

# GREATER LONDON AUTHORITY

## REQUEST FOR MAYORAL DECISION – MD1355

### Title: Garden Bridge Development Proposals

#### Executive Summary:

A new footbridge (the "Garden Bridge") is proposed for central London connecting Temple with the South Bank and providing a new pedestrian crossing of the Thames in Central London and a major new public space. The Mayor is supporting this proposal on the basis it will help deliver the Mayor's overall objectives for transport, the environment and social and economic development.

This Mayoral Decision directs Transport for London (TfL) to exercise its powers and powers delegated to it hereunder to provide, from TfL's own budget, funding of up to £30 million to the Garden Bridge Trust ("GBT") for the purposes of securing the delivery and construction of the Garden Bridge.

#### Decision:

That the Mayor:

1. Delegates to TfL the exercise of the Mayor's powers under sections 30 and 34 of the Greater London Authority Act 1999 ("the GLA Act") in accordance with the Delegation contained in Appendix A to this Decision.
2. Directs TfL to use its powers and the powers delegated to it under (1) above to:
  - (i) provide funding of up to £30 million to the Garden Bridge Trust ("GBT"), for the purposes of securing the delivery and construction of the Garden Bridge, on such terms and conditions and in such form or manner as considered appropriate by TfL;
  - (ii) do anything that is necessary or expedient for the purposes of (i) above; and
  - (iii) do anything that is conducive or ancillary to the above activities.

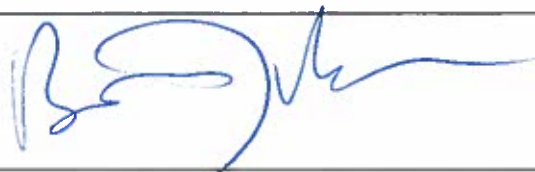
in accordance with the Direction contained in Appendix A, and to make budgetary provision in that regard.

#### Mayor of London

I confirm that I do not have any disclosable pecuniary interests in the proposed decision, and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

Signature:



Date:

27/06/14

## **PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR**

### **Decision required – supporting report**

#### **1. Introduction and background**

- 1.1 A new footbridge (the “Garden Bridge”) is proposed for central London connecting Temple with the South Bank and providing a new pedestrian crossing of the Thames in Central London and a major new public space, currently planned to be open from 6am to midnight. The Mayor is supporting this proposal on the basis it will help deliver the Mayor’s overall objectives for transport, the environment and social and economic development.
- 1.2 In 2013 the Mayor delegated his powers under sections 30 and 34 of the GLA Act to TfL and directed TfL as to the exercise of its powers (including the powers delegated to it) which allowed TfL to make budgetary provision for, and carry on, the activities included in that delegation (see MD1248). TfL has undertaken activities, including but not limited to the following, to promote the project:
- Contributing to the cost of developing the project to the point where an application for planning consent was submitted;
  - Producing a Business Case for a crossing of the Thames in this area which defines specific objectives and outcomes for the project;
  - Supporting GBT in developing strategies for the following matters: procurement of the design; land and consents; funding and sponsorship; and procurement for delivery and construction;
  - Offering general technical assistance and advice; and
  - Advising on and assisting with the formation of a new charity responsible for securing and managing the necessary funds for construction and ongoing operations, to construct the Garden Bridge and to be responsible for its subsequent operations and maintenance.
- 1.3 These initial development costs have been accommodated from within TfL’s existing budget. Since then, GBT has been established as a company limited by guarantee with charitable status, and will be responsible for leading the project forward including the next stage of design, procurement, construction and ongoing operation of the bridge. GBT will be responsible for raising the necessary funds for construction and ongoing operations.
- 1.4 The Mayor and the Government have agreed to make a capital contribution towards delivery of the Garden Bridge of up to £30 million each. The contribution from the Mayor (through TfL) will include costs incurred and those continuing to be incurred by TfL on the project.

#### **2. Current Position**

- 2.1 Since 2013, TfL has been progressing those matters outlined in the earlier Mayoral Direction and Delegation (see MD1248) as summarised below.

