
Decision Maker: EXECUTIVE

Date: Wednesday 17 May 2023

Decision Type: Urgent Executive Key

Title: CONTRACT AWARD OF CONSULTANCY SERVICES FOR THE
CRYSTAL PALACE PARK REGENERATION PLAN

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Chief Officer: Director of Housing, Planning, Property and Regeneration

Ward: Crystal Palace & Anerley;

1. Reason for decision/report and options

In February this year, the Executive approved the procurement of a new multi-disciplinary team (Report No. HPR2023/007) to take forward the delivery of the Regeneration Plan for Crystal Palace Park; the rationale for that report being urgent was due to the timescales associated with the grant from the National Lottery Heritage Fund, which the Council was successful in securing to progress the development phase of the scheme.

This report is a recommendation to award the contract for multi-disciplinary consultancy services to deliver the capital schemes from RIBA Stages 2-7. The report is marked as Urgent as the project will be utilising grant funding which has timescales attached for delivery. Call in will therefore not apply.

This report also provides an update on the outcome of the advertisement of the Open Space Notice in relation to the proposed disposal by way of a grant of a long lease of Crystal Palace Park to the Crystal Palace Park Trust, pursuant to section 123(2A) of the Local Government Act 1972.

2. RECOMMENDATION(S)

That Members of the RRH PDS: -

2.1 Note the contents of this report and make any comments available to the Executive.

That Members of the Executive: -

2.2 Approve the recommendation outlined within the Part 2 report in relation to the award of the works contract for the multi-disciplinary team to deliver the Regeneration Plan.

2.3 Note the representations outlined in relation to the proposed disposal by way of a grant of a long lease of Crystal Palace Park to the Crystal Palace Park Trust, pursuant to section 123(2A) of the Local Government Act 1972.

2.4 Consider the objections made together with responses to these contained within the Report and formally agree to the Disposal of the Open Space Land.

Impact on Vulnerable Adults and Children

1. Summary of Impact: The park is visited by circa 935k visitors per annum. The majority of these visitors are from the communities that surround the park, some of which are within the 10% most deprived in the UK.
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Transformation Policy

1. Policy Status: Existing Policy
 2. Making Bromley Even Better Priority:
 - (1) For children and young people to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home.
 - (2) For adults and older people to enjoy fulfilled and successful lives in Bromley, ageing well, retaining independence and making choices.
 - (3) For people to make their homes in Bromley and for business, enterprise and the third sector to prosper.
 - (4) For residents to live responsibly and prosper in a safe, clean and green environment great for today and a sustainable future.
 - (5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.
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Financial

1. Cost of proposal: See Part 2 Report
 2. Ongoing costs: Consultancy and Survey Fees
 3. Budget head/performance centre: Crystal Palace Park Regeneration Plan
 4. Total current budget for this head: £1.49m
 5. Source of funding: Capital Receipts, Grants and Forward Funding
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Personnel

1. Number of staff (*current and additional*): N/A
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: Non-Statutory - Government Guidance:
 2. Call-in: Not Applicable: Urgent due to Funding Conditions
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Procurement

1. Summary of Procurement Implications: See commentary
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Property

1. Summary of Property Implications: See commentary
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Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: See commentary
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Impact on the Local Economy

1. Summary of Local Economy Implications: See commentary
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Impact on Health and Wellbeing

1. Summary of Health and Wellbeing Implications: See commentary
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Customer Impact

