

Please note Part 2 report is now confidential appendix.

London Borough of Enfield

Operational Report

Report of: Joanne Drew, Housing and Regeneration Director
(Delegated)

Subject: Appointment of HTA Architects to Undertake a Hybrid
Planning Application at Joyce Avenue and Snell's Park

Executive Director: Sarah Cary, Executive Director Place

Ward: Upper Edmonton

Key Decision: KD 5146

Purpose of Report

1. The purpose of this report is to recommend the appointment of HTA Architects to continue their commission to design the scheme master plan and submit a hybrid planning application pursuant to the regeneration of Joyce Avenue and Snell's Park estate.

Proposals

- 2.1 That HTA are appointed to undertake the remaining work on the master plan planning application at a fee not exceeding £1,905,000 and in accordance with the agreed brief.
- 2.2 That a break clause is operational in the appointment in the event that the residents' ballot is unsuccessful or that the Council wish to pause work on the scheme for any reason.

Reason for Proposals

- 3.1 As detailed elsewhere in this report, HTA have worked on the project since inception and have not only gained a detailed understanding of the drivers behind the regeneration but also understand in detail the opportunities and constraints the project presents.
- 3.2 In their work undertaken to date, HTA have made excellent progress in evolving the master plan design in partnership with the Council and in consultation with the Local Planning Authority. They have also taken part in various engagement events and have got to know many of the existing residents through personal conversations and interactions.

- 3.3 HTA have the requisite experience to undertake a project of this size and nature and are resourced accordingly as an organisation. They have previously undertaken large-scale regeneration projects as noted in Appendix 1 and are willing to enter into collaborative working partnerships with other practices as noted in Section 9.
- 3.4 Notwithstanding the requirement for a break clause should the ballot be unsuccessful, or the Council wish to pause work, appointing HTA would bring an important level of continuity to the project taking advantage of their accumulated knowledge and understanding of the site and the Council's aspirations.
- 3.5 The base appointment document contains a fee schedule for the RIBA design stages to control costs and ensure value for money. HTA have submitted a fee that falls below the fees set out in the schedule and is again a reflection of the accumulated knowledge and continuity they have had with the scheme.

Relevance to the Council's Corporate Plan

- 4.1 Enfield Council has seen its stock considerably eroded over the last 20 years due to Right to Buy sales and through Government policy that has prevented the borough undertaking direct development activity to build new and replacement stock. This means that the Council is relying on a reducing and aging property base to underpin growth through the HRA.
- 4.2 However, changes in the policy landscape mean that new council housing can now be delivered, and the process of stock reinvestment can be intensified. As a result, Enfield has developed an ambitious growth strategy to deliver 3,500 new council homes over the next 10 years. Of this total, Joyce Avenue and Snell's Park (J&S) accounts for 1,067 of these with provision for some private sale units if required.
- 4.3 The regeneration of J&S is also part of the Council's wider estate renewal programme which seeks to replace old stock with new, and where appropriate increase the density of housing by making more efficient use of land assets. This will also deliver high quality energy efficient homes for residents and create stock with a much lower long-term maintenance burden.
- 4.4 As currently configured, the existing estate has around 800 properties in a mixture of building typologies, based around a Modernist style masterplan. This is expected to rise considerably to around 2,800 homes in the redesigned scheme (incorporating the 1,067 contained within the 10-year HRA business plan).
- 4.5 This increase in density will allow the Council to not only house all the residents that wish to remain on the estate but will substantially increase the number of social rent and affordable properties available to Enfield households across a number of different price points.
- 4.6 Indeed, the number of social/affordable rent properties is likely to at least double and will greatly assist the Council to reduce the number of households on its waiting list.
- 4.7 In addition, it is proposed that the Council deliver market and discount market rented properties aimed at residents of the borough as a high-quality alternative to the generally low quality private rented accommodation offer that prevails in the area.