##### Design Development

- 2.2 TfL has funded and managed a design team to progress the overall concept for the Garden Bridge into a developed design that is capable of being submitted for full planning permission. This design work has enabled details relating to the external appearance, layout and formation of landing structures to be defined that is compatible with RIBA Stage C. This level of design has enabled a full Environmental Assessment to be undertaken that has been submitted as part of the planning application.
- 2.3 As part of this design development process, a major consultation exercise was undertaken at the end of 2013. In parallel with this, TfL has been working with the three local authorities affected and landowners and other stakeholders.

## Business Case

- 2.4 TfL has been developing a detailed Business Case for the Garden Bridge in accordance with HMT requirements. This “five case” business case assesses the strategic fit, the overall costs and benefits of the Garden Bridge as well as the financial and management case. A summary of the Business Case is attached to this Mayoral Direction and Delegation (as Appendix B) which highlights the key benefits of the Garden Bridge as follows:
- The Garden Bridge will create new opportunities for walking in Central London, reducing journey times and supporting a shift towards journeys by foot across Central London;
  - The Garden Bridge will support economic development on both sides of the river, in particular, by acting as a catalyst for development in the North Bank area by improving accessibility and increasing footfall in the area around the Strand and Aldwych;
  - The Garden Bridge will generate health benefits through an increase in the number of people walking in Central London;
  - The Garden Bridge will create a new London icon and visitor attraction, encouraging more tourists to visit and encouraging them to stay for longer; and
  - The Garden Bridge will create a new open space which will enrich the quality of life for residents, commuters and visitors.
- 2.5 In addition, the Garden Bridge will showcase British design, engineering and landscape industries and will become a marketable international icon, much like the new Routemaster, creating significant promotional and branding benefits for London and the UK. The Business Case has a benefit to cost ratio of 1.9:1.

## Delivery Model

- 2.6 TfL has supported the creation of a new, independent entity – GBT – a company limited by guarantee with charitable status that will be responsible for the funding, delivery and the ongoing operation and maintenance of the Garden Bridge. GBT has been operational since January 2014 and is putting the necessary resources in place to lead the delivery and ongoing operational phase of the project. This includes a fundraiser and project director to lead the next stage of the project. GBT has appointed seven Trustees to lead the project, chaired by Lord Mervyn Davies.

## Costs

- 2.7 The estimated cost for the Garden Bridge is £159 million. This is the estimated cost in 2014 prices and includes scheme development, planning, construction, risk and contingency, inflation and VAT.
- 2.8 The cost of ongoing operation and maintenance is estimated to be £2.5 million per annum in 2014 prices. As the bridge structure itself is being designed so that it is very low maintenance, it will be the garden itself that will be the main source of ongoing more intensive maintenance and there will be a requirement for permanent staffing, including gardeners and supervisory staff undertaking landscape maintenance tasks most days. It could also involve the use of volunteers and incorporate education/training elements.
- 2.9 The maintenance regime will cover annual planting and soil treatment requirement, maintenance of plant and equipment, provision of gardening consumables and cyclical landscaping “renewal” and “enhancement”. In addition to soft landscaping responsibilities, hard landscaping will require regular maintenance to keep all surfaces clean and serviceable with repairs and replacements undertaken as they become necessary. There will also be ongoing costs associated with crowd control and security.

## Fundraising

- 2.10 The Government has agreed, subject to a satisfactory business case, to make a £30m contribution towards delivery costs and the Mayor has agreed to match this with an additional contribution of £30m, which will include costs incurred (and continuing to be incurred) to date by TfL on the project. Payments to GBT will be staged to cover pre- and post-construction contract award activities, with conditions to be met before funds

are provided. It is proposed that around £Bm each will be provided by TfL and the Government in the pre-contract phase; if the project does not proceed beyond the stage, this funding will be at risk.

- 2.11 GBT is developing a fundraising strategy to raise the remainder of the funds which includes contributions from high net worth individuals, charitable trusts and commercial organisations. It will be a condition of the post-contract award funding from TfL and the Government that GBT can demonstrate that it has secured, or is able to secure, the balance of funding required to construct the Garden Bridge, and to cover operations and maintenance costs for a sustained period of time.

