solutions or added innovations*</p>

10	Excellent	An outstanding thorough response addressing all requirements in extensive detail, providing confidence all requirements will be met in full, with thought through value solutions and added innovation*
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** The exact criteria and definitions together with measures of 8,9 and 10 will be jointly developed with both Legal and Procurement & Commercial in line with the regulations and the structures of this programmes procurement.*

Timetable

66. Detailed below is an estimated timetable of the procurement process with the award of the construction contract being dependent on a further separate approval to release further project funding. The timetable is subject to change, based on economic conditions and financial viability.

Cabinet approval of procurement strategy	10 Oct 2022
Full Council Report	19 Oct 2022
Issue Expression of Interest (EOI) & Sifting Brief	March 2023
Deadline for submission of Expression of Interests (EOI)	March 2023
Evaluate EOI with TAP, Conclusion of Sifting (Shortlisting) Stage	May 2023
Issue of Tender documents	June 2023
Closing date for submissions & commence evaluation of tenders	Sept 2023
Tender approval report prepared by evaluation team	Nov 2023
Cabinet Member (Award)	Dec 2023
Contract engrossment	Feb 2024
Contract Commencement date and site possession	March 2024

Selection and Award Criteria

67. In accordance with the council's CSOs and PCR 2015 Regulation (67), the contract will be awarded on the basis of the Most Economically Advantageous Tender (MEAT) using a quality to price ratio of: 60:40 in recognition of the complexity of the construction and the need for an operational net-zero carbon development. This was discussed and agreed between council officers and their professional consultants. This percentage split between price and quality and price is permitted under the A2Dominion Framework and is in line with standard ratio of 60:40.
68. In evaluation of price submissions, the lowest priced tenderer will receive 40% and the remaining tenders will be scored proportionately to the lowest price. Tenders will be evaluated in accordance with the following criteria:

Element	Weighting	Scoring basis
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Price	40%	Lowest price submitted will receive 40% and the remaining submissions will be scored in accordance with their difference from the lowest price as follow: Score = Lowest Price / Bidder Price x 40%
Quality	60%	Quality scoring will be carried out in accordance with the Framework's terms and weighted as follow: Score = Scored Marks Available x 60% Social value evaluation will form part of the quality and weighted at 17% of the 60% quality to account for an overall weight of 10%.

69. Quality evaluation will incorporate sub-elements that will be scored and weighted as follow:

Quality sub-categories	Weighting
Experience – This will be drafted to be compliant with the regulations and will include capability, capacity and quality.	10%
Interview – Working with the Procurement & Commercial group together with Legal the procurement will seek to compliantly deliver community engagement in a form that is yet to be finalised.	5%
Project delivery/ approach / programme / Logistics / Resources	28%
Social Value – 10% of total as per CSOs, is being developed to be integrated into this procurement.	17%
TOTAL	60%

70. In accordance with council's standing orders, Social Value will account for both 10% of the overall scoring (17% of the 60% quality assessment) and upto 10% of the contract value if approved – the project team are working with the Procurement & Commercial group to best deliver these ambitions and any adaptations will need to be agreed.
71. A post-tender interview with each tenderer will be evaluated and scored as part of the quality evaluation, where each tenderer will be asked the same questions. Interview question scoring may involve follow up questions to clarify responses if required.
72. The council will not bind itself to accept the lowest submission or any tender/submission and reserves the right to accept the whole or any part of any Tender submitted.
73. The council will also reserve the right to seek clarifications before concluding the evaluation stage and where the pricing of a Tender seems abnormally low the Council reserves the right to reject the Tender and exclude it, so it does not affect scoring.

74. The technical specifications, including levels of indemnity and insurances are currently being finalised by officers.
75. The scores awarded to each tender for the Quality and Price elements of the evaluation will be added together to establish the MEAT, which is the tender with the highest combined score for price and, quality.