1. Estimated number of users or customers (*current and projected*): N/A
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1. Crystal Palace Park (CPP) is a 200-acre Grade II* park on the Heritage At Risk Register. At the intersection of five London boroughs in south London it attracts 930k visitors' pa. Created 1853 to 1855 as grounds to the Crystal Palace, the park and Palace were designed by Sir Joseph Paxton as a national centre for the education and enjoyment of people. Since the 1980s there have been numerous unsuccessful attempts to regenerate Crystal Palace Park, including the 2007 Masterplan developed by the then London Development Agency, which received planning permission in 2010 and was most recently valued in 2020 at £80m to deliver, but the costs for which will have increased due to inflation.
- 3.2. In March 2015 the Executive approved a new deliverable and sustainable approach to the regeneration of the park; the Crystal Palace Park Regeneration Plan. The £52m Regeneration Plan for the park has three strands: new governance structure; sustainable business model; and capital works. Crystal Palace Park Trust (CPPT) was formed in 2016 in response and is preparing to take over the Park in the coming months on a 125-year long lease.
- 3.3. **Award of multidisciplinary consultancy services**
- 3.4. Following approval in February 2023 to proceed to procurement to appoint the multidisciplinary consultancy services required to commence the capital restoration works, this report seeks approval to award the consultancy contract the winning tenderer, as outlined within Part 2 of this report.
- 3.5. Outline Planning Permission for the Regeneration Plan was received in March 2023, following the GLA's decision to enable the application to be determined by the Local Planning Authority in October 2022. As part of the delivery of the Regeneration Plan, Reserved Matters Applications will be submitted for each element of the capital works where necessary.
- 3.6. In March 2023, the Council was notified that it has been allocated almost £5m from the National Lottery Heritage Fund, with an initial award of £304,350 to progress the scheme. Executive resolved to accept this funding (Report No. HPR2023/023) and proceed with the wider scheme deliverable within the funding allocation. The grant is specifically to take forward the restoration of the Southwest corner of the park: the Penge gate, the lower Paxton axis, and dinosaur landscape. In addition, the grant will go towards the new playground, the replacement information centre, and the associated activity plan. Therefore, this report seeks authority to award the multidisciplinary consultancy team to progress the scheme from RIBA Stages 2-7.
- 3.7. In February 2023, (Report No. HPR2023/007), Members approved the procurement of multidisciplinary consultancy services from RIBA Stages 2-7, to deliver the Crystal Palace Park Regeneration Plan. It should be noted that the Regeneration Plan is already on the Capital Programme, with funding secured for the works required. The appointment of this multidisciplinary consultancy team replaces AECOM who were awarded a two-stage contract to support the delivery of the capital works in 2016, following mutual agreement between parties to terminate the contract.

Tender Process

- 3.8. As outlined in Report HPR2023/007, Officers opted to use an open competitive tender process with a robust set of quality requirements to ensure appropriately experienced team were procured. The Council's 60:40 finance quality ratio was used in order to ensure best value. In January 2023, Officers organised a soft-market event, where around 15 consultants were invited to discuss the tender with the project team. A presentation was given on the overall Regeneration Plan and the Procurement process.

3.9. The Council requested that the following disciplines be included within the multi-disciplinary team, with the main tenderer acting as Lead Consultant:

- Accessibility Consultant
- Architecture (Heritage)
- Architecture (New Buildings)
- Building Control
- Civil Engineering
- Contract Administrator
- Ecology Consultant
- Energy and Sustainability Consultant
- Fire Safety Consultant
- Heritage Consultant
- Landscape Architect
- Lighting Designer
- M&E Engineer
- Planning Consultant (RTPI accredited)
- Principal Designer (CDM Regs.)
- Project Manager
- Structural Engineering
- Transport Consultant
- Wayfinding Consultant

3.10. Tenderers were asked to provide a fixed fee to deliver the two sites where funding has been secured (Italian Terraces and Tidal Lakes) and a percentage fee for the other capital works that will be brought forward as additional funding becomes available. The consultancy contract has break clauses and gateway points to reflect the phased nature of the works and the staggered funding arrangements.

3.11. A separate procurement process is being undertaken to appoint the Quantity Surveying services to ensure a direct contractual relationship with the Council, given the stringent funding and financial requirements involved with the delivery of the Regeneration Plan.

Tender Outcome

3.12. Please refer to Part 2 of this report for details on the outcome of the multi-disciplinary tender.

Disposal of Land by way of a long lease to Crystal Palace Park Trust

3.13. Land Disposal

Members approved the disposal of the Sydenham and Rockhill housing sites in line with the approved Outline Planning Application. Officers are currently working on progressing this disposal and will soon be seeking authority to procure the necessary Marketing Agents to support with the sale of the two housing sites.

3.14. Transfer of the Park to the Crystal Palace Park Trust (CPPT)

Members delegated authority to the Director of Housing, Planning, Property and Regeneration to settle, agree and negotiate commercial terms in respect of the proposed disposal of the Park by way of a grant of a 125-year lease to the CPPT. The commercial terms for the disposal were agreed with CPPT in March 2023, and the Council is now preparing a suite of leases ahead of the transfer in the coming months.

3.15. Disposal of the Park as Open Space Land

Members also approved the placement of advertisements of the intention to dispose of the Park (excluding the housing sites) to the CPPT pursuant to section 123(2A) of the Local Government Act 1972. As such, a notice was placed in the local News shopper on the 23rd March 2023 for a period of two weeks.