### **3. Objectives and expected outcomes**

- 3.1 The proposed footbridge will contribute towards the Mayoral objectives and policies set out in the London Plan. Policy 2.10 of the London Plan states that the Mayor will improve infrastructure for walking within the Central Activities Zone. The proposed footbridge would provide additional capacity for pedestrians and encourage walking by ensuring an improved public realm, which is supported by Policy 6.1 of the London Plan. The cultural, environmental and urban realm benefits of the proposed bridge are supported by Policies 2.1B (Green Infrastructure), 4.6 (Support for Arts, Culture, Sport and Entertainment Provision), and 7.1B (Protecting Local Open Space). The proposed footbridge furthers Proposal 60 of the Mayor's Transport Strategy (MTS) by improving the walking experience, enhancing the urban realm and ensuring safe, comfortable and attractive walking conditions.

### **4. Equality Comments**

- 4.1 Under section 149 of the Equality Act 2010, as public authorities, the Mayor and TfL must have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation as well as to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. In addition, the Mayor has a duty to have due regard to the principle that there should be equality of opportunity for all people.
- 4.2 The Garden Bridge will be accessible to pedestrians with restricted mobility, including lifts to allow access at each end for pedestrians in wheelchairs, with pushchairs, and with difficulty using steps. Currently the adjacent bridges (Waterloo and Blackfriars) are not directly accessible from the South Bank without the use of steps or a lengthy diversion to the nearest step-free route. As well as providing a route across the river for pedestrians, the Garden Bridge will provide a new garden in the centre of London, a new amenity space for both residents and visitors, and will better link the communities on the South Bank with the rest of central London. There will be no charge to access the bridge, allowing its enjoyment by all Londoners.
- 4.3 The Garden Bridge is designed for pedestrians and it is not possible to integrate facilities for cycling in the design, given the number of pedestrians expected to use the bridge and its function as a garden. As part of the broader cycling work across London and the delivery of the Mayor's cycling programme, initiatives are being developed to improve facilities for cycling in the area, including on the neighbouring Blackfriars Bridge where the proposed north-south Cycle Superhighway is proposed. This will provide a safe, convenient segregated route over the Thames at the adjacent Blackfriars Bridge for cyclists where the potential conflict with pedestrians is less. Waterloo Bridge, Blackfriars Road and Upper Ground are already identified as routes signed or marked for use by cyclists.
- 4.4 To support the planning application for the Garden Bridge a full Environmental Assessment has been carried out supported by an Equalities Impact Assessment and Health Impact Assessment. The Environmental Statement highlights some temporary and permanent significant adverse effects on the environment, although these need to be balanced against the beneficial significant effects. Adverse effects include a temporary impact on the ITV studios as a result of construction works and a permanent impact on some London's views (although this should be balanced against the creation of new views and viewing points from the Garden Bridge). The HIA and the EqIA conclude that there are no significant impacts that cannot be satisfactorily mitigated. The HIA and the EqIA are attached as Appendix C and Appendix D respectively.