Tender Appraisal Panel (TAP):

76. A Tender Appraisal Panel (TAP) will be set up in accordance with Contract Standing Orders to oversee the procurement process and evaluate tenders. TAP will include representatives from the Council's Procurement Team, the Development Team and asset management colleagues and supported by external professional consultants led by the council's lead consultants on this project. TAP will manage the procurement process including expression of interest, sifting and the launching of the mini-competition and the issuing of the full ITT documentation. In addition, TAP will manage and oversee tender clarifications, evaluation, and contract negotiation and award.
77. TAP aspires to involve representatives of residents of the White City Estate where possible to participate in the procurement and selection process on an advisory basis. Exact roles and responsibilities of residents will be coordinated and agreed directly with the residents to ensure they are empowered to co-produce the development, subject to compliance with the Public Contract Regulations.
78. In accordance with the council's Contract Standing Orders all evaluation panel meetings will be chaired by the Head of Procurement, or a delegated (procurement) officer.

LOCAL ECONOMY & SOCIAL VALUE

79. It is the council's policy that all contracts let by the council with a value above £100,000 commit to social value contributions that are additional to the core services required under the contract.
80. Paragraphs 56 and 57 in this appendix describes how social value contributions will be scored as part of the mini competition; that a 10% weighting of the total score will be included in the Quality and Sustainability category of the scoring criteria.
81. The Contract Standing Orders refer to the Social Value Policy which, in turn, states that any bid that does not commit to social value contributions amounting to at least 10% of the price proposed will be excluded from the competition. Paragraph 62 in this appendix proposes a means of mitigating the risk of bidders being excluded from the mini competition that is commensurate with the value of the contract.
82. Paragraph 61 refers to bespoke measures that are more suited to construction works. These tailored measures are based on the National Social Value Themes, Outcomes and Measures ("TOMs") adopted by the council and have been pared down and refined to ensure that they are not double-counted with economic development contributions that will be sought through planning

obligations (S106) and also align with council strategies including the Industrial Strategy.

83. As part of the council's social value process, quantitative and qualitative proposals for social value should be required in the bids during the ITT phase, and both elements scored. A template for conditions to be included in the Invitation To Tender is available.
84. Social value measures committed by the winning bidder should be included as conditions in the contract agreement with financial remedies sought for non-delivery. It is advised that the winning bidder contact the Economic Development team to help them design a detailed delivery plan for the agreed measures. Council services are available to support the winning bidder plan, deliver and measure social value contributions.

Implications completed by: Paul Clarke, Economic Development Officer, 5 May 2022

RISK ASSESSMENT AND PROPOSED MITIGATIONS

85. In producing this report, procurement risks and their control measures were considered and implemented.
86. The key risks identified are as follows:

No.	Identified risk	Likelihood	Risk Control/Mitigation measure
1	Insufficient interest from framework providers in the tender which results in no bids.	Low	The council carried out soft market testing in March 2022, and this revealed that there is sufficient market interest and capacity. The council will also develop a procurement brief that is sufficiently detailed and clear to encourage wide contractor participation.
2	Procurement does not achieve required competitiveness and does not provide value for money.	Low	Market engagement has established interest and appetite for this development and to ensure engagement of all contractors in the Lot, the tender pack will be reviewed for simplicity and clarity. Use of bespoke Social Value measures that are more suited to construction works
3	Construction market inflation and the period for which tenders might remain valid.	High	This risk is managed and mitigated with cost consultants' and where possible simplification of some aspects of detailed design to ensure design buildability retain costs within budget envelope.

4	Contractor becomes insolvent or no longer has the capacity to deliver scheme	Medium	While the likelihood of this risk is low, the potential impact might be significant depending on construction stage. Before a contract is awarded, robust financial assessments will be undertaken including independent financial and credit checks and where necessary and applicable parent company guarantees may be requested.
5	Mobilisation/ construction delayed due to unforeseen site issues	Medium	Council to ensure that the internal and external resources are in place to deliver the project in a timely manner. The site has been de-risked through extensive site investigations to eliminate technical issues prior to start on site.
6	Commencing tender potentially before the granting of an implementable planning consent could result in elements of the price being based on provisional sums and so subject to change later.	High	This risk is mitigated by way of: (a) Continuously updating costing data as the design progresses; (b) Review and possibly seek design simplification and cost savings during detailed design; (c) Procure contractor under a D&B contract with client amendments, ensuring buildability is embedded into detailed design; (d) Incorporate sufficient contingency into the budget; and (e) Rigorously assess and re-evaluate impact of the construction on the contingency. (f) Regular review of risk log against contingency amounts held
7	No tender commits to a Social Value of 10% or more	Medium	This is mitigated against by inviting tenderers to Social Value commitments that are more aligned with council policies so as to maximise Social Value from the contract to be awarded.

