

THE TERRIER

THE JOURNAL OF ACES - THE ASSOCIATION OF CHIEF ESTATES SURVEYORS & PROPERTY MANAGERS IN THE PUBLIC SECTOR

VOLUME 20 - ISSUE 3 - AUTUMN 2015



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EDITORIAL

Betty Albon

Welcome to the Autumn Terrier.

Well, I'm not long returned from a successful Presidential Conference in Salford Quays. This issue contains the professional and social write-ups and thank you to my willing volunteers. Some of the presentations concentrated on Salford's development and its part in the Greater Manchester devolution activities, and these themes of devolution, partnerships and economic growth feature in this issue.

As I write this, as part of his devolution proposals, the Chancellor of the Exchequer has just announced "the greatest change in living memory" to return rates to local financial control. Is it me, or am I really old? I well recall for my first years in local government that this was the way it always was, until central government sought to restrict local choices. I think we've got to wait to see the small print before we throw our hats in the air!

Thank you to all the ACES members who have contributed material to this issue. These include a practical application of the emerging legislation about Right to Build and a number of pieces on rates, compulsory purchase and compensation. Branch reports show that there is an enormous amount of CPD and networking to be gained from attending meetings, and it's pleasing to see the importance of branch connections to universities which are carrying out useful property research. And to lighten things up, there's a fascinating article on railway signal boxes! Thanks also to the private sector contributors, and of course to ACES advertisers, who make the production of the Terrier possible.

The contents of these articles are not the opinions of the Editor nor ACES.

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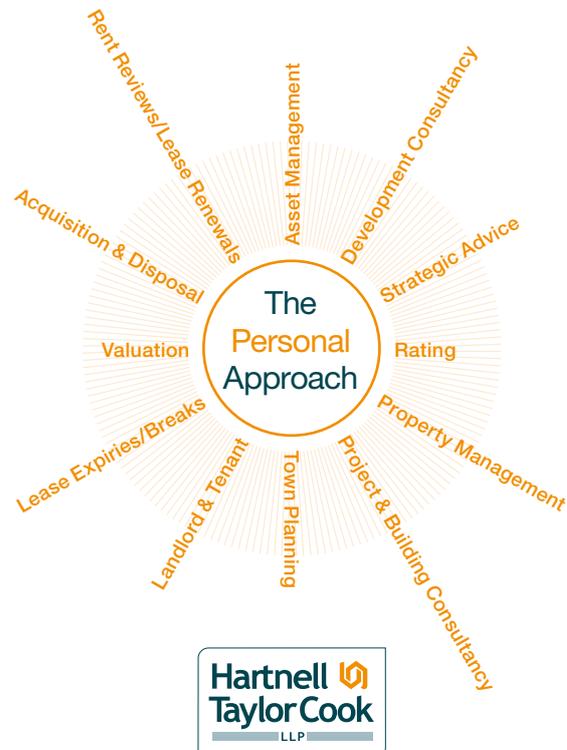
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ACES PRESIDENTIAL CONFERENCE 2015, SALFORD QUAYS - AN OVERVIEW

Emma Acklam BA(Hons) MSc

Emma is Assistant Valuation Surveyor, Community Services at St Albans City & District Council

I had not attended an ACES conference before and to be honest I did not know what to expect. What I found was a friendly bunch of surveyors from around the UK, excellent, highly qualified and knowledgeable speakers and panelists talking about interesting, relevant and varied topics and – most importantly – good food!

Jim Taylor (Council Director, Salford City Council) and Richard Wynne (President, ACES) opened the proceedings with a warm welcome to the delegation and an overview of the regeneration which had taken place in Salford.

From this point of view the venue of The Lowry, Salford Quays couldn't have been more apt for the key themes that were talked about over the 2 days:

- Public/private sector partnerships
- Regeneration
- Housing
- Devolution
- One Public Estate
- Future surveyors and professional groups.

You only had to look out of the window from The Lowry to see the amazing transformation from what used to be thriving docks, to desolate wasteland,

to Media City UK, a tourist destination and a great place to live and work. It clearly demonstrates successful public/private sector joined-up thinking between Salford City Council, Peel Holdings and other private developers.

Phil Mayall (Development Director, Muse Developments - whose head office is situated on the Quays) commented that Salford used to be regarded as the car park for Manchester – not anymore. It is now a destination in its own right and the MetroLink straight into central Manchester is a fantastic addition.

One of the key themes was the significant role housing has played in regenerating large areas. The panel consisting of Karen Hirst (Development Director, Salford City Council), Les Brown (Regional Project Director, Countryside) and Phil Mayall introduced this theme in their presentation entitled Regeneration in Salford.

The speakers demonstrated how the provision of new housing can regenerate areas. Les Brown's video shows how Salford Council in partnership with Countryside had successfully demonstrated best practice in urban regeneration (Salford City Council website <https://www.salford.gov.uk/lowerbroughton.htm>).

Together they had transformed a run-down council estate notorious for

vandalism and replaced it with some 3,500 energy efficient housing units. By selling off some of the houses and letting others on a mix of tenures they have succeeded in attracting new residents. Building a primary school and providing shops and a park had assisted in developing a community spirit which had helped reduce crime levels and regenerate the area by making it a desirable place to live.

In Salford the council and its partners have recognised that roads, shops, jobs and schools, are all needed to ensure that Manchester's car park has not become a place where people sleep but go elsewhere to work.

Another panel consisting of John Clephan (Sheffield Housing Company Client Manager, Sheffield City Council), Marie Hodgson (Head of Area, Greater Manchester, Homes and Communities Agency (HCA)) and Duncan Sutherland (Group Regeneration Director, Sigma Capital) led an interesting debate on the role the local authority can play in the Private Rented Sector (PRS).

The HCA is working with partners to create an institutionalised PRS in line with government thinking to meet the demand for rented accommodation. House ownership is at its lowest since 1988, financial institutions are not lending on mortgages and younger people are attracted to the flexibility that the PRS can provide.

This government initiative is intended to increase the number of available properties and increase the number of responsible landlords who are more likely to provide and maintain better quality housing.

To achieve this, councils are setting up companies that are either wholly owned or profit-shared with private investors or joining forces with private developers. This means that properties can be refurbished or new ones built which can be let on assured tenancies. This is an interesting idea to help councils address the housing shortage, to provide a mix of housing tenures, profit from the PRS and regenerate the area at the same time.

Sheffield City Council owns half the shares in a housing company set up with Keepmoat Limited and Great Places Housing Group to build 2,300 new dwellings, to be let on mixed tenures. In June 2015 Sigma Capital joined forces with the Sheffield Housing Company to provide some of these new homes to be let in the PRS. Duncan Sutherland pointed out that regeneration takes time and a long-term commitment is required of all parties.

Recently ACES Eastern branch heard from a Cambridgeshire council which has acquired a number of former Ministry of Defence properties that it is now offering in the PRS. Broxbourne Council also has a housing company which struggled at the start and was forced to widen its focus to invest in commercial property elsewhere in the UK. It now owns a DVLA testing centre in Bangor! [Ed – see article in this Terrier].

Marie Hodgson also commented that foreign investors are keen to invest in the UK housing market. This was echoed by Duncan Sutherland who has visited the Far East and confirmed that China in particular wants to invest in the UK's PRS.

One delegate questioned the panel about infrastructure. How did infrastructure such as schools and roads keep up with the increased number of residents? It was heartening to hear that Sigma Capital has constructed



schools as part of its housing developments.

University of Sussex Professor Richard Disney's interesting talk on the economy and property, with a focus on public spending and the future of the housing market, was an entertaining way to end the first day. He said that unless you had a crystal ball - which he didn't have - it was not possible to predict accurately what might happen with the economy and future property market.

Squeezed funding, an increasing population and the decline of house building over the last 60 years have led to a demand for housing. Professor Disney suggested remedies from both the private and public sectors to address the problems including the loosening of planning restrictions.

He was sceptical about how much funding would be released by making it easier for the public to purchase their homes through the extended Right to Buy scheme. His comment that local authorities often release land in the wrong place and house builders hold onto land suggested that more joined-up thinking is required between the private and public sectors.

The extent to which a local authority can unlock public land depends on how much surplus and underused land it owns. In St Albans, where I work, there is a desperate need for more affordable housing due to extremely high house prices. The council has identified a number of underused garage sites and has already worked with housing associations to provide affordable housing on these. We are now looking

to carry out our own developments and will be starting with 3 garage sites providing 25 dwellings.