The comments received from the four objectors can be summarised as:

- The site disposal plan was not sufficient
- Legalities of the Trust as a Governing Body
- Purpose of the disposal & the enabling development
- Environmental impact on the Park
- Delivery of the capital works

The site disposal plan was not sufficient: The red line boundary proposed for disposal is presented on the website outlined on the disposal notice: CPP - S123 LGA1972 Plan.pdf (crystalpalaceparkregenerationplan.com).

Legalities of the Trust as Governing Body: The Trust is governed by their legal Charitable objectives, which are accountable to the Charities Commission. There are numerous examples of Trusts that manage park and open spaces on behalf of the public sector, and this is lawful. The Crystal Park Trust has to comply with all statutory licensing for events, as any organisation would in the Borough. The Trust business model has already demonstrated its success and investment back into the park

Purposes of the disposal and enabling development: The Crystal Palace Park Enabling Regeneration Plan, including the sale of parts of the park, has already had planning permission granted by the Local Planning Authority and the Greater London Authority. The disposal of the park on a 125-year long lease and the two sites for enabling development form the basis of the business model that the Regeneration Plan is modelled upon, which was approved by the Council's executive in 2015 and 2022. The proposed lease does not permit the Trust to sell any further sections of the parkland or develop on to it.

The Council has agreed a Shadow Section 106 agreement with the Local Planning Authority to ensure that following the disposal of the land, the capital receipts are ring-fenced for the restoration of priority areas of heritage within the Park.

Environmental impact on the Park: A Biodiversity Net Gain calculation was undertaken as part of the planning process, and it was confirmed that there is an overall net gain of 12% of habitat units and a net gain of 37% of hedgerow units, which is representative of the overall setting of the Park. Removed vegetation will be replaced through the implementation of soft landscaping throughout the Park. The Council has committed to providing a 10-year landscaping management and maintenance plan to ensure that existing and new vegetation is monitored.

Bromley Local Plan policy 73 requires proposals for new development to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained. Tree preservation orders will be used to protect trees of environmental importance and visual amenity. When trees have to be felled, the Council will ensure suitable replanting; the Council is governed by stringent planning conditions that require appropriate replacement of trees of a native species where felled.

Delivery of the capital works: The Council will remain responsible for the delivery of the approved Regeneration Plan in the Park, and this Plan has been approved by the Local Planning Authority and Greater London Authority. The Trust is not responsible for completing the capital works involved in the Regeneration Plan.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1. The Regeneration Plan will have a positive impact on vulnerable adults and children. The park is an unrestricted public space and leisure facility which is easily accessible by public transport and car.
- 4.2. The Park is designed for public enjoyment and education and includes the popular dinosaurs which are a unique London attraction. The Regeneration Plan will improve access and public enjoyment, and will increase the amount of high quality, freely accessible public land within the park. The Park provides green space for many local families who do not have access to gardens of their own.

5. TRANSFORMATION/POLICY IMPLICATIONS

- 5.1. The Regeneration Plan has been a long term strategic solution for the Park which has a significant conservation deficit. Progressing this scheme will ultimately lead to a restored and sustainable park as well as eventual revenue savings.
- 5.2. The project will contribute to the Corporate Strategy to Make Bromley Even Better. It will meet the following objectives:
 - For residents to live responsibly and prosper in a safe, clean and green environment great for today and a sustainable future.
 - To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.

6. FINANCIAL IMPLICATIONS

- 6.1 The financial implications are contained within part 2 of this report.

7. PERSONNEL IMPLICATIONS

N/A

8. LEGAL IMPLICATIONS

This report seeks approval of the executive to approve proceeding to procurement for a multidisciplinary consultancy contract(s) to provide the necessary consultancy services to progress the delivery of the heritage works as more fully set out in this report.

The council has the legal power to hold, maintain and develop its land holdings and buildings in connection with its functions and general powers in the way described in this report, in particular

in connection with its leisure and recreation powers under the local government act, the localism act gives the council the power to do anything that individuals may do and the council has the power to do anything calculated to facilitate, or is conducive or incidental to the discharge of any of its functions.

The Council may provide and commission through contract(s), the various consultancy services as more fully set out in this report.