CONTRACT MANAGEMENT

87. The contract will be managed by a project team supported by a team of professional services appointed under a separate procurement strategy for the whole life cycle of the development.

88. A suite of KPI's will be used to monitor, measure and report on the performance of both principal construction contractor and sub-contractors.

Example of KPI's that might be used to monitor performance:

- a) Meeting or exceeding programme expectations.
- b) Design Development within the requirements of the Client Brief
- c) Response times to client RFIs (Requests for information)
- d) Successfully engaging and involving wider local residents and other stakeholders e.g., Considerate Constructors Scheme
- e) Responsiveness to issues or concerns raised by residents within a defined period
- f) Time taken to rectify defects in line with H&F repairs response times

- g) Understanding and mitigating environmental impact, waste control, noise, water usage, dust during construction.

EQUALITY IMPLICATIONS

- 89. It is not anticipated that the approval of this Procurement Strategy, as set out in the Recommendations, will have any direct negative impact on any protected groups, under the Equality Act 2010.
- 90. The outcome of an Equality Impact Assessment of the decision to proceed with the development is covered in the main report.

RISK MANAGEMENT IMPLICATIONS

- 91. The report identifies, in the table in paragraph 86 a number of procurement-related and construction market risks, including material price instability which has arisen due to Covid-19 and post-Brexit economic conditions. Officers have set out a range of mitigations to manage these risks and will need to keep these risks under close review throughout the procurement and contract delivery phases. Officers will need to ensure that robust programme and governance arrangements are in place to oversee the scheme, including the maintenance of a programme risk register.
- 92. A range of competitively procured frameworks have been assessed and a preferred framework recommended by the appointed technical consultants. The proper use of suitable frameworks protects against the risk of procurement challenge and helps to enable securing value for money, which is in line with the Council's objective of being ruthlessly financially efficient.

David Hughes, Director of Audit, Fraud, Risk and Insurance, 12 May 2022

PROCUREMENT IMPLICATIONS

- 93. The Procurement Strategy proposed in this report is to run a mini-competition on the A2Dominion LN3 framework. This is a viable strategy as it delivers the benefits that frameworks offer: competition between the providers that are part of the framework, a level of assurance of compliance from the setup of the framework itself, and potentially a quicker procurement than an open tender process by limiting the number of bidders. The strategy should deliver a good balance between best value and programme efficiency. The key is ensuring that the call off contract features all of the Council's bespoke requirements for this project, and the report confirms that there is sufficient flexibility for this within the A2Dominion LN3 framework.
- 94. The Framework (operation) of A2Dominion is a wholly discrete operation to A2Dominion.
- 95. There is no conflict whatsoever between the Council's relationship with A2Dominion on the main campus redevelopment and the use of this Framework – the matters are wholly separate.

96. The use of the A2Dominion Framework appears to be wholly suitable for the single stage Design & Build programme for the White City Central scheme.
97. The pricing of the Framework appears proportionate – all be it higher in terms of costs to the successful supplier (which comes back to H&F in the long run), rather than our cost – than some other Frameworks of central government / Cabinet Office / Councils / Local Authority consortia.

Implications completed by: David von Ackerman, Head of Procurement & Commercial Group- interim, 05/07/2022

CLIMATE AND ECOLOGICAL EMERGENCY IMPLICATIONS

98. Climate and ecological impact from the decision to proceed with this development is covered in the main report.

Implications completed by: Jim Cunningham, Climate Policy & Strategy Lead, 13th May 2022

APPENDIX 2 – USE OF SECTION 203

The Council's statutory powers:

1. Powers to override rights over land acquired or appropriated for planning purposes were previously provided in section 237 of the Town and Country Planning Act 1990 ("1990 Act"). These have more recently been replaced by provisions in section 203 of the Housing and Planning Act 2016.
2. Under Section 203 the Council has powers that would allow the Development to proceed, notwithstanding that it would interfere with the rights to light of neighbouring affected properties.
3. Under Section 204 there is a liability to pay compensation for any interference with a relevant right or interest or breach of a restriction that is authorised by Section 203. The compensation is calculated on the same basis as compensation payable under the Compulsory Purchase Act 1965.
4. Section 226 of the 1990 Act provides that a local authority (subject to the authorisation of the Secretary of State) has the power to acquire compulsorily any land in their area, if it considers that this will facilitate the carrying out of a development, redevelopment, or improvement on or in relation to the land; or is required for a purpose which is necessary to achieve in the interests of the proper planning of an area.
5. Under Section 226(1A) of the 1990 Act, a local authority may not acquire land compulsorily, for the purpose facilitating the carrying out of development, unless they consider that the development is likely to contribute to the achievement of one or more of the following objectives:
 - a) the promotion or improvement of the economic well-being of their area;
 - b) the promotion or improvement of the social well-being of their area;
 - c) the promotion or improvement of the environmental well-being of their area.
6. Section 227 of the 1990 Act provides that the Council may acquire by agreement any land which it requires for any purpose for which it may be authorised to acquire land under Section 226 of the 1990 Act.
7. Section 246 of the 1990 Act provides, in this case, that reference to the acquisition of land for planning purposes is a reference to the acquisition of it under section 226 or 227 of the 1990 Act.
8. The Council will need to be satisfied that there is a compelling case in the public interest for the engagement of the appropriation powers and that their use is proportionate and justified, notwithstanding the interference with the private rights of the landowners affected.

Section 203 Housing and Planning Act 2016

9. Section 203 of the 2016 Act applies where the Council acquires or appropriates land for planning purposes so that easements and third-party rights (including rights of light) may be overridden pursuant to those provisions by development of that land (provided it is carried out in accordance with planning permission).
10. Section 203 operates to translate the right of an owner of an affected property or interest from an injunctable right to an entitlement to compensation only. The compensation is assessed against compulsory purchase compensation principles based on the diminution of the value of the affected property because of the interference with the right.
11. The protection provided by Section 203 applies both to the Council, were it to undertake the Development, and to any third-party deriving title to the Site from the Council.
12. For Section 203 of the 2016 Act to be utilised and come into effect, the development must receive a planning permission and the Council must hold an appropriate interest in the land, the freehold in this case. Additionally, under section 227 of the 1990 Act, the council may acquire land by agreement for planning purposes where that acquisition is for a purpose for which the land could be compulsorily acquired. To do so the Council would need to be satisfied that the circumstances set out in Section 226(1A) of the 1990 Act are met – in summary, that acquiring the Site would facilitate the carrying out of the Development and that the Development in question would contribute to the economic, social, or environmental well-being of the area.
13. It is the opinion of Officers that, for the reasons set out in this report, the Site, if it wasn't owned by the Council, could be acquired compulsorily under Section 226 to facilitate carrying out of the Development assuming such development was to be granted an implementable planning permission, and that such Development would advance all three objectives identified at section 226(1A).
14. Subject to satisfying the relevant requirements, the appropriation may allow provisions of Section 203 of the 2016 Act to be engaged. But for this to happen, it is necessary to consider whether the facilitation of the Development would justify an interference with the rights of third parties. In making that decision regard should be had to the advice and guidance contained in the current DLUHC Guidance on Compulsory Purchase (October 2015). Fundamentally, the decision to engage Section 203 should only be made where it is necessary, there is a compelling case in the public interest and the Council should be certain that the use of these powers being exercised justify interfering with the human rights of those whose human rights would be affected. Particular consideration should be given to the provisions of Article 8 and Article 1 of the First Protocol to the European Convention on Human Rights.
15. The explanatory note relating to the 2016 Act is helpful in indicating the underlying objective of the provisions. Regarding section 203 powers it provides guidance that the requirement (section 203(2)(c)) that the authority 'could' acquire the land compulsorily for the purposes of the building work was intended only to require that the authority had the relevant enabling powers, not

that on the facts of the case a compulsory purchase order would be confirmed for the compulsory acquisition of the land.