Two of the 3 workshops I attended looked at public sector asset redevelopment and public-private partnerships. Dale Robinson (Director, Bilfinger GVA), and Stephen McDonald and Tim Mulholland (Re/Capita) presented separate workshops on the redevelopment of public assets and public-private partnerships.

The joint venture of Barnet Council and Capita demonstrated that affordable housing can make up 39% of a development if some profit is sacrificed whereas private developers only provide 20-23% affordable housing.

The Aylesbury Vale Estates LLP was used by Bilfinger GVA as a successful example of how housing doesn't have to be the main starter for regeneration as in this case industrial units had been the catalyst. It was an interesting concept that local authorities can capture enhanced value while promoting regeneration and place making.

Tom Walker (Director Cities & Local Growth Unit, Department for Communities and Local Government) also made some interesting comments about working with private practice and unlocking public land and assets to drive regeneration and house building schemes. However his main topic was devolution and he highlighted how economic growth is at the heart of this government agenda, with local authority surveyors playing a big role in successful regeneration and devolution.

Tom commented that neighbouring towns could join forces to apply for devolved powers and said that government had received some 38 applications for devolved status. Some applications had been no more than expressions of interest but others had been worked up in some detail. However, he said that devolution comes at a price as an elected mayor will have to be appointed, who will be held accountable to government.

The Greater Manchester authorities



successfully bid to have devolved powers in 2014. Alison Gordon (Director of Project Development in Manchester) told delegates that the Greater Manchester Authorities had been collaborating on a 'growth and reform plan' since 2009.

The aim is to create a "Northern Powerhouse" with Manchester at its centre. These devolved powers will provide Greater Manchester with the capacity to manage business support budgets; improve the level of education; create employment through a Work Programme; and develop a health and social care agenda. They also aim to provide a streamlined transport system; control a housing investment fund and provide a coherent strategic planning strategy under the direction of the elected

mayor and the chief executives from the 10 member authorities.

Alison also commented on the proposals to create a system similar to the Oyster cards in London which would rationalise fares across different operators. This would significantly facilitate travel within Greater Manchester suitable for a rapidly growing economy.

Following questions from the audience she highlighted the importance of having the right tools in order to deliver the devolution agenda. She stressed that working together to achieve a common goal was paramount to a successful application; and that politicians, senior officers and private sector business leaders had all supported devolution in Greater

Manchester. She said the aim is not to impose full integration of services across the member authorities but to create a modern revised governance structure going forward. The devolved powers will be used to further regeneration within the 10 authorities; the benefits of which it is hoped will spread to other northern towns.

On a lighter note we enjoyed a very inspirational video from NPS Group about its initiative FarmWise in Devon. Grace Hicks (ACES award winner, now working for Lambert Smith Hampton) and Dan Meek (Director of Property Management, NPS Group) from the Devon Country Farm Estate told us of their educational programme teaching children the importance of where food comes from, how it is made and the importance of buying local produce. This initiative is an excellent idea and helps support their estate farmers as well as meeting social and educational requirements. The video was well put-together although I'm not sure how keen the vegetarians and vegans were in the audience when it showed us how beef burgers were made!

The panel debate on professional organisations was particularly relevant to me as a trainee chartered surveyor. Sherin Aminossehe (Chief Operating Officer, Government Property Unit and Head of Government Property Profession) spoke about how important professional groups were to help develop skills and CPD and to encourage the next generation of surveyors.

Richard Wynne's comments highlighted that membership of a professional organisation gave confidence to clients. Being a member of ACES is an opportunity to share practical ideas, build relationships between local authorities and provide an opportunity to improve competence-based techniques.

Paul Bagust (UK Commercial Property Director, RICS) received a hard time from the audience. One delegate queried why becoming a chartered surveyor and a member of the RICS was so difficult with a number of hoops to jump through for people with non-

cognitive degrees. Paul answered robustly and said that the RICS was looking at ways to engage younger people and streamline the membership process through the APC scheme.

The panel debate moved from professional groups to young surveyors and the current skills shortage. Sherin proposed the idea of a mentor scheme in ACES and I was pleased to see the vast majority of audience members agreed to participate in it. The Government Property Profession has a similar scheme and it is an opportunity for experienced members of the profession to pass on their knowledge. I certainly would enjoy benefitting from that and it would provide great networking opportunities as well as support.

Delegates who attended Lesley Webber's (Consultant, Fieldfisher) workshop on rights to light told me they found the discussion informative, as was the Carter Jonas' workshop about income producing investment vehicles. Ben Pretty and Stephen Miles (Cushman & Wakefield) led an interesting workshop on accelerating the productive use of local authority assets.

I attended the Housing Revenue Account valuation workshop and John Murray's (Principal Surveyor, Valuation Office Agency) presentation, of what some could argue is a dry topic, was very refreshing. The biggest concern is the social housing adjustment factor and central government needs to decide which of the following 3 options would be appropriate:

1. Update existing figures
2. Individual authorities have their own adjustment figures
3. Revise the regional boundaries and use HCA boundaries to provide revised figures.

None of the delegates had a preference and while it would be helpful for each authority to have their own adjustment factor, I did wonder whether it was necessary to spoil the status quo.

The panel led by Sherin, Jeremy Pilgrim (Head of Property, London Borough of Southwark) and Neil Grice (Area Director, Community Health Partnerships) on One Public Estate highlighted the benefits of the public sector working together, sharing facilities and using portfolios more effectively to increase efficiency. Property is in the top 5 of the Chancellor's priorities and government is encouraging the public sector to make big changes by working together.

Where I work, St Albans City and District Council has embraced the idea of working together with other public bodies and has rationalised office space to enable the police, Citizens Advice Bureau and the Centre for Voluntary Service to move in and become a community hub. The Mildenhall Project in Suffolk is another example of how the local authority has joined forces with other public and educational services to create a hub for the community.

I want to end by thanking Debbi White (Property & Asset Manager, St Albans City & District Council) for proposing me to the ACES Eastern Branch and attending the conference with me. I'd also like to thank the ACES Eastern branch for agreeing to sponsor me to attend. My thanks too to 3FoxInternational for its excellent organisation of the conference and to Richard Wynne, the speakers and panelists, sponsors and The Lowry for their hard work and support to help pull off a brilliant event.

Bring on next year!

CONFERENCE SOCIAL REPORT

Ann Bishop

The idea of suggesting places to go, things to see and do in the Salford/ Manchester area felt great. After all there was/is SO much to do and see that the powers that be would be spoiled for choice.

I am not quite sure at which point my lovely hubby suggested to them that I might organise things. Suddenly it seemed that I just was and the ball was firmly in my court!!

Having visited the Victoria Baths before and with the knowledge that it had also been shown on TV, that seemed an obvious choice to start with. There was also the John Rylands Library, Granada Tours (Coronation Street), The Museum of Science and Industry, known locally as the MOSI, The Lowry Art Gallery, guided walks and of course the wonderful Imperial War Museum, to name but a few of the places available in and around these amazing cities.

In the end it was decided that on day one we would visit Victoria Baths and then do a guided walk around the historic Castlefield area, with lunch at the baths to fuel us for the walk. As I was also sure that the timings may

not be exact, I arranged to meet our walking guide outside the MOSI so that, should we need to pass a little time, the museum would be a great place to do it.

But I am getting ahead of myself so I will first review Damson Restaurant Media City which we attended on the evening of Wednesday 16 September. Damson is on the doorstep, virtually, of the Holiday Inn Hotel so great for all those staying there and not a great distance from the various other hotels within Media City.

I have to say that the ambience, the food, wine, company and the service were excellent. We were in a room within a room in the main body of the restaurant and yet it felt quite intimate. Our after dinner entertainment came in the form of Malcolm Williams. His rendition of Albert and the Lion portrayed as an example of a corporate manslaughter case was very entertaining.

We had an early start on day one of the conference, meeting outside the Lowry Theatre at 09:00. Trevor is always an early riser so I was dragged down

to breakfast at the crack of dawn to ensure that he was properly fed and that I was fully awake!! Armed with copious amounts of water/soft drinks and assorted fruit we walked across to the conference centre to meet the rest of the group.

Victoria Baths was a delight as always and I was pleased to see that much more remediation work had been achieved by the willing volunteers and from the donations given since my last visit. It was great to see the reaction of the group to the history of the baths by volunteer, Ron, who did a superb and very entertaining job for us. There obviously wasn't a diversity policy in place then!





efficiently served by the young team and were of very good quality. I must also mention the Chief Brody trio who were our musical entertainment for the evening. The boys did us proud, had everyone's toes tapping to Manchester Gold covers which had people singing along to. They did a great job.