Background

- 5.1 HTA were originally commissioned through a competitive framework tender process to deliver a capacity study for the estate and beyond. This commission was made through an appointment dated 17 August 2017, initially for two years, with a 2-year extension option which has previously been taken up.
- 5.2 The purpose of the appointment was to enable continuity with the Lead Designer on long-term projects such as this and contains a schedule of fees to control and limit costs. Lead-in times for regeneration projects are inevitably drawn out and work can stop for periods while consultation, financial modelling or unforeseen pauses take place.
- 5.3 This approach was designed to eradicate unnecessary time and resources spent regularly retendering during the design process for what was the same, ongoing piece of work. Through the use of a procurement framework, and with effective due diligence carried out at the beginning of the process yielding a competent and experienced Lead Designer on a pre-agreed fee scale, the requirement to test and reiterate this competency on a regular basis should not be required.
- 5.4 The initial capacity study was delivered over the latter part of 2017 and early 2018 and included engagement and consultation events with residents. HTA studied a number of different options to regenerate the site and it was decided that a full redevelopment option was the most popular with residents and delivered the greatest benefit to the Council.
- 5.5 HTA then undertook further work in 2019 to develop the capacity study work into an initial masterplan proposal to assist the viability modelling. This informed the Cabinet Report (KD4590, 6 November 2019, Full Council 20 November 2019) recommending full redevelopment which was subsequently approved in November 2019 with an overall budget of £4m. The Cabinet Report also recommended that the Council proceed to undertake a ballot of residents, and if successful, proceed to develop and submit a hybrid planning application. This Cabinet report delegated authority for appointing the consultant design team to the Director of Housing and Regeneration.
- 5.6 To inform the ballot and allow the Council to develop its Landlord Offer to residents, further design work has been undertaken by HTA on an interim basis pursuant to this approval to appoint HTA to continue their work to a full planning application, all subject to a positive ballot outcome.
- 5.7 The ballot timing has been impacted by Covid from its original June date, and is provisionally being planned for in October this year but that is subject to a viable offer being achieved and subject to lifting of lockdown rules and the allowing of sufficient time to undertake face to face engagement with the majority of residents beforehand.
- 5.8 The Design Team have taken the opportunity of the ballot delay to focus on the placemaking element of the design. In particular, designing out crime, arrangement and forms of the green/recreational spaces, re-provision of Florence Hayes Park, development of a new civic square on the high street and core N-S and E-W access routes through the estate. This will inform the Landlord Offer and addresses many of the main concerns about the existing estate - repeatedly expressed by residents.

- 5.9 HTA have presented at two Enfield Design Review Panels (DRPs) for peer review of the work undertaken to date. The DRP has a range of architectural professionals on the panel to critique different elements of the scheme. At both panels, the proposals have been positively received across a range of criteria and confirmed that the design is progressing in a dynamic way through best practice design. This acknowledges the experience HTA bring to the scheme, and furthermore by taking due regard to critical appraisal feedback within the design, is material to the Planning Team's considerations at the point of application.
- 5.10 To further bolster the quality and compliance of the emerging proposals, an initial tranche of meetings has been undertaken with the Local Planning Authority (LPA) through a Planning Performance Agreement (PPA), led by HTA. These have helped to shape the design development of the of the scheme and provided the basis for the first resident engagement event this year.
- 5.11 A further PPA has been established with the LPA and the design team are working through a series of themed meetings which commenced in June this year. These focus on aspects such as traffic and transport, urban design and sustainability and will inform our master plan proposals for the ballot.
- 5.12 The work to date has taken place in accordance with the Council's vision for the estate and the aspirations of the residents. The constraints of the site are well understood including its proximity to the Local Conservation Area around Fore Street.
- 5.13 HTA have undertaken feasibility and design work under RIBA stages 0 and 1, and with some elements of stage 2 commenced. This work has amounted to £425k based on the initial capacity study envisioning around 2,900 units. This is below the fee structure set out on in their appointment for RIBA stages 0 and 1.
- 5.14 It is proposed that HTA continue to develop a hybrid planning application consisting of outline planning for 2,300 homes to RIBA stage 2, and 300 homes to full planning (RIBA stage 3) for a total of 2,600 homes. This figure for the number of properties is at the lower end of the range from the options considered so far.
- 5.15 The aspiration remains to achieve c.2,800 homes across the scheme to make the most efficient use of Council land and maximise the number of affordable homes provided. However, the final total is subject to planning and is based on finding the right balance between density, product type and quality, with the final total likely to sit somewhere in between. Block typologies, final layout and mix are still being assessed and it is expected that further detail design will yield additional units once the height strategy is fully resolved.
- 5.15 Considering 2,600 units (2,300 outline, 300 detailed), the total fee based on the rates agreed in the original Appointment for stages 0-3 would total £2.383m based on £720/unit for outline planning plus £1,705/unit for detailed planning, averaging at £917/unit.
- 5.16 Fees spent to date and proposed fees to a hybrid application total based on 2,600 units as set out above, total £2.182m. This represents a saving of around 8.4% on the agreed fee structure in the appointment and an average spend of £839/unit.
- 5.17 The fee quote is based on 2,600 units with 2,300 as outline and 300 as detailed in the table.