## 5. Other considerations

### Consultation

- 5.1 GLA has consulted TfL regarding the delegation and direction.
- 5.2 Public consultation was launched on 1 November 2013 and the community were given seven weeks to respond, and the consultation closed on 20 December 2013. The consultation was managed by TfL on behalf of GBT. Steer Davies Gleave was commissioned to analyse the responses and provide a Consultation Report. The Consultation Report is attached as Appendix E and can also be found on the Garden Bridge Trust website at [http://www.gardenbridgetrust.org/consultation\\_report.pdf](http://www.gardenbridgetrust.org/consultation_report.pdf). A key aspect of the consultation was to inform the public and stakeholders about the scheme and provide an opportunity for them to influence the development of scheme proposals.
- 5.3 Consultation on the Garden Bridge was intended to establish what specific issues the public and stakeholders might have, either with the concept of the scheme or with specific elements of its design, and how these might be addressed and improved. The consultation was not intended to promote or seek support for the Garden Bridge, but instead to understand the views of the public and stakeholders regarding the scheme.
- 5.4 Comments on the Garden Bridge were sought from a wide target audience. The consultation was directly promoted to residents living in the City of Westminster and the LB Lambeth, as well as the public across London and the rest of the UK. Comments were also sought from a large number of stakeholder groups. The consultation strategy was designed with 'hard to reach' groups in mind by using a range of consultation methods; using accessible locations for the exhibitions; maximising opening hours to enable hard to reach groups to attend; and producing consultation material in several different formats.
- 5.5 The key issues that arose from the pre-application public consultation are detailed in the consultation report, which also explains how these issues have been considered in developing the design of the scheme. In total, 2,451 responses to the consultation were received. Of these, 2,426 were from the public and 25 were from stakeholders.
- 5.6 There were two levels of analysis. Firstly, each response to the consultation was assigned a flag according to the respondent's broad overall position in regards the bridge proposals and the content of their response. Four categories of position emerged during the analysis, as follows:
- Respondents who were supportive of the Garden Bridge and had no suggestions for improvements or changes - 67 per cent
  - Respondent who were supportive of the Garden Bridge and suggested a change to further improve the scheme - 20 per cent
  - Respondents who would not support the Garden Bridge unless a specific condition(s) were met - 5 per cent
  - Respondents who would not support the Garden Bridge under any circumstances - 8 per cent
- 5.7 The second level of analysis involved an in-depth review of the range of issues raised by each respondent. Every response was analysed and each separate issue expressed was listed as a 'comment' in a code frame. These were grouped into broad 'themes', according to the nature of the issue being raised. The entire list of themes raised in the consultation is set out in the attached consultation report but in summary, the key themes raised were as follows:
- Accessibility features of the bridge design including access for cyclists
  - Alternative locations
  - How funding for the bridge might be raised
  - The type of planting on the bridge
  - Health & safety concerns
  - Ways in which the public might become involved in managing or maintaining the bridge

### Risks

- 5.8 Where TfL exercises the Mayor's powers under delegation, it is the GLA that retains legal liability for TfL's exercise of those delegated powers.

5.9 There is a risk that planning powers are not secured or that suitable third party funding for the construction, maintenance and operations of the bridge will not be secured by GBT. In the event of this happening, the project will not proceed and pre-contract award funding (currently anticipated to be around £8m for each of TfL and the Government) will not be recoverable.

## 6. Financial comments

6.1 There are no financial implications for GLA from this proposal. TfL is making a contribution towards the cost of delivering the Garden Bridge of £30m. This funding was secured in the TfL Budget at the TfL Board Meeting of the 26 March 2014. In addition to this, TfL staff will provide some ongoing support to the delivery of the project.

6.2 Any changes to this proposal will be subject to further approval via the Authority's decision-making process as necessary.

6.3 Transport team within the Development, Enterprise & Environment Directorate with TfL will be responsible for managing this proposal.

## 7. Legal comments

### Delegation and Direction

7.1 This Mayoral Decision asks the Mayor to delegate to TfL his powers under sections 30 and 34 of the GLA Act to enable and empower TfL to provide funding of up to £30 million to GBT, for the purposes of securing the development and construction of the Garden Bridge.

7.2 Section 38 of the GLA Act provides that the Mayor may delegate the exercise of his section 30 and 34 powers to TfL.

7.3 For the delegation and direction to provide the funding to be lawful, the proposed funding itself must be lawful; namely within the scope of section 30(1 – 2) of the GLA Act, in that it must further one or more of the principal purposes of promoting economic development wealth creation, promoting social development and promoting the improvement of the environment in Greater London. In deciding to direct TfL to exercise his section 30 power, the Mayor must also:

- (i) have regard to effect that his decision will have on the health of persons in Greater London, health inequalities between persons living in Greater London, the achievement of sustainable development in the United Kingdom and climate change and its consequences (sections 30(3-5) of the GLA Act;
- (ii) pay due regard to the principle that there should be equality of opportunity for all people (section 33 of the GLA Act); and
- (iii) have due regard to the Public Sector Equality Duty; namely the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010, and to advance equality of opportunity between persons who share a relevant protected characteristic (race, disability, gender, age, sexual orientation, religion or belief, pregnancy and maternity and gender reassignment) and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it (section 149 of the Equality Act 2010);

7.4 To address these matters, the Mayor is asked to consider Appendix B (a summary of the Business Case) referred to at paragraph 2.4 above; and Appendix C (the Health Impact Assessment) and Appendix D (the Equalities Impact Assessment) referred to at paragraph 5.4 above.