I have to say that I was very pleased and surprised to receive a wonderful bouquet which I was presented with by Richard. The flowers were beautiful and had pride of place in my living room.

Day 2 began a little later and we all met in the Lowry Theatre foyer to wait for our guide. We discovered that all the marshals, guides, programme sellers etc. are retired volunteers whose only "perk" is that they get to see all of the shows for free! Our guide was helped by a "trainee" who was being shown the ropes. They were both very informed and it was a great tour of the facility.

Our next stop was the Lowry art gallery. Our guide here was nothing less than excellent; the way that he spoke and his obvious passion for his subject was fantastic. I have been to the gallery before but never with the aid of such a knowledgeable guide! It was a great tour enjoyed by all of us.

We ended the social programme with a little shopping in the Lowry Gallery shop and then lunch with the delegates which, again, was very tasty. Some of the social members intended to visit the Rylands Library in Manchester and some were just going home. All had enjoyed the places and tours we had visited and look forward to meeting again for the next event.

Thank you to Richard and the organising body for giving me the opportunity to introduce everyone to a small slice of Salford and Manchester.



After lunch, ably served by Chris, we bought mementos from the little shop while the gentlemen took photos of what we had seen. We then travelled into Manchester to the Castlefield area to meet up with our walking tour guide, Ed.

As I suspected the traffic disruptions that I had been told to expect were not anywhere near as bad on that day so we did have a gap to fill. While I found myself a perch and a good coffee, the rest of the group went into the MOSI to enjoy its delights. Our numbers were depleted at this point as 4 members did not feel up to the walk so went off to enjoy a little retail therapy.

Ed was waiting promptly to greet us at 14:30 as arranged, and we set off on a 2 hour tour of the area. Members of the group were very pleased with his level of knowledge and some hilarious stories of the area and its history. The time seemed to fly by and in what seemed like no time at all, we saw our coach waiting for us to take us back to Media City Salford in time to prepare for dinner.

The Compass Suite within the Lowry Centre was beautifully decked out for the Gala dinner, making an excellent setting for the event. This was a perfect choice of venue and the room looked very different from its conference setting. The food and wine were



NOTES OF ACES COUNCIL MEETING, 21 AUGUST 2015

Keith Jewsbury, ACES Secretary

22 members attended the meeting held at the ODI Node, Leeds

President's report

The President, Richard Wynne, reported that he had now visited all the branches except the Rural Branch which he was due to visit the following week.

Secretary's report

The Secretary reported on matters arising during the period from the 17 April Council Meeting and in particular the chasing of outstanding subscriptions and the 27 applications for membership received. He had also visited the Heart of England Branch meeting in July at Nottingham and was dealing with the Salford Conference social programme bookings.

Financial matters

The Treasurer reported on the financial position of the Association including a detailed breakdown of the income and expenditure for the full 12 month period. The forecast is for a small surplus for the year. The final financial outcome of the Presidential Conference 2014 was still awaited. The Treasurer recommended a small increase in the membership subscription rate for 2015/16 and this was approved by Council and will be addressed by members at the November AGM.

Salford Conference

The President reported that all arrangements for the conference were proceeding satisfactorily and that a late surge in delegate bookings was expected by 3Fox International. Eight

sponsors were in place and a further 3 were being progressed. The social programme had been finalised and 15 delegates had booked, with so far 22 attending the Wednesday evening meal. A net surplus was being forecast.

CPD events 2015

Following a report on the successful London Branch CPD half day event, Council requested Neil Webster and Rachel Kneale to progress similar events, tailored to suit each location, with the 3 branches that had previously shown an interest in running such an event.

Edinburgh AGM 13 November 2015

The Secretary reported on the arrangements and likely costs of the AGM to be held at the City Chambers, Edinburgh and the help received from the ACES members at Edinburgh. The incoming President, Jeremy Pilgrim, will liaise with the Secretary regarding the guest list, speaker and possible sponsor.

Database and website

It was reported that the current website host, Verio, had given 12 months' notice of its intention to cease the hosting of websites and it was agreed that ACES will progress the transfer of the website as soon as possible and not wait for the deadline of September 2016. The possibility of including public sector job opportunities on the website was also discussed, following an approach by a recruitment agency, and the Secretary and Paul Over were requested to discuss the matter with the current website developer.

Publications – access and charges

Following the discussion at the last Council, Betty Albon reported back on the feedback from the current advertisers with regard to a change from a hard copy Terrier to an electronic version only, and the costs of producing the hard copy Terrier. It was agreed that the Terrier will remain as a hard copy for the foreseeable future.

ACES Award for Excellence

The Senior Vice President reported that several applications had now been received and that the closing date was 30 September. He will seek further information, where necessary, before judging the entries.

Tenancy Reform Industry Group – Good Practice Guide

The latest version of this guide was presented to Council by the Rural Practice Branch and it was agreed that ACES shall progress the paper and host it on the ACES Website. The paper is a guide to local authority rural estate management planning but has relevance to all asset management planning.

Future meetings

Annual meeting	13 November 2015 Edinburgh
Presidential	September 2016 London
Annual meeting	November 2016 London
Presidential	September 2017 Swansea

MEMBERSHIP Keith Jewsbury

I list below the changes in membership between 1 July and 30 September 2015.

New members approved

There were 8 new applications approved during the period.

David	Blanchard	Melton Borough Council
Mandy	Catterall	South Ribble Borough Council
Kevin	Clark	Broxbourne Borough Council
Clare	Hills	Adur District Council & Worthing Borough Council
Sophie	Linton	London Borough of Lambeth
Diane	Phillips	Oxford City Council
David	Stimpson	Rotherham Borough Council
Nigel	White	London Borough of Hammer-smith & Fulham

Transfer from full to past membership

2 members transferred to past membership during this period.

Dave Beaumont
Uzo Nwanze

Resignations

15 members resigned during this period.

Sara	Allen
Derek	Barnden
Andrew	Brown
Jeff	Clarke
Michael	Condon
Linda	Doyle
David	Evans
Ian	Gifford
Audrey	Greenwood
Caroline	Leigh
Mark	Lloyd
Cliff	Mallows
Peter	Mitchell
Linda	Newell
Pete	Woodley

I also have to report 2 deaths. In February, Richard (Dick) Miller, a former President of ACES 1988/89 and in May, Peter Adams late of Lancashire County Council and the former ACES Council Rating Liaison Officer and an Honorary Member (see obituaries in this Terrier).

Total membership

Full	220
Additional	86
Honorary	32
Past	49
Total	387



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Obituaries

Peter Nigel Adams – 1943-2015



It is with deep regret that we have to report the death of Peter Adams. Peter died peacefully, at his home on the Isle of Wight, on 19 May 2015. He leaves a wife Sue, 3 sons, Julian, Robert and John, and 2 grandchildren, George and Lorna.

Peter attended the College of Estate Management and became a chartered surveyor in 1970.

Peter started his career with Westminster City Council, moving on to Merseyside County Council before joining Lancashire County Council in

1984 as Head of Estates Surveying. Eloquent and precise in his letter writing, he was always extremely professional and expected the same high standards from his staff. His professionalism and integrity held him in the highest regard with everyone he worked with. He was a member of LAVA then ACES from 1983 onwards and was always very involved with branch and national matters. He was very proud to have been elected an honorary member of ACES following his retirement from Lancashire County Council in 1998.

Peter was North West Branch Chairman and organised the LAVA national conference which was held in Morecambe in October 1990. Indeed, most of the chartered surveyors in his team were allocated roles over the 2 days of the conference as guides, chauffeurs etc. Professionally he was recognised as being an expert in rating and for many years was the Rating Liaison Officer for ACES; liaising on

behalf of ACES with both the District Valuer and central government. Indeed he took great delight in challenging the District Valuer wherever possible!

He encouraged staff to attend all North West Branch ACES training events - indeed, threatening them with disciplinary measures if they did not participate!

Following his retirement to the Isle of Wight he purchased and developed a successful caravan park, Waverley Park, East Cowes. He took over the site in September 1999 and, with the help of his wife and children, took it from a barely 2 star site to an award winning 4 star one. He was very active in the chamber of commerce, the Isle of Wight Tourism Board and The British Holiday & Home Parks Association, where he did much to promote tourism on the Island. However, no matter how busy he was he would always drop everything to run off and play with the grandchildren.

Dick Miller



It is with great sadness that I write Richard (Dick) Miller's obituary.