Should the overall numbers increase to 2,750, then there would be an additional fee for the extra 150 units of £67,500.

Should the overall numbers increase to 2,900, then there would be an additional fee for the extra 300 units of £135,000

Historic work on capacity study and initial resident engagement work, redevelopment options and outline costings	RIBA stages 0&1	£424,825
Initial Concept design work already undertaken	RIBA stage 2	£220,000
Balance of fees to hybrid planning for design work based on 2,600 units	RIBA stages 2/3	£1,538,000
Total accumulated fees to planning		£2,182,825
Fees from Appointment fee schedule based on 2,600 units	RIBA stages 0-2/3	£2,383,500
Reduction over Appointment fee schedule		8.4%
Balance of fees to planning based on 2,600 units		£1,538,000
Additional fees for 2,900 units		£135,000
Maximum design fee		£1,673,000
Additional services to hybrid planning application	Includes planning consultancy, energy/daylight assessments, BREEAM, CGI's Etc.	£232,000
Total Maximum Fee		£1,905,739

5.18 Through their accumulated knowledge of the scheme and continuity of appointment, HTA have managed to reduce and contain their fees compared to those agreed in their original appointment. Through agreeing this further appointment, HTA are able to immediately continue with the master plan work in preparation for the ballot and, if successful, beyond to a planning application.

5.19 It is proposed that for the purposes of this report, a maximum fee of £1,905,000 is approved which would reflect a planning application total of 2,900 units.

Main Considerations for the Council

- 6.1 It is imperative that the Council appoints an experienced master planning architect to take this scheme forward at pace to deliver a high-quality application that meets the Council's and residents' aspirations for the scheme.
- 6.2 The estate is located in one of the most deprived Wards of the Borough and has suffered from the effects of crime and antisocial behaviour for a number of years. This stems partly from social factors and partly through poor estate design that allows and enables crime to take place. This has had a considerable negative impact on residents' lives, and trust in the Council remains low.
- 6.3 This puts a lot of emphasis on the placemaking aspect of the redesign for the new estate which includes a substantial section of the high street. It is important therefore that the architect understands this background and is able to respond accordingly through proposals that not only deliver the new homes required but that creates a safe and thriving neighbourhood.
- 6.4 HTA have worked on the scheme since inception in 2017 and consequently have developed a detailed understanding of the scheme, cultivating effective professional working relationships with the Regen Team, stakeholders and residents. HTA have also helped to shape the Council's requirements earlier in the scheme and are now in position to carry these through to the planning application. During this time, they have amassed a lot of experience regarding the constraints and opportunities inherent in the site. This continuity is particularly beneficial in carrying through the Council's and residents' aspirations for the scheme and delivering a high-quality planning application.
- 6.5 It is also important that residents are able to perceive a sense of continuity with the regeneration where, in many cases, they have patiently explained the issues they face during their lives. There is also a benefit to them of getting to know the design team and for many this familiarity is reassuring and builds trust.
- 6.6 Since inception HTA have retained both the Lead Architect and Lead Partner plus key members of the team including the Landscape Lead. Residents have met many members of the HTA team at the public engagement events, and at the most recent event, HTA hosted a specific presentation to the Turkish community with their Turkish speaking Senior Architect.
- 6.7 It should also be noted that HTA have developed a detailed understanding of the area, not just from a socioeconomic point of view, but on wider issues such as impact on the Angel conservation area, transport problems, local recreation challenges and not least, the residents' ballot.
- 6.8 HTA have led numerous successful estate regeneration projects and have demonstrated a high level of understanding on how to engage effectively in developing new master plans that resonate with residents and deliver on their aspirations. Appendix 1 has a summary of their more recent regeneration work.
- 6.9 The Regeneration Team also recognise the requirement for diversity and creativity in design and it is common for architects to collaborate on planning applications, either to provide some variety within the master plan proposals or to take forward specialist elements of the design. There is also the opportunity to bring smaller, more local practices and BAME led practices forward to work on this sort of large-scale scheme that normally they wouldn't get chance to bid for. HTA have a track record of working collaboratively with other practices of various sizes.