The commissioning of a services contract to provide the various Consultancy services are public service contracts within the meaning of the Public Contracts Regulations 2015 (Regulations). Where the value exceeds the relevant threshold (£170,782 (excluding VAT)) such a procurement is governed by the Regulations and the Council must undertake a full procurement exercise or utilise a framework which is compliant with the Regulations. Where the value is below the threshold, such a procurement is not governed by the Regulations. However, in accordance with its fiduciary duty the Council has a legal duty to manage funds contributed by taxpayers efficiently and to use such funds to the best advantage of the Council. Estimated values appear elsewhere in this report. Compliance with the Council's Procurement Rules (CPR's) should satisfy the Council's fiduciary duty.

Under the CPR's where the estimated value of the proposed procurement is £1m and above authority to proceed to procurement requires approval of the Executive in agreement with the Portfolio Holder, Director of Finance, Assistant Director of Governance and Contracts, Director of Corporate Services. Delegated Budget holder and Chief Officer through this Member Gateway report.

All Council decision-making must be made rationally in accordance with administrative law principles, by taking proper account of all relevant considerations and disregarding those that are irrelevant. Furthermore, the Council must comply with its Fiduciary duty towards taxpayers and ensure resources are used prudently.

As the scheme develops, officers will need to keep under review the procurement strategy and the delivery of the scheme generally, which may necessitate the taking of further decisions and presenting further reports as may be necessary to progress the scheme.

9. PROCUREMENT IMPLICATIONS

See Part 2 report.

10. PROPERTY IMPLICATIONS

N/A

11. CARBON REDUCTION/SOCIAL VALUE IMPLICATIONS

11.1. The Regeneration Plan was assessed against the existing socio-economic baseline conditions as part of the outline planning application. Different socio-economic baseline conditions were considered to assess effects at a local, borough and regional level. The socio-economic baseline conditions were established using nationally recognised data and research, including (but not limited to) the 2011 Census, Office for National Statistics employment data, and statistics released by the Department for Education and National Health Service. Once complete and in operation, the Regeneration Plan interventions will generate 46 net jobs in the Greater London area through a variety of means.

11.2. The future occupants of the new residential developments within the Regeneration Plan are estimated to spend approximately £3.6 million per annum in Greater London each year. The 210 additional dwellings will account for 3.3% of the total housing target set for Bromley in

the London Plan between 2015 and 2025.

- 11.3. Primary healthcare facilities within 1km of the Site currently have an average of 1,863 patients per GP, which is broadly in line with the standard of one GP per 1,800 registered patients. The residential elements of the Regeneration Plan will increase this ratio to 1,875 patients per GP, but this is still in line with the set target for the UK.
- 11.4. The landscaping works within the Regeneration Plan will improve and expand open space across the Park by around 2.7ha and the quality of the open space will be greatly enhanced through new character areas, improved infrastructure and better accessibility. The works aim to re-establish the Park's cultural significance and identity.
- 11.5. The Regeneration Plan will provide 2,730m² of publicly accessible play space across three separate areas. This space will be accessible from the residential units within the Regeneration Plan and will cater for the needs of children of all ages within these units. In addition, the over-provision provided by the Regeneration Plan will improve the provision of local play space and will be accessible to visitors and the community.
- 11.6. The assessment for the outline planning application identified no potential significant adverse effects relating to socio-economics within either the construction/demolition or operational phase hence there is no requirement for mitigation. Significant beneficial effects are anticipated during operation as a result of the provision of open space in the local area (major beneficial) and the provision of open space locally (moderate beneficial).

12. IMPACT ON THE LOCAL ECONOMY

- 12.1. The implementation of the Regeneration Plan will bring much-welcomed increased footfall to nearby shops and businesses, ultimately having a positive impact on the local economy.

13. IMPACT ON HEALTH AND WELLBEING

- 13.1. The Regeneration Plan will improve the internationally treasured public Crystal Palace Park, making it more accessible for all. Improved accessibility to open spaces will have a positive impact on health and wellbeing, particularly for nearby residents who do not benefit from private amenity space.

14. CUSTOMER IMPACT

- 14.1. The appointment of the multi-disciplinary team will support the implementation of the Regeneration Plan, which once complete, will have a positive impact on all new and existing park users.

15. WARD COUNCILLOR VIEWS

- 15.1. Ward Cllrs are supportive of the Regeneration Plan and the necessary steps required to implement its delivery.

Non-Applicable Headings:	7. Personnel Implications 9. Property Implications
Background Documents: (Access via Contact Officer)	HPR2022/022, HPR2023/007, HPR2023/023