Dick joined London County Council in 1959 and stayed in London until 1967, by which time his employer was the GLC. Dick was one of over 600 staff in the Valuer's Department during his days at LCC and one of an astounding well over 1,000 staff involved in major property schemes at the GLC. Dick then moved from London to the rural idyll of Norfolk County Council, where he stayed

until retirement. He was instrumental in setting up ACES Eastern Branch.

Dick was President of ACES 1988/89. He was a long-standing member of ACES Council well after his retirement and was well known for his forward thinking. He was never reticent in making his views known on the issues of the time. He remained on Council, representing Past and Honorary members of the Association, until 2007. He was thanked for his outstanding service to ACES over very many years.

After retirement, Dick and his wife Patt set up STEPS, a training company designed to offer assistance to local authority surveyors. This included organising road shows to various parts of the UK, where speakers would encompass surveyors, lawyers and planners from the public and private sectors.

Dick will also be fondly remembered for his often pithy and amusing anecdotes and takes on life through his Yesterday's Man column in The Terrier. Numerous readers said that they always turned to the back pages when they received the latest Terrier – a fine tribute to our friend and colleague.

Following the cessation of all his professional activities, Dick and Patt moved to Sevenoaks. Dick died on 15 February 2015 but it was only recently that we heard of it. Dick's daughter Antonia has written to say "Both Geoff and I spoke at dad's funeral and perhaps you'll be pleased to know that Yesterday's Man got a mention! Dad was so proud of it and often used to read them out to us when we visited or ask us what we thought if he was writing it when we were there. He was really proud of everything that he achieved professionally."



A RENAISSANCE OF STRATEGIC ECONOMIC PLANNING?

Lee Pugalis, Alan Townsend, Ania Ankowska and Nick Gray

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This article takes forward the article in 2014 Summer Terrier about the progress of LEPs. It is an abridged and modified version of a paper published recently in 'Town & Country Planning'. It concludes that not all in regional spatial planning is rosy [Ed's words].

Introduction

Since the gradual introduction of Local Enterprise Partnerships (LEPs) from 2010, each partnership has evolved in different ways as they seek to

provide strategic leadership to support economic growth. However, during 2013 all LEPs were invited by central government to prepare Strategic Economic Plans (SEPs). Encompassing longer-term strategic objectives and short-term implementation plans, these provided the platform for negotiating Growth Deals. Although SEPs are non-statutory documents and their relationship to the planning system is opaque, they merit analysis due to their implications for the planning and development sectors. Indeed, the National Planning Policy Framework (NPPF) places a duty on local planning

authorities to take account of the views of LEPs, thus the content of SEPs is a material planning consideration. Beyond these points, SEPs are worthy of attention because central government, led by the Treasury, considers them to be a key tool in the leadership role performed by LEPs. LEPs now have their SEPs in place, setting a vision for their areas and spatial priorities, which they are now seeking to implement.

Our interim report for the RTP1 concluded that LEPs clearly have an important strategic role in supporting local investment confidence and

championing economic growth, especially through their spatial priorities, support programmes and other initiatives, but that their role in the planning system and softer forms of planning remained unclear because they lack clearly defined planning roles. Based on an examination of the Strategic Economic Plans (SEPs) prepared by all LEPs, accompanied by a national survey and programme of semi-structured interviews, this article reports on some of the key findings from our final report for the RTPi (available from: http://www.rtpi.org.uk/media/1400949/rtpi_research_report_planning_for_growth_final_report_9_july_2015.pdf), which provides the first comprehensive analysis of the planning roles of LEPs.

Local Enterprise Partnerships and Strategic Economic Plans

The soft foundations of LEPs limited their statutory role in the planning system, and during their formative years most partnerships opted not to pursue an (optional) planning role alongside statutory planning bodies, with interviewees citing a lack of resources necessitating a different prioritisation of core roles and activities. However, Lord Heseltine's Growth Review was described by interviewees as a 'turning point' – providing LEPs with renewed standing, and repositioning them as pivotal local growth institutions. As we document in our study, LEPs' interface with the planning system shifted gear as part of the Growth Deal negotiation process. Indeed, several Growth Deal agreements include a commitment that the LEP will support local planning authorities in their duty to cooperate.

SEPs are not planning documents in the sense of being a formal part of the planned system. Rather, they are intended to be 'multi-year plans for local growth', which alongside a vision statement and priorities should include a 'high-level investment plan'. Just as there is no single model for LEPs, SEPs also display some diverse forms. Their mean length is 160 pages, with a range from 43 to 227 pages. SEPs are more in the tradition of 'ephemeral' economic strategies than 'cumbersome' statutory plans.

Analysing each SEP as a whole, we differentiated between those which are more akin to business plans or bidding documents (15) and those that are more akin to plans for the area (23). The key distinction is that the former provide a LEP-wide statement of immediate priorities (where their primary audience is central government), whereas the latter are indeed a plan for the area (where their primary audience is much broader and could include for example inward investors as well as local planners) and could be viewed as the first iteration of the journey of producing strategic spatial economic plans with statutory force. Some SEPs support the delivery of more holistic strategies and are embedded in broader strategic processes and institutional frameworks, whereas others appear to be more independent, even isolated, from other processes. Hence, it is those SEPs that convey a plan for the area, and which are more intricately enmeshed in wider institutional systems of governance, which are more likely to influence planning deliberations.

Putting 'place' into economic plans

Most SEPs have at least attempted to reflect local economic, political, cultural and physical geographies, although very few are aligned with the principles of more integrated place-based development planning. Most plans are ambitious and articulate bold visions for growth, although the qualitative dimensions of growth beyond achieving uplifts in Gross Value Added are rarely considered. Thus, they are 'boosterist' in nature, in the sense that they are engaged in 'talking up' the local economy. Only time will tell whether the growth targets are realistic, although history suggests that growth across all LEPs is unattainable and perhaps undesirable, in the same way that former Regional Economic Strategies carried economic targets which, when aggregated, yielded a figure much larger than any national projection. Some of our interviewees who had performed lead roles in the development of particular SEPs remarked that their growth targets were speculatively ambitious.

Of the 38 SEPs, the majority take a selective approach to organising and conveying priorities, combining spatial, sectoral and/or thematic approaches. Only 2 SEPs attempted a largely spatially-oriented mode, 3 further ones largely sectoral and 2 largely thematic. In view of central government's insistence that LEP institutional geometries should reflect functional economic areas, we might have expected SEPs to provide a clear analysis of both internal and external functional dynamics. Yet only 17 SEPs painted such a picture, of which 15 made use of mapping and spatial representation techniques. A further 6 SEPs made a passing reference to spatial economic dynamics and, rather alarmingly, 14 SEPs gave extremely limited, or no, attention to this matter.

There are some fine examples of plans that attempt to provide overarching spatial frameworks for a myriad of projects, processes and investment decisions. Nevertheless, many others are largely uninspiring. Many plans identify 'growth locations', 'strategic sites', 'growth corridors' and similar strategic areas. Political 'jam spreading' is a longstanding feature of sub-national politics and economic development and remains a central feature of the SEP process. For example, some SEPs present several spatial 'priorities', to a greater or lesser extent, spread between the LEPs' constituent local authority areas. There has been criticism of the related European Structural and Investment Fund Strategies for coming across as generic and lacking local distinctiveness. We would suggest that most SEPs have at least attempted to reflect local economic circumstances and spatial dynamics; nevertheless some LEPs may not yet be equipped to plan strategically. For example, interviews revealed that some LEPs had not accumulated a rigorous spatial evidence-base, which would have been needed to hone spatial priorities. Consequently, numerous SEPs outline broad locations for growth or multiple priority areas, such as major cities, towns and rural areas. In these instances, it does beg the question: what location is not a priority for growth?

To some extent, rather than presenting

an overarching spatial strategy and place-based development strategy, SEPs tend to focus on those policy areas where the LEP has received, or believes it is likely to receive, enhanced powers, responsibilities and resources. The clearest example is the presence of significant financial contributions from the Department for Transport to the Local Growth Fund, which steered LEPs to prioritise transport projects. Similarly, from a partnership perspective, the Skills Funding Agency (SFA) has instructions to work with LEPs, which encouraged LEPs to concentrate on SFA funded activities in further education rather than the role of schools or universities. Several interviewees rued their decision to circumscribe their SEPs to 'fit' with advice from central government (preoccupied with oven-ready projects that would deliver new jobs and homes), with some suggesting that they may have to return to these plans in the near future, converting such bidding documents to a plan for the area.