Safeguarding Implications

- 7.1 There are no safeguarding implications with this appointment

Public Health Implications

- 8.1 There are no public health implications with this appointment

Equalities Impact of the Proposal

- 9.1 Along with wider changes in society, the Public Sector Equality Duty (PSED) has been a catalyst for the Council to refocus on how it can do more to provide opportunities to smaller architectural practices and those that are BAME or female led in order to make the overall profile of our contracting partners more representative of the wider Enfield population. Estate renewal provides an ideal opportunity to do this due to the many diverse workstreams required to deliver regeneration.
- 9.2 For reasons of scale, significant regeneration projects tend to be dominated by larger architectural practices and this prevents smaller, more specialist companies bidding for elements of the work. The procurement process tends to encourage this by setting demanding requirements of consultants in terms of capacity, experience and financial robustness which favours larger, more established businesses with the required resources.
- 9.3 The Council is committed to reducing inequality in Enfield and will use its considerable spending power associated with procurement of contracts relating to its major regeneration schemes to achieve its ambitions for a lifetime of opportunities for everyone in Enfield (Council Plan 2020-22). This includes using its powers to create a fairer Enfield by using the procurement process to further its equality duties and corporate aims. In addition The Public Services (Social Value) Act (2012) places an obligation on public authorities actively to consider how a service being procured might improve the economic, social and environmental wellbeing of the relevant area; and how a public authority might secure that improvement through procurement.
- 9.4 The approach to master plan design can be done differently, and this appointment presents an excellent opportunity for smaller, more diverse practices to take part in the design process. HTA have a history of collaborating with other architects (noted in Appendix 1) and recognise the additional creativity and quality this process can bring to schemes. Joyce and Snell's has a number interesting and diverse elements that would benefit from collaborative input from other practices, and in particular local practices that have a good understanding of the borough and the needs of its residents.
- 9.5 HTA's fee allows for collaborative working with other architects on the Florence Hayes site and other areas of specialist design. This would be on a subcontract basis with HTA either managing a partner practice or perhaps where smaller practices are involved, bringing them in house to work directly with the team.

- 9.6 As this is a hybrid application, not all elements of the scheme will be a detailed application. There are however some key areas of the scheme that will require lateral thinking and creative thought in order to deliver the best solutions for the community. These include the new civic square and community hub, replacement shops, environmental improvements around the high street and the key N-S and E-W routes through the estate. It is proposed that HTA will work collaboratively with BAME and female led practices in these and other significant areas of the new estate to enhance the quality and creativity embedded within the planning application.
- 9.7 Smaller practices are often very creative having been formed by like-minded individuals and this can be even more so with respect to BAME or female led organisations. Designers from broader cultural and social backgrounds can bring a different perspectives and wider design influences, introducing fresh thinking and new solutions, especially around public realm and landscape composition and may often have a better understanding of the needs of local people.
- 9.8 As this is resident-led scheme where the requirements of the existing community are paramount in the new estate. Introducing a more diverse and representative design team will help to build trust and give residents confidence that their views are being listened to by people who understand the local context. Not only is there a large BAME community at J&S, but by working with female architects for example will perhaps give a wider perspective to what a building and environment will be like to live in while looking after children.
- 9.9 This is a prime opportunity for Enfield to demonstrate through a Council-led scheme its commitment to diversity by showing how opportunities can be created within larger contracts for smaller businesses with a different cultural perspective. The Regen Team will monitor and report on the scope and extent of the collaborative work and will obtain feedback from the partner organisations about the opportunities created and how the experience has enhanced their professional careers.
- 9.10 The award of this contract to HTA meets all of the contract procurement requirement and presents an opportunity to help to make contractors more representative of the wider Enfield population and in particular minority businesses in Enfield.