16. The return of the Site appropriated by the Council for planning purposes to be held for housing purposes will also need to ensure that the requirements of section 233(1)(a) of the 1990 Act are met. Section 233(1)(a) authorises such disposal providing that the Council is satisfied that it is expedient to secure the best use of the land. A decision to appropriate the site for Planning Purposes would need to be based on a full reconsideration of all elements in paragraph 8 including a reconsideration of how the Council's obligations under section 233(1)(a) may be satisfied in this case.

Use of Section 203 – Considerations

17. The effect of Section 203 is to allow beneficial regeneration to take place without the risk of injunction being granted to prevent the development from being carried out. However, it is recognised that this can involve the interference with human rights – in particular, the right to peaceful enjoyment of possession and the right to respect for private and family life and home.
18. Considering this, Officers will consider best practice and the approach adopted by this local authority and other local authorities to help any decision on the use of statutory powers to override easements and rights in that case was appropriate, reasonable, and necessary.
19. These considerations are set out below:
 - a. **Consideration 1:** The use of statutory powers is required in that:
 - I. The infringements cannot reasonably be avoided;
 - II. The easements to be interfered with cannot reasonably be released by agreement with affected owners;
 - III. The Development is prejudiced due to the risk of injunction and adequate attempts have been made to remove the injunction risks.
 - b. **Consideration 2:** The use of statutory powers will facilitate the carrying out of the Development;
 - c. **Consideration 3:** The Development will contribute to the promotion and improvement of the economic, social, or environmental well-being of the area and therefore be in the public interest;
 - d. **Consideration 4:** The benefits of the Development could not be achieved without giving rise to the infringements of the identified rights;
 - e. **Consideration 5:** Is it in the public interest that the Development is carried out?
 - f. **Consideration 6:** Is the public interest to be achieved proportionate to the private rights being infringed by the action of Section 203?

Criteria for application of a successful Section 203

20. The following criteria apply in relation to the application of Section 203 powers:

Considerations 1 and 2:

21. The development of the Site, in line with a granted planning permission, would result in infringement of, or interference in, one or more rights or interests as defined in Section 205(1) of the 2016 Act or breach of a restriction or covenant on or affecting the land which cannot be reasonably released or resolved. Voluntary agreements with those whose rights are affected must be sought and the council must seek such agreements, however, without certainty of extinguishment of such rights within reasonable time, the Development might not proceed.
22. The engagement of Section 203, at the appropriate time, will facilitate the Development which may not proceed without the engagement of Section 203. Without this the Development will be at risk of claims for injunctive relief from rights holders relating to actual or anticipated interference with easement rights or covenants.
23. Lengthy legal proceedings initiated by any affected party may severely affect the viability and deliverability of the Development as a whole specially as part of the funding for the Development is time critical.

Considerations 3 to 6:

24. The successful application of Section 203 requires the establishment of a compelling public interest, which in the case of this Development will bring about a material improvement of the social, environmental and economic wellbeing of the area while at the same time mitigating the impact of the additional homes on surrounding streets through the development being car-free zone. Not developing the Site would be a waste of opportunity to redevelop White City Central with new housing and reprovision of community facilities.
25. Importantly, officers would need to consider and balance the significant public benefit to be gained from the Development against the interference with the private rights of the landowners affected by the use of the delegated powers. Conclusion on the use of Section 203 would need to be proportionate and justified demonstrating a public benefit that significantly outweighs potential interference in an individual's rights including human rights and in particular Articles 1 and 8 of the ECHR. Affected landowners will need to be compensated properly and on a timely basis, in line with statutory guidance.

The Nature of the Third-Party Rights Affecting the Land

26. A third-party right is a right enjoyed by a third party over land owned by another party, one type of such third-party right, being a right of light. A right of light is a long-established legal right which can be acquired by a property by having access to, and use of, light crossing another property, for 20 years or more, after which the right is "*deemed absolute and indefeasible... unless it... was*

*enjoyed by some consent or agreement expressly made or given for that purpose by deed or writing*¹. It is anticipated that the Development will infringe the rights of light of a number of neighbouring properties in varying degrees of magnitude.