Some LEPs have worked closely with constituent local planning authorities to consider a variety of planning matters, with some SEPs, for example, distinguishing schemes with existing planning approvals, those requiring permission and others at application stage. Some SEPs place a great deal of emphasis on Joint Core Strategies, although these often relate to geographies that are more constrained than their respective LEP boundaries. Moreover, it is not always clear in SEPs whether the LEP has facilitated improved coordination and enhanced collaboration or whether it is merely benefitting from such joint working. Interviewees revealed that the LEP can act as a 'broker' and provide a 'neutral space', although the LEPs' role in influencing and/or strengthening the degree of combined and coordinated planning across local authorities has been tangential to date. Alternatively, New Anglia's SEP, for example, suggests that Local Action Groups will be established to steer Local Development Strategies as part of a community-led approach. However, no reference is made to how these local activities will relate to Neighbourhood Forums and Neighbourhood Plans.

A selection of SEPs refer to the importance of Enterprise Zones as examples of coordinated policy relating to planning, infrastructure and investment decisions. Nevertheless, it is not always clear how 'streamlined' pilot systems and exemplars will be mainstreamed. When we carefully extracted proposals that directly relate to the planning system, along with some challenge to it, we find a relative absence of new housing development, but some matters of challenge to the planning system. In particular, SEPs tend to hang future development around employment land, and bottlenecks in training provision or transport infrastructure; the focus on transport partly resulting from LEPs' awareness that a large proportion of the Growth Fund came from the Department for Transport. Thus, for example, the Black Country SEP, while originating from past Multi-Area Agreement work with understanding of modernising industrial sites and improving access, concentrates for Growth Deal purposes on several new transport interchanges, motorway improvement, employment land, and business support including a Construction Industry College. In particular, LEPs have been conscious to 'stay clear' of housing numbers debates that mired Regional Spatial Strategies. Indeed, while the boosterist rhetoric permeates SEPs, rarely does this translate into significant new infrastructure or development schemes that are not already identified in local plans.

SEPs have typically underplayed frustrations with the planning system. For example, only a small proportion of SEPs identified planning as a specific barrier to growth. Instead, SEPs tend to be much more constructive, for example citing how LEPs have worked with local planning authorities to make processes more 'business friendly', although the need for improved forms of collaboration is recognised: 11 SEPs identified the need to enhance cross-border strategic forms of planning and collaboration in order to realise growth objectives.

Beyond boosterism

National planning policy sets out that economic, social and environmental needs should be simultaneously considered and reconciled in the formulation of local plans. SEPs on the other hand have often failed to address issues of social inclusion and exclusion, and many of them engage with this matter only insofar as it relates to European Structural and Investment Funds. Support for those communities, families and individuals contending with multiple aspects of deprivation also appears to have been significantly neglected. Indeed, many SEPs completely ignore the issue of deprivation. A view persists in some SEPs that private-sector led growth will solve, or at least is the most effective means of solving, societal challenges. Thus, the 'trickle-down' theory, which propounds that growth will 'lift all boats', while not explicit in SEPs, nevertheless saturates a large number of these plans. For example, few SEPs consider how enhanced private sector productivity can positively impact the lives of deprived communities, while access to new jobs is given scant attention, although some SEPs contend that transport infrastructure investment is a social inclusion policy that will increase access to economic opportunity.

Environmental considerations are more prominent across the plans than many other non-economic factors, although they have been dealt with in many different ways. SEPs have a propensity to view environmental factors through an economic or financial lens. Thus, while some of the most robust SEPs make reference to environmental factors, these are primarily perceived as 'assets' to be protected or exploited for economic ends. Renewable energy features prominently across SEPs, with many LEPs identifying this as a 'growth sector'. Of more direct relevance to planners, some SEPs consider environmental planning implications of development as well as broader environmental issues. Those SEPs, for example, that provide more than a passing reference to reducing carbon emissions, bring out the interrelatedness of

spatial development. Alarming, however, a small minority of SEPs omit environmental considerations almost entirely. While many plans pay lip service to broader sustainable development principles, a significant number of SEPs fail fully to consider, examine and/or model the social and environmental implications of pursuing growth-focussed strategies. 'Growth at what cost and for what purpose?' is a question that some LEPs have not asked themselves.

Conclusions

Following the abandoning of regional planning during the last parliament, momentum is gathering, albeit to varying degrees, behind new modes of combined development planning to help fill a strategic void. The clearest quickening yet lies in the Association of Greater Manchester Authorities' 'Devolution Deal', which will result in the transfer of new powers to the Greater Manchester Combined Authority (GMCA), including a statutory strategic plan for the metropolitan area. This may be extended to a few more Combined Authorities in the 2015 Comprehensive Spending Review. Alongside this, there had been a steady rise in groupings of local planning authorities (as well as other organisations) developing and adopting voluntary forms of strategic spatial frameworks, such as in Greater Birmingham and Solihull, while other areas have adopted Joint Core Strategies, such as the Black Country. Yet such is the current pace of change in English sub-national governance that the local authorities in the West Midlands have been discussing the possibility of forming a single Combined Authority.

The first iteration of SEPs could indicate a tentative renaissance of England-wide strategic economic planning, although our detailed comparative content analysis of all 38 SEPs reveals that less than two thirds could be considered a plan for the area. The variation in staffing levels, expertise, institutional and partner support across LEPs has inevitably influenced the shape and rigour of SEPs. In some places, for example, LEPs have felt

the need to provide strategic spatial planning leadership, albeit aware of the sensitivities around this. In this sense, they can be considered as reluctant strategic planning actors. Nevertheless, LEPs are influencing spatial planning decisions whether they perceive this to be part of their core remit of providing strategic economic leadership or not. As they have matured and taken on more responsibilities, many have emerged as key economic development bodies, which by implication ensure that they are significant planning actors. This observation is significant, particularly given some LEPs' view that they should simply 'leave planning to the planners'. This indicates that some LEPs have a narrow understanding of the planning system.

Whether SEPs can be described as locally specific place-based tools to guide immediate and longer term spatial transformation and economic growth is a question that warrants closer attention. The 15 which we deem to be akin to business plans or bidding documents are likely to serve a more internal, organisational role. Some interviewees revealed that their particular SEPs were of limited value beyond the role of bidding documents to access Growth Deal funding. With many LEPs lacking capacity generally and, specifically, expertise in spatial strategy and analysis, combined with a prohibitive timescale for preparing these plans, SEPs can be viewed as an early iteration of economic strategy-making across England's evolving sub-national terrain.

If continued in their present form, the SEPs of 2014 may be caught between a rock and a hard place. Their purpose is not abundantly clear, and they are perhaps trying to appeal to too many different audiences. After all, LEPs at the outset were not expected to have more than a few, if any, permanent members of staff. Hence, for central government to expect the first iteration of SEPs to be highly distinctive, evidence-based, innovative and implementable is perhaps unrealistic. Indeed, such strategies often fall outside the experience of private sector partners. The mere fact that central government is assessing SEPs is

a token of the tendency for Whitehall steering and control more broadly, and departmental prescription in particular, to be hidden under the mask of the dominant discourse of localism.

We should not forget that the first iterations of Regional Economic Strategies, prepared by Regional Development Agencies on behalf of their regions, were deficient in many respects but improved significantly over time. Nevertheless, caution is needed in how the planning system treats SEPs, as in their present guise they are ill-equipped to take the mantle left by the revocation of Regional Spatial Strategies and many compare unfavourably to Regional Economic Strategies. This leads us to conclude that any notion of a renaissance of strategic economic planning across the length and breadth of England should be tempered. Yet, this is not to refute that some 'hot spots' of strategic planning are emerging, albeit in an irregular manner via asymmetrical forms.



DEVOLUTION IS HERE TO STAY – BUT WHAT IT LOOKS LIKE IS VERY MUCH UP TO YOU

Jeremy Blackburn

Jeremy is Head of Policy and Parliamentary Affairs at RICS. jblackburn@rics.org

Jeremy continues the devolution theme in this Terrier and outlines in a pithy piece the opportunities in the public sector to grasp the nettle.

Two things have come to define the landscape for property and growth over the last decade – the re-balancing of the UK economy, and the rolling back of a regional structure, towards a complicated web of new, more local organisations. This can be characterised as:

- From public sector driven to private sector driven
- Not regions but local economic geographies
- Grant culture replaced by loan culture
- Top down targets to bottom up ideas.

This results in:

- Scrapping Regional Development Agencies and Government Offices
- Business led Local Enterprise Partnerships (LEPs) and new generation of Enterprise Zones (EZs)
- Introduction of Regional Growth Fund, Single Growth Fund, etc.
- Abolition of regional spatial strategies and creation of LEP economic plans

- City focus
- New devolution deals initiative.