7.5 Section 32 of the GLA Act requires the Mayor to consult in accordance with that section when exercising his powers under section 30 of the GLA Act. Paragraph 2 of the Delegation to TfL attached at Appendix A requires TfL to exercise the powers delegated to it in accordance with the requirements of sections 30-34 of the GLA Act.

- 7.6 Section 155 of the GLA Act provides that the Mayor may direct TfL to exercise its functions (which include those delegated to it) in any manner specified in a direction and may issue specific directions to TfL as to the exercise of its functions.
- 7.7 Both the delegation and direction must be in writing and are attached at Appendix A.
- 7.8 Where TfL exercises the Mayor's powers under delegation, it is the GLA that retains legal liability for TfL's exercise of those delegated powers.

#### TfL exercising the Mayor's delegated powers

- 7.9 In exercising (under delegated authority) the Mayor's powers under section 30 of the GLA Act, TfL must comply with the matters set out at 8.3 (i-iii) above. In addition, before exercising that power and providing funding, TfL must, in accordance with section 32 of the GLA, consider what (if any) consultation is appropriate and must consider consulting with any London borough council; the Common Council; and voluntary bodies some operating in Greater London; bodies which represent the interests of different racial, ethnic or national groups in Greater London; bodies which represent the interests of different religious groups in Greater London; and bodies which represent the interests of persons carrying on business in Greater London.
- 7.10 Paragraph 2 of the Delegation to TfL attached at Appendix A requires TfL to exercise the powers delegated to it in accordance with the requirements of sections 30-34 of the GLA Act.

#### TfL's powers

- 7.11 TfL has various powers concerning the provision of transport and transport related matters, which are contained in sections 156 – 160, and Schedule 12 of the GLA Act.

#### The Funding Agreement and related matters

- 7.12 The funding agreement with GBT will be structured in such a way as to address any procurement law and state aid concerns.

### **8. Investment & Performance Board**

- B.1 This matter relates to expenditure by TfL. It is not required to be considered by IPB.

### **9. Programme and Next Steps**

- 9.1 The planning application was submitted to Westminster and Lambeth on the 30 May. This is referable to the Mayor as an application of potential strategic importance. It is a major application with many supporting documents including 46 verified views showing the bridge from different locations. There are also a series of supplementary consents that will follow including listed building consents.
- 9.2 Assuming planning consent is granted and subject to the necessary funds being raised by GBT, the programme milestones for the Garden Bridge are set out below:
- Planning application submitted – May 2014
  - GBT to progress next stage of design and procurement – July 2014
  - Planning consent secured – October 2014
  - Construction to commence – End 2015
  - Construction complete – mid 2018

#### **Appendices and supporting papers:**

- Appendix A: Mayoral Delegation and Direction to TfL.  
Appendix B: Summary of the Business Case  
Appendix C: Health Impact Assessment  
Appendix D: Equalities Impact Assessment  
Appendix E: Consultation Report

**Public access to information**

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after approval or on the defer date.

**Part 1 Deferral:**

**Is the publication of this approval to be deferred? NO**

If YES, for what reason:

Until what date: (a date is required if deferring)

**Part 2 Confidentiality:** Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

**Is there a part 2 form – NO**

**ORIGINATING OFFICER DECLARATION:**

Drafting officer to confirm the following (✓)

**Drafting officer:**

Christian van der Nest has drafted this report in accordance with GLA procedures and confirms the following have been consulted on the final decision.

✓

**Assistant Director/Head of Service:**

Tim Steer has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.

✓

**Sponsoring Director:**

Fiona Fletcher-Smith has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

**Mayoral Adviser:**

Isabel Dedring has been consulted about the proposal and agrees the recommendations.

✓

**Advice:**

The Finance and Legal teams have commented on this proposal.

✓

**EXECUTIVE DIRECTOR, RESOURCES:**

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature

*M. D. Allen*

Date

24.6.14

**CHIEF OF STAFF:**

I am satisfied that this is an appropriate request to be submitted to the Mayor

Signature

*Z. D. Hill*

Date

24.06.2014