27. Any interference with a property's right of light may be prevented by an injunction granted by the Courts. Typically, developers will seek to avoid this risk by reaching private settlements with those whose properties are affected so as to release rights of light and permit interference with the rights, subject to payment of compensation. If an agreement cannot be reached, affected parties might be able to delay or prevent a development from proceeding by threatening, or seeking, an injunction.
28. Appropriation of land for planning purposes translates the right of an owner of an affected property or interest from once enforceable by an injunctable right to an entitlement to compensation only. The compensation is assessed against compulsory purchase compensation principles based on the diminution of the value of the affected property because of the interference with the right of light.

Legal power available to the Council to procure appropriate insurance

29. The Council's actions are susceptible to third party challenge, and as described above the Council may seek to insure against any costs and liabilities arising from a challenge, if one were to be made, so as to indemnify and limit the Council in respect of all costs and liabilities arising from and linked to appropriation for planning purposes of this site.
30. The Council has the power to enter into any Deeds of Indemnity or insurance required under a range of powers which include:
 - Section 111 Local Government Act 1972 - which gives powers to local authorities to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions; and
 - Section 1 Localism Act 2011 - which contains the local authority's general power of competence and states that a local authority has power to do anything that individuals generally may do.
31. The Council should also be mindful of its best value duties in Section 3 of the Local Government Act 1999 which states a best value authority must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

Affected Third Parties

¹ The Prescription Act 1832, section 3; Claim to the use of light enjoyed for 20 years

32. The exact number of affected parties and extent of effect may only be ascertained on the granting of an implementable planning decision. And in any case, a variation of the design of the Development that may potentially mitigate impact on third parties would be considered so long as such variation would not result in a significantly and materially different development that diminishes or eliminate the public benefits arising from this proposed Development.
33. On identification of degree and extent of impact on third parties, the council will seek voluntary settlements by agreement. However, it is anticipated that in most instances the level of interference may be negligible and not noticeable and, in some instances, may have a noticeable positive impact.

EQUALITY IMPLICATIONS

34. In deciding to proceed with the acquisition of the Site for planning purposes the council must pay due regard to its Public Sector Equality Duty (PSED), as set out in section 149 of the Equality Act 2010 (the “2010 Act”). Further information regarding how the PSED should be discharged is set out at Appendix 3.
35. While currently there are no anticipated direct negative implications (at this stage) for persons with protected characteristics, under the Equality Act 2010, by the approval of recommendations outlined in this report, any future decision on the appropriation for planning purposes would need to carefully consider potential impact.

RISK MANAGEMENT IMPLICATIONS

36. There may well be compelling reasons for the council to engage Section 203 and enable the Development to proceed: significant benefits that would be realised locally, at a time when the national economy has been severely affected following the pandemic. The Development may also bring about improvement of the social, environmental and economic wellbeing of the area whilst at the same time meeting the acute housing needs of the borough.
37. However, risks and mitigations associated with the potential use of powers to appropriate the Site for planning purposes would need to be considered at the point the use of the delegation is being considered. This is because the use of these powers is dependent on the development to be facilitated receiving a planning permission.
38. Accordingly, risks and mitigations may only be considered once the Development has received an implantable planning decision and the extent and nature of the impact of the development has been ascertained.

David Hughes, Director of Audit, Fraud, Risk and Insurance, 12 May 2022

APPENDIX 3 - PUBLIC SECTOR EQUALITY DUTY

The Public Sector Equality Duty provides (as far as is relevant) as follows:

1. A public authority must, in the exercise of its functions, have due regard to the need to:
 - eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
2. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard to the need to:
 - remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
3. Case law has established the following principles relevant to compliance with the PSED which Council will need to consider:
 - a. Compliance with the general equality duties is a matter of substance, not form.
 - b. The duty to have "due regard" to the various identified "needs" in the relevant sections does not impose a duty to achieve results. It is a duty to have "due regard" to the "need" to achieve the identified goals.
 - c. Due regard is regard that is appropriate in all the circumstances, including the importance of the area of life of people affected by the decision and such countervailing factors as are relevant to the function that the decision maker is performing.
 - d. The weight to be given to the countervailing factors is in principle a matter for the authority. However, in the event of a legal challenge it is for the court to determine whether an authority has given "due regard" to the "needs" listed in Section 149 of the 2010 Act. This will include the court assessing for itself whether, in the circumstances, the local authority has given appropriate weight to those "needs" and not simply deciding whether the authority's decision is a rational or reasonable one.