I presented on this at MIPIM UK in 2014 and the slide (top overleaf) of interconnecting funds and entities, LEPs, EZs, Tax Incremental Financing (TIFs), city deals, regional growth fund, combined authorities, elected mayors, localisation of business rates, rural growth network, reminded me of General Petraeus briefing President Obama from one powerpoint slide on the campaign in Afghanistan, 'Mr President when we understand the slide we'll win the war'.

Within 24 hours of the new government taking office in 2015, George Osborne was unveiling a set of new city deals, pointedly from Manchester, and announcing 2 specific Ministers for the Northern Powerhouse. The first Queens Speech of this Parliament of course included the Cities and Local Government Devolution Bill. This hasn't made things any clearer though!

Understanding what these changes mean, how they'll work, how they interact and more importantly how to use them to drive property based growth, is absolutely key. This redistribution of decision-making authority is something that RICS fully supports but clarity and coherence are essential. The objectives set out for devolution partly mirror RICS' own vision for a 'bigger than local, smaller than national' approach to economic development.

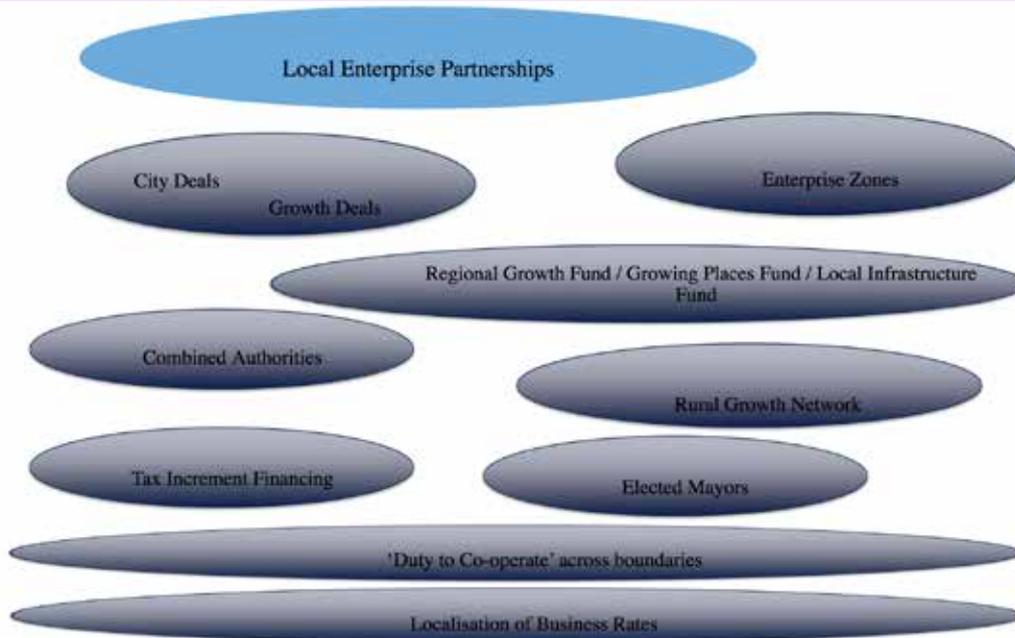
There are now many components to local leadership and funding. LEPs, elected mayors and EZs are just some of the mechanisms currently used. It's not enough for the government simply to devolve power from Westminster to the cities and regions; it also needs to provide guidance and clarity about how those new powers are to be used.

RICS has called for the government to provide greater clarity and guidance for cities looking to get deals and devolved powers. We have argued that a prospectus of powers, mechanisms and funding is needed to help all cities – combined authorities and even, counties – understand what's on offer and what they could safely bite off.

Offering some best practice examples too of how a LEP with a strategic economic plan works with a combined authority and draws down powers and funding would help all involved – otherwise we have a building with all the fittings but none of the wiring. [Ed – see strategic economic planning article in this Terrier].

Careful consideration must also be taken as to the measures and mechanisms that will be needed once devolution becomes widespread. For instance LEPs don't necessarily have the administrative or financial clout to create jobs or get 'spades in the ground'.

We suggested in our recent Property in Politics paper that LEPs could



be empowered to use local insight to assess the merits of planned development and construction projects, targeting regional growth funding onto these.

An example of how this could work can be seen in our call for the development of 'Olympic-style' city or region Delivery Partnerships, particularly for infrastructure. These would see local bodies and private companies coming together to deliver area-specific projects. The publicly-accountable and jointly funded partnerships would remove deterrent risk and would focus on delivering contracts on time and to budget.

One major concern for many RICS members is that there is a lack of cooperation across local authority boundaries – a real barrier to strategic housing delivery in the regions. To counter this, we suggest a clear leadership function to fast track the delivery of major projects in the form of Development Delivery Units (DDUs), under LEPs or combined authorities. Armed with the appropriate powers and expertise, these bodies would help to drive the delivery of construction contracts and enforce the Duty of Cooperation between regional partners.

In the Summer Budget 2015 and the

following Productivity Plan, new powers were outlined for Manchester. It has become the heart of the Northern Powerhouse and where city devolution is progressing quickest outside of London. This includes the autonomy to set up a new Land Commission to oversee all public sites and greater control of strategic planning across the region, which provides more independence when making decisions on regional housebuilding and infrastructure projects [Ed – see Presidential Conference report in this Terrier].

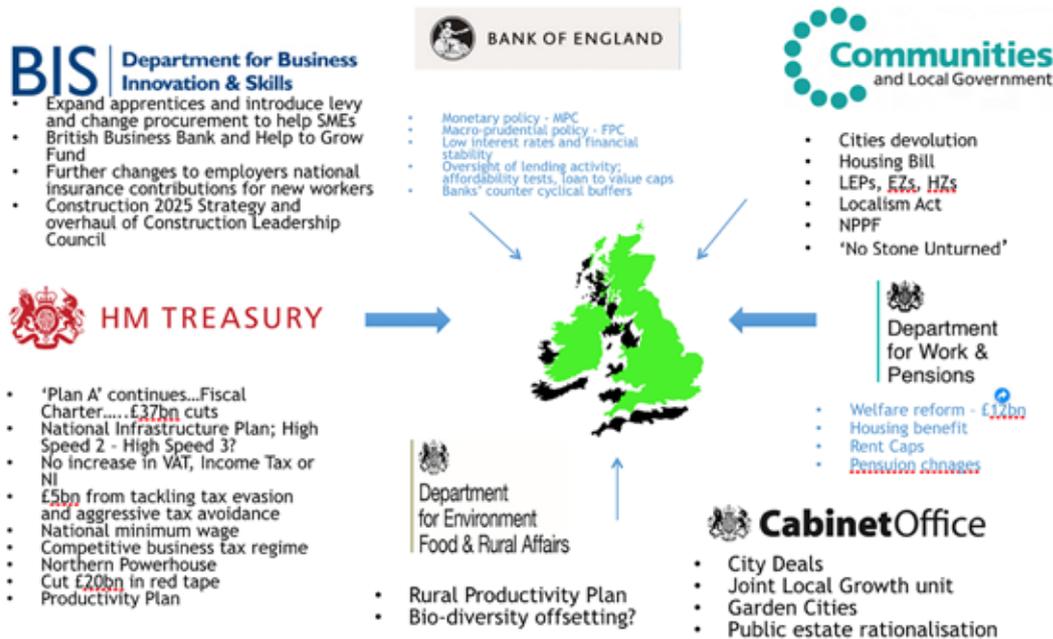
It will be a beacon for other major cities – but party conferences have shown the cynicism and disbelief from many, particularly local councillors across the North and Midlands, that any new money will flow out from the centre through this. They do not see devolution as an opportunity but as a political threat.

Many underperforming places are characterised by small populations which do not have the critical mass to sustain the range and quality of private and public sector service provision common to more successful locations. Furthermore, many of these towns and cities previously served purposes that no longer pertain. They may have hosted a coal mine, shipyard or major

manufacturing plant, or performed the function of a market town. The loss of these functions has removed their fundamental *raison d'être*. And they do not have the time or the energy to seek devolution deals.

These are the places that fall farthest and fastest in an economic downturn, and yet tend to feel the reviving drips of recovery later and to a lesser degree than most other towns and cities. They tend to rely more heavily on the public sector - which will shrink even more in both absolute and relative terms over the next few years as further (and the majority) of austerity measures kick in. Their populations tend to rely to a greater extent on unemployment and low income-related benefits, and as the real value of these falls, there is even less money to be spent in local economies. In some places this downward spiral has become a highly destructive whirlpool, sucking the economic life out of communities.