Environmental and Climate Change Considerations

- 10.1 There are no environmental and climate change considerations with this appointment

Risks that may arise if the proposed decision and related work is not taken

- 11.1 Estate master planning is a complex process and quite iterative in nature. Most projects have numerous constraints that need to be understood, tested and accommodated within the design. It therefore takes considerable time for architects to develop a full understanding of these constraints and opportunities, and how to devise a master plan around them that meets the brief set out by the client.
- 11.2 HTA have got to know the estate over a period of three years and built up a detailed knowledge of the constraints and issues that combine to influence the master plan.

- 11.3 Should the recommendations of this report be rejected, then a selection process will have to commence to identify and appoint another architect. This will require time and resource to undertake and will not necessarily deliver lower fees to the Council for the reasons given below.
- 11.4 It is highly unlikely that a new lead designer will want to rely on work carried out by another practice, and any new architect will look at the project from first principles and apply their own thinking. This will lead to duplication of work already carried out.
- 11.5 There will be a further lead-in period for a new architect to understand the brief and become familiar with the site constraints and underlying requirements that apply to the estate redevelopment. This will involve considerable resources from the Regen Team in meetings to rehearse these issues and explain the vision for the project.
- 11.6 For many residents, the level of trust in the Council is quite low due to the long-standing nature of numerous problems across the estate. Many residents have got to know members of the design team and have given them feedback through personal conversations. It is important therefore that residents perceive a sense of continuity with the design of their new estate and feel reassured that plans for the proposed redevelopment of the estate are developing and continuing in a way they understand.
- 11.7 Replacement of the Lead Designer at this stage of the project will serve to delay the ballot and the overall project programme. The delay would run into months while procurement and lead-in work were undertaken. There would be no advantage to the scheme of this delay.
- 11.8 Changing the Lead Designer at this stage of the scheme will present a risk to the overall programme while not necessarily yielding any savings to the Council.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

- 12.1 In appointing this work, it would be a continuation of HTA's current work on the master plan. As set out in section 4, HTA have the necessary experience and resources to deliver the work to the high standard required. They have also amassed a comprehensive understanding of the constraints, opportunities and client brief.
- 12.2 HTA have adapted well to the extraordinary lockdown situation of the last few months and have continued to deliver work remotely with little noticeable disruption. As a business, they have only needed to furlough a small number of staff, none of which were in the design team engaged on J&S.
- 12.3 The Regen Team therefore consider there are no specific risks in appointing HTA to complete the masterplan design.

Financial Implications

- 13.1 The award of this contract to HTA meets all of the contract procurement requirements and presents an opportunity to help to make contractors more

representative of the wider Enfield population and in particular minority businesses in Enfield.

- 13.2 HTA have already commenced work on the Joyce and Snells project and £645k planning fees have been incurred up to June-20. The table below details the amount spent to date, the future and optional costs that make up the £1.9m.

	£
Planning costs incurred up to June-20	644,825
<i>Future Costs:</i>	
RIBA Stages 2/3	1,538,000
<i>Optional:</i>	
Additional Fee for 2,900 unit	135,000
Additional Services	232,000
Total Contract	1,905,000

- 13.4 There is £4m included within the HRA budget for the Joyce and Snells project and these costs of £1.9m will be funded by that budget. Should the project not proceed past the residents' ballot or the Council decides to pause the project for any reason there is a break clause which allows the Council stop incurring any further costs with HTA.
- 13.5 HTA have provided evidence of their professional indemnity insurance and Employers liability for up to £10m, and we have run a credit report which indicates HTA have sufficient financial stability to undertake contracts up to a value of £5m, which is in excess of the fee proposed in this report. The initial contract with HTA did not require a performance bond or other form of security. A waiver was signed by the Executive Director of Resources stating the reasons why this wasn't required, a copy of this is provided in appendix 2. Those reasons are applicable for this contract.

Legal Implications

- 14.1 Section 1 of the Localism Act 2011 provides the Council with the power to do anything an individual may do, subject to a number of limitations. This is referred to as the "general power of competence". A local authority may exercise the general power of competence for its own purpose, for a commercial purpose and/or for the benefit of others.
- 14.2 Pursuant to section 8 of the Housing Act 1985, the Council is required to consider the housing conditions and needs of their area with respect to the provision of further housing accommodation. The Council has the power under section 9 of that Act to provide housing accommodation and under s17 of that Act to acquire land for housing purposes.
- 14.3 Further, under Section 111 of the Local Government Act 1972, the Council has the power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions. The appointment of HTA to carry out the proposed services in connection with the Joyce Avenue and Snell's Park regeneration scheme is in accordance with these statutory powers.
- 14.4 Following a competitive procurement process carried out under the Notting Hill Housing Trust Consultant's Framework, the Council entered into a contract with

HTA dated August 2017 which allowed them to place instructions with HTA for architecture and urban design services for a wide range of projects across the borough. This was for an initial 2-year period, with an option to extend for a further two years which was taken up by the parties.