- e. The duty to have “due regard” to disability equality is particularly important where the decision will have a direct impact on disabled people. The same applies for other protected groups where a decision could directly affect them.

APPENDIX 4 – EQUALITY IMPACT ASSESSMENT

Detailed Equality Impact Assessment (EIA) is a live document that will continuously be reviewed and updated when necessary, including following procurement when the council is clear on construction programme, significant temporary works that may give rise to equality impact and any phasing completion.

Hammersmith & Fulham Equality Impact Analysis Tool H&F Equality Impact Analysis Tool

Introduction

What is an Equality Impact Assessment?

An Equality Impact Assessment (EQIA) is an improvement process which helps to determine whether our policies, practices, or new proposals will disproportionately and significantly impact on, or affect different groups or communities. It enables Council officers to assess whether the impacts are positive, negative, or unlikely to have a significant impact on each of the protected characteristic groups.

The tool is informed by the Public Sector Equality Duty which came into force in April 2011. The duty highlights three areas in which public bodies must show compliance. It states that a public authority must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited under the Equality Act 2010.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The protected characteristics identified within the Equality Act 2010 are:

- Age
- Disability
- Gender reassignment
- Marriage and Civil Partnership
- Pregnancy and maternity
- Race
- Religion or belief

- Sex
- Sexual orientation

About this Equality Impact Assessment

This EQIA is for the White City Central project, which will provide approx. 268 new dwellings (based on current modelling projections) on the White City Estate and re-provide existing social and community facilities within the site.

Phase 1 of the construction phase of the development is likely to take place between 2023 and 2025, with Phase 2 likely to take place between 2025 and 2027. The scheme will likely be completed by 2027.

In recognition of the fact that residents will be impacted differently during the construction phase than they are once the development has been completed, the main body of this EIA is divided into:

- Completed development phase – this will include aspects relating to ongoing management of the development
- Construction phase

In order to ensure consistency and completeness, the potential impacts in relation to each of the protected characteristics are identified in turn. Potential impacts on other equality groups not specifically protected by the Equality Act 2010, such as carers, are also identified.

The EQIA has been developed with the project design team, including:

- Architects: Mae
- Landscape Architects: Farrer and Huxley
- Engagement Consultants: Make:Good
- Inclusive Design Consultants: Lord Consultants Ltd.

The EQIA is a living document and will be updated on a regular basis, through to and beyond completion of the development. Section 7 identifies how project impacts will be monitored during the life of the project. Information gathered through monitoring will feed into the regular EIA reviews (see Action plan, Section 8).

The owner of this EQIA is the London Borough of Hammersmith of Fulham.

Project overview

The White City Central (WCC) site is in the central area of the White City Estate, which comprises of approx. 2000 homes and a range of social and community facilities. It is situated in the White City Regeneration Area (WCRA) within the North East of the Borough, and sits between Wormholt Park and Hammersmith Park.

The final development will consist of:

- Six new residential buildings
- A Community Hub with Family Annexe
- A nursery
- Outdoor play and leisure facilities, including:
 - A community square
 - An SEN playground
 - An adventure playground
 - An outdoor gym
 - Residential courtyards
 - Community gardens

The goals for the development, set out in the Strategic Brief (May 2020) are to:

- Create additional high quality affordable housing.
- Provide modern community facilities.
- Enhance the open space and play provision.
- Support thriving neighbourhoods.
- Generate multiple sustainable and long-term revenue streams.
- Generate enough value for the project to be self-financing.
- Provide flexible spaces that can be used by community groups and the Council.
- Meet the Council's objective to "do things with residents, not to them".

Executive summary

Impacts of completed development

Disproportionately positive potential impacts were identified for equality groups relating to all of the protected characteristics, aside from marriage and Civil Partnership.

Headlines from these include:

- New residential units will be more accessible than existing ones, benefitting older and disabled people.