RICS and ACES members have an opportunity here to help drive local leadership that can put forward positive ideas to their combined authorities or LEPs – based on their potential not just their problems – and improve the places in which they live and work. Why could a failing town for instance not



propose a small Enterprise Zone based on its high street, to incubate new start-ups and the continuation of existing businesses? EZs needn't be restricted to the out of town industrial model that we all know from previous iterations.

Devolution, and the government's drive to implement it, should be seen as a necessary and positive step forward for the UK and its many regions. We are

being given a real opportunity to bring about long-term economic and social change. We need to ensure that local authorities and their supporting cast of stakeholders have the right roadmap in front of them, in order to understand exactly what devolved powers are on offer and how these can be wielded effectively. That, combined with the appropriate leadership mechanisms and close collaboration with the private

sector, is what will really help to make devolution a success.

Devolution gives our towns and cities the chance to take hold of their own future, and wield powers and funding to a plan of their own devising. Property must be at the heart of these plans.

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SERVICE DEVOLUTION TO NEIGHBOURHOODS

James Kingston

James works for the Department of Communities and Local Government on the town and parish council sector, where the department's aims include making it easier to set up new parish councils and helping parish councils do more for their local communities. Prior to that he worked on communications research, race equality and community cohesion (but not all at the same time!).

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Public service providers, and in particular, local authorities, are increasingly devolving public services to organisations working at the neighbourhood level. There are a number of drivers for this, and a range of challenges to overcome, illustrated here by some useful case studies.

Drivers for devolution

Devolution is everywhere at the moment. Scotland and Wales have increasing powers devolved from Westminster. In England, City Deals have morphed into devolution deals, with 38 being discussed. Over half of these have 'double devolution' proposals in them, or devolution to neighbourhoods. But what is behind this trend?

There are a range of drivers for this change. Some are legislative; the Localism Act 2011 introduced a range of powers for local communities to use, including VCS (social enterprise) groups and parish councils, to play a greater local role. One of these was the Community Right to Challenge, which gave scope for them to bid to run local services. While the others (neighbourhood planning, the Community Rights to Bid and Build) aren't strictly about the provision of local services, all played a part in increasing local appetite to be more involved in how services are delivered.

Some are financial. Of course, public

services providers are faced with the imperative to achieve efficiencies, and in many cases, rather than salami slicing existing services, that means redesigning them more fundamentally.

There's also a fundamental shift in the operating model for some local authorities, with a much stronger emphasis on the role of the community. Councils are keen to involve their communities more and deliver where they are. This is clear from statements from councils who are now calling themselves 'cooperative councils' or 'community councils'.

Models of devolution

Before exploring the benefits of redesigning services, though, it's worth noting first that 'devolution' can cover a range of approaches. The approach the Community Right to Challenge embodies, for example, is one where the neighbourhood body takes on the service as a contractor for the local authority, should it win the contract following the procurement process which follows a successful use of the right to challenge. So the neighbourhood group becomes the delivery body, but it's not itself responsible for the design and specification of the service. This approach is quite different to the situation where a local authority formally delegates one or more of its functions to a town or parish council, where the town or parish council will itself decide how that function is to

be exercised (whether doing so itself or contracting with a third party to deliver it). Nor are these the only 2 options. For example, in some cases, the involvement local communities will want will be to have a greater role in directing and managing how an existing service is delivered, rather than taking on the responsibility themselves.

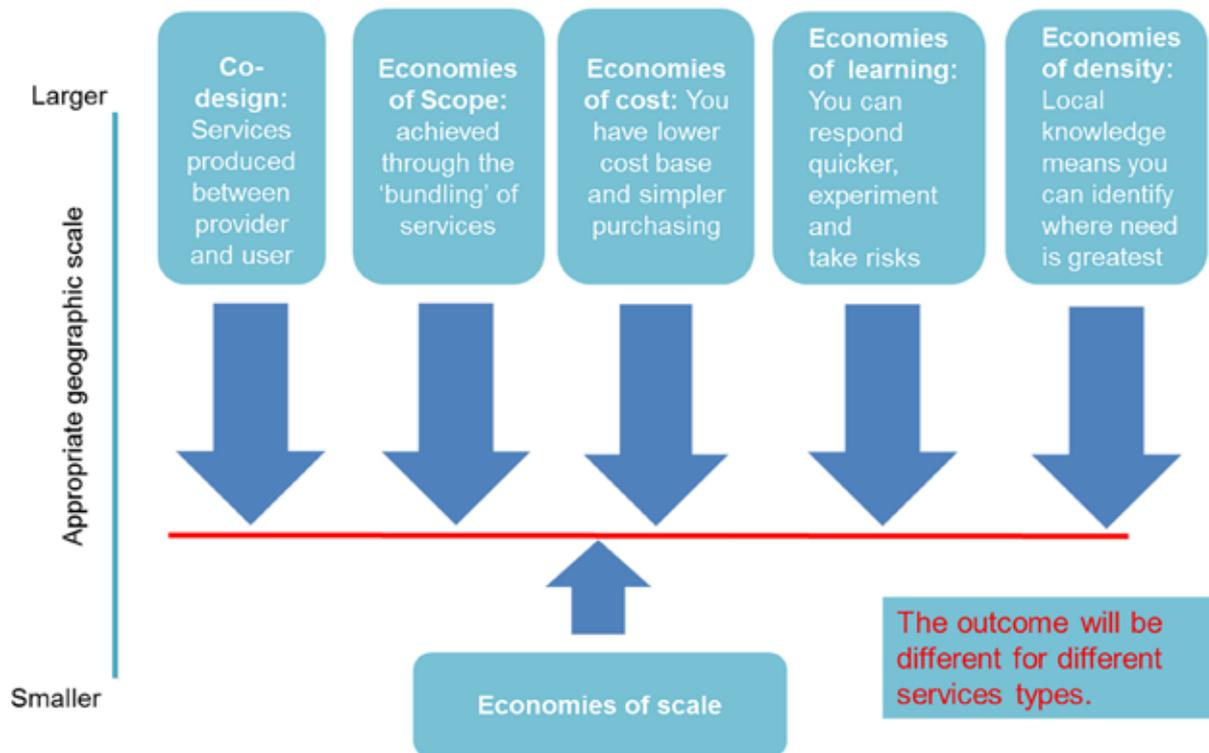
As well as a range of models for what devolution amounts to in practice, there are also a range of models for how devolved services are funded. In some cases, local authorities will make a grant to a body delivering a service. This may be of variable size to take account of how the neighbourhood group wants to deliver the service. Some authorities have offered a stepped grant with a higher amount available where the neighbourhood body wanted to provide a higher level of service. This enables the neighbourhood body to differentiate its service in line with what the local community wants.

In other cases where the town or parish council is taking on the service, it is funded through precept charged by the parish council (which is a component of the overall council tax bill for residents.)

Case study: Eastleigh Borough Council

Eastleigh BC offers its parish councils a range of services which they can take on. A per capita costing is provided; where a parish wants to take a service

Neighbourhood level services – economies and efficiencies



on, the cost of that service is removed from the main local authority council tax and the cost put on the precept for the parish concerned. In this way there is no overall impact for the council tax payer (in contrast to the situation where a parish council increases its precept to cover the cost of a service it is taking on without any external funding, but the local authority council tax does not change – leading to concerns of ‘double taxation’ from the local community – that they are paying twice for a service.) The parish council can, if it wishes, vary the level of service it provides, in response to local wants or needs, and vary the increase in precept accordingly. Alternatively, organisations may look to social finance or a user charging approach to fund service provision, or set up an arm’s length body – for example a charitable trust – to deliver the service.

Advantages of local services

What are the advantages, though, of delivering services at the neighbourhood level? The starting expectation we have, in general, is

that buying bigger means buying cheaper, which would suggest that a neighbourhood level as the basic geography for service provision is less efficient than a larger one. One situation that supports having services arranged at the wider scale is expensive expertise you only need occasionally. So it makes sense to have a specialist team of surgeons for a particular condition in one location to cover a whole region. You don’t need them often enough to have a whole set in every local hospital.

However, economies of scale are not the only kind of economy which can be achieved when delivering services. Devolution to the neighbourhood can help you achieve **economies of scope** – a fancy way of saying, better local sharing. For example, 2 or more services sharing one premises; or 2 or more services sharing one practitioner, so there don’t have to be lots of separate visits to one client by different organisations. That might offer opportunities in the field of adult social care, for example.