- 14.5 The Council's Contract Procedure Rules (which form part of its Constitution) state the following: For contracts of £1m or above, *'the Supplier **must** be required to provide sufficient security. Evidence of the form of security required, or why no security was required, must be stored and retained on the E-Tendering Portal for audit purposes . . . For contracts over £1,000,000 where the Supplier cannot provide Security, but the Council has no acceptable alternative provider or has decided to accept the level of risk, then the Executive Director of Resources must approve the financial risk prior to any award. The relevant Authority Report must set out the reason why it is proposed that the contract should be awarded despite absence of security and what measures are to be taken to manage this risk.'* This point is addressed in paragraph 12.5 above and the waiver at Appendix 2.
- 14.6 As the award is a Key Decision the Council must comply with the Key Decision process as set out in its Constitution.
- 14.7 The documentation drawn up for the appointment of HTA must be in a form approved by Legal Services on behalf of the Director of Law and Governance.

Workforce Implications

- 15.1 There are no workforce implication with this appointment

Property Implications

- 16.1 Strategic Property Services have confirmed that there are no property implications contained within the report.

Other Implications - Procurement

- 17.1 A procurement process in accordance with the Notting Hill Housing Trust Consultants Framework was conducted and Penoyre Prasad, Avanti Architects and HTA were selected as preferred suppliers and a call-off contract was entered. The call-off contract allowed for individual contracts to be entered into with the preferred suppliers at defined rates during the term on the contract.
- 17.2 The call off-contract was approved via KD 4405 (award of Contract - Provision of Architecture and Urban Design Services for Enfield Council Development Projects) Evidence of this approval and the contract is held on the London Tenders Portal (LTP) DN249206.
- 17.3 Under the terms of the above agreement an extension was permissible and subsequently all parties agreed to extend the term of the agreement until 1st August 2021.
- 17.4 In February 2018, appointment of HTA was approved via a mini procurement process in accordance with the Notting Hill Housing Trust Consultants Framework (NHHTCF). The selection of consultants to participate in the competition comprise of architectural practices already approved by LB Enfield as mentioned in 16.1 above.

- 17.5 HTA's appointment was further extended in May 19 and March 20, this was to ensure that HTA would continue to build on the work completed in their previous assignment with evolved designs for the estate master plan, producing more detailed information over phasing, density and planning compliance, and to deliver a hybrid planning application including all supporting architectural design information required to deliver the detailed information for the planning chapters.
- 17.6 Under the terms of the agreement, referred to in 16.1 above, entered into with HTA it is permissible for the Council to place instructions with HTA for architecture and urban design services for a wide range of projects across the borough.
- 17.7 This extension, the recommendation of this report, to the existing contract must be undertaken in accordance with the Councils Contract Procedure Rules (CPR's) and the Public Contracts Regulations (2015).
- 17.8 The service must ensure that authority to extend the contract has been obtained and evidence must be uploaded onto the LTP under the existing reference DN249206.
- 17.9 The contract extension must be uploaded onto the LTP and promoted to the Councils Contract Register under the existing LTP reference DN249206.
- 17.10 The awarded contract must be promoted to Contracts Finder to comply with the Government's transparency requirements.

Options Considered

- 18.1 This appointment would be a continuation of the current workstream. The only other significant options would be to procure another Lead Designer, however the risks of doing this would outweigh the benefits through delays to the scheme and a loss of a sense of continuity with residents.

Conclusions

- 19.1 In conclusion, it is recommended for the reasons set out in this report that HTA are appointed to continue with the project and drive the scheme forward to a residents' ballot and beyond to a hybrid planning application.

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Date of report August 2020

Appendices

Appendix 1

HTA Design Estate Regeneration Experience

Appendix 2

Waiver signed by the Executive Director of Resources