- Common parts of residential blocks will be more accessible than existing ones, benefitting older and disabled people and women, who provide more care for children and older and disabled relatives.
- The public realm will be more accessible than currently, benefitting older and disabled people and women, who provide more care for children and older and disabled relatives.
- Additional benefits of the improved public realm include:
 - Seating spaced at max. 50m distances will benefit pregnant women in addition to older and disabled people.
 - Improved lighting will benefit women, who are more likely to experience street harassment, and people at risk of hate crime, including disabled people, trans and non-binary people, people from BAME communities, people of some faiths, including Jewish and Muslim people, and LGBTQI+ people.
 - Increased cycle parking will benefit men, who are more likely to cycle.
 - Provision of cycle hoops spaced at 1.2m will benefit disabled cyclists using accessible and adapted cycles and women, who are more likely to take trips using cargo bikes.
- Community buildings will be more accessible than currently, benefitting older and benefitting older and disabled people and women, who provide more care for children and older and disabled relatives.
- Additional benefits of the improved community buildings include:
 - Provision of gender neutral toilets, benefitting trans and non-binary people
 - Increased access to toilets across the estate – partly due to provision of gender-neutral toilets – benefitting pregnant women and women who have recently given birth in addition to older and disabled people.

Actions to support the realisation of some of the benefits have been identified, outlined in Section 8.

No disproportionately negative potential impacts on residents of the completed development in relation to any of the protected characteristics were identified.

Impacts of construction phase

The construction phase will potentially have a negative impact on all residents. No positive impacts were identified.

Disproportionately positive negative impacts were identified for equality groups relating to all of the protected characteristics, including:

- Children may perceive building sites as exciting places to play, and risk having accidents by entering these.
- Any access barriers within the public realm created by temporary changes during construction works – e.g. pavement closures – may disproportionately negatively impact on older people, disabled people, and women, who provide more care for children and older and disabled relatives.

- Any air pollution created by construction work may disproportionately negatively impact on people who are at higher risk, including older people, children and people living with lung conditions.
- Women may feel concerned about their personal safety close to building sites due to the risk of street harassment perpetrated by construction workers – even if actual incidents of this are lower than expected.
- People from some equality groups who experience hate crime, including trans and non-binary people, people from BAME communities, people of some faiths and LGBTQI+ people, may similarly feel concerned about their person safety close to building sites due to the risk of street harassment perpetrated by construction workers – although no specific evidence was identified to confirm this.

Mitigating actions have been identified for all negative impacts captured. It is also noted that the construction phase is temporary, albeit long term.

Decision

Based on the findings of the EIA to date, the recommended decision is to:

- Continue with the project, providing the actions identified in Section 8 of the EQIA are delivered.

General project approach to equality and inclusion

In order to ensure that the development meets the needs of residents, extensive consultation and engagement has taken place with residents and other relevant stakeholders, including service providers currently operating out of the estate's community facilities. The design is also being co-produced with a group of residents – the White City Estate Residents' Advisory Panel (WCERAP). This group consists of a diverse range of residents, including a disabled resident, to help ensure that the development is inclusive.

Reflecting H&F's particular focus on co-production with disabled residents, additional consultation and engagement has taken place with the Council's Disability Forum Planning Group and local disability organisations Action on Disability and Parents Active. Additionally, the design team have undertaken Disability Equality and Inclusive Design training.

In order to ensure that the needs of a diverse range of residents are met during the construction phase, the Residents' Construction Sub-committee, required by the Defend Council Homes policy, will consist of a diverse range of residents, and the appointed construction contractor will be required to ensure that their staff work in ways that are inclusive.

APPENDIX 5 – SECTION 105 CONSULTATION

Summary of Section 105 consultation.

This statutory consultation requires the council to consult with tenants regarding matters that affect housing tenancies and management. The council will commence this process in November 2022, based on planning-equivalent scheme proposals. The Section 105 document will be sent to all residents on the White City Estate, requesting their comments to the following proposals:

- Public Open Space provision
- Parking
- Routes to access the estate
- Community Facilities
- Meanwhile use

N.B: The same residents have already been engaged with, as part on the wider communication and consultation strategy for the scheme.