Case study: the Somers Town Community Association

The Somers Town Community Association’s ‘Our Place’ project in the London Borough of Camden has created a Jobs Hub to coordinate employment support for local people. The hub brings statutory and voluntary sectors together to streamline employment services and increase employment rates within this deprived neighbourhood. Services include drop-in careers sessions, IT training, CV writing and interview skills, job fairs, language courses, linkages to GP services and health advocacy. The Hub reduces duplication in services and provides tailored support to individuals. A start-up cost of £57,986 has realised gross benefits of £74,887 (fiscal), £104,587 (economic) and £207,013 (social). That’s an overall financial return ratio of 1.22 and an overall economic return ratio of 5.19.

There will also be **economies of cost**. Costs are generally lower at the parish or town council or neighbourhood organisation than in a larger

organisation - overheads in particular and salaries are generally lower. Overall budgets are certainly lower, which means smaller organisations have to be ruthless and aggressive cost cutters. And their procurement processes are generally lighter touch, so they can often do business with small firms who might not get a look-in tendering for a big contract but which can offer a competitive price. Local knowledge and good local engagement will mean that they have access to those suppliers and they will be keen to do business together, generating local goodwill.

There are **economies of learning**. Smaller organisation will be able to innovate and respond to feedback more quickly, taking risks with new delivery approaches and also being able to recognise more quickly when something isn't working and fix it or stop doing it. And **economies of density** - neighbourhood organisations will generally have stronger local knowledge and be able to recognise on the micro scale how need is distributed through a neighbourhood population, enabling them to target services more precisely and efficiently.

Alongside those opportunities for efficiency, better connections to the local community means a neighbourhood organisation can involve that community in a process of co-design, and even co-delivery, as the service is put together, leading to better levels of user satisfaction.

All of this suggests that partners should think carefully about what they are trying to achieve in order to pick the right vehicles and models for effective devolution. For example, where a local authority is content that the service it has specified is the right one, but thinks a neighbourhood delivery partner would be more efficient, contracting with that partner rather than devolving a function may be the right approach. However, where the aim is a more fundamental redesign, or where the authority wants to find ways for service users to shape services in new ways, to draw on local practitioner insights or to try out more radical approaches, a more fundamental devolutionary approach may be better.

That will have implications, too, for how the built estate of a large service delivery body is managed and developed. Buildings may need to be redesigned or managed differently to enable services to be delivered in a new way. It is important when looking at these models to develop a business case that explores the financial, social and environmental issues in line with HM Treasury guidance. The 'My Community' advice service at <http://mycommunity.org.uk> has guidance on cost benefit analysis which will assist with this. It's also important to think about what a sustainable financial model that achieves efficiencies looks like for all the delivery partners. A model that shares the benefits of these efficiencies between the partners is likely to win the support and confidence of neighbourhood partners and allow the possibility of building on the success of early projects to create additional opportunities to devolve.

Challenges to devolution

While devolution to the neighbourhood offers these opportunities, there are also challenges. There may of course be technical obstacles such as the need to deal with TUPE responsibilities or pension obligations, which can be difficult for small organisations not used to significant service delivery. And in general, the difficulties are likely to relate to low levels of delivery capacity and risk appetite from neighbourhood organisations. Building that capacity takes time and resources itself - resources which are often not readily available - even though there are plenty of local organisations which want to get involved. And often, where local authorities are devolving in order to achieve financial savings, they are aiming to do devolution quickly, to achieve savings year on year, rather than having a strategic conversation with neighbourhood delivery partners about what is achievable and what support is required to make the neighbourhood organisations 'delivery ready'.

Despite these challenges, the evidence suggests that with support, existing service delivery bodies and neighbourhood organisations

are indeed managing to achieve efficiencies and better services through a devolution process. DCLG is providing such support through programmes such as Our Place, First Steps and Delivering Differently in Neighbourhoods and through 'My Community'. The cost benefit analyses of projects in the Our Place programme have shown projected savings to the public purse of 3-4 times the cost of neighbourhood services. And some of the most impressive savings have been achieved in areas where neighbourhood level organisations haven't traditionally been working - health and adult social care; employment.

Martock Parish Council

Martock PC is leading an Our Place partnership which is working to improve the health, wellbeing, skills, financial security and quality of life of local people and to reduce dependency on health and welfare services. The partnership is developing more integrated ways of working with partners, using local commissioning and involving the third sector. A paid community worker is developing a volunteer support network, and coordinating activities such as life skills training, joint care planning, intergenerational projects, a befriending service, a job club and employability training. The programme is projected to deliver a financial return ratio of 1.84 (from increased employment and decreased health care costs, evictions and homelessness) and an economic return ratio of 5.15.

And the trend to more neighbourhood level services is likely to continue. All organisations face challenges in delivering services in the current climate. Why not ask your neighbourhoods how they can help and get even better outcomes for less cost.



THE POWER OF POSITIVE PARTNERSHIPS

Edward Cooke

Edward is Director of Policy and Public Affairs at the British Council of Shopping Centres ("BCSC"). Edward.Cooke@bcsc.org.uk

Edward writes about how public and private sectors can come together to deliver meaningful regeneration of Britain's town and city centres.

This summer, Britain's top towns for council-led town centre regeneration were named in a new report launched by BCSC, the membership body for the retail property industry.

'Enabling Retail Development – the importance of local authority leadership and positive partnerships' was written by senior industry figures who have been closely involved in industry leading partnerships between public sector authorities and private sector business. It was designed to make the case for joint public and private sector collaboration that would bring forward much needed town centre regeneration in more UK locations.

Retail-led regeneration of town and city centres is everyone's business. As of last year, data from freelance marketplace PeoplePerHour showed that the retail sector remains the UK's largest private sector employer, providing jobs for 2.7m people. Despite the growth of online retail and after the worst recession in a generation, people still want to shop and the sector has a critical role to play in employment and in the wider economy.

The development process itself offers enormous value, not just for the "feel good" factor of creating a heart for a given community but in financial terms too. Statistics show that for every pound spent on construction

output, there is £2.84 worth of wider economic activity. This is in the form of direct impacts, like wages and of course corporate profit. However it also accounts for supply chain contracts and the induced impacts felt as a result of the increase in household income brought about by those new contracts and jobs – driving further expenditure within the local economy.

The case is clear that retail-led development in our towns and cities is a good thing that should be encouraged and the scaremongers telling us retail property is a thing of the past are simply wrong. Without question, online retailing has made a monumental impression and changed the face of the retail industry. The property portfolios of major retail businesses are being adapted in response, but a shop window and the day out of a trip to the shops is still king. Online and physical retailing now sit side-by-side and it is a positive partnership that continues to evolve and improve.

Nonetheless we know many towns and cities need to change to reflect modern consumer demands. Dining and leisure are an expected part of a shopping experience now and the new investments we see – such as Trinity Leeds and Birmingham Grand Central – are acknowledging this and providing for the mix consumers now seek. The challenge ahead is for more locations to benefit from this shift and attract the investment needed to realise it in their own town and city centres.

In an era of localism, local authorities have a pivotal role to play and need to respond to the needs of their towns. Enabling Retail Development sets out where this is being done well and delivering positive results for the localities in question.

Local authorities have at their disposal some great tools that are not always being used to best effect. The report calls for the public sector to take a stake in the regeneration with creative funding models, applications to access better lending streams than a private sector partner could draw upon and braver use of compulsory purchase powers. Piecemeal changes seldom work and stalemate must be addressed to avoid fragmented ownership standing in the way of meaningful regeneration.

Most notably, however, the research that BCSC has published is a celebration of where things are working. The 9 local authorities profiled have pioneered town centre regeneration in the face of significant obstacles.

George Osborne MP made it very clear at the Conservative party conference in early October that he sees building as a means for delivering economic growth, and we know that BCSC members do it very well. There's a clear opportunity for retail real estate and well thought through mixed use development, achieved through positive public sector and private developer partnerships, to help government deliver this over the next few years.

The report's clear conclusion is that councils who produce strong local plans, are prepared to accept some of the risk of development and work proactively and positively with the private sector, secure greater levels of investment, bringing about sustainable development and civic vitality. The hope is that more will follow in their footsteps.



The industry-leading local authorities and exemplar projects are:

- Bradford Metropolitan District Council – City Park Bradford
- Oldham Council – The Old Town Hall at Parliament Square
- Sheffield City Council – Sheffield City Market
- Walsall Council – Old Square Walsall
- Newport City Council – Friars Walk
- Ealing Borough Council – Ealing Film Quarter
- Hounslow Council – Hounslow High Street Quarter
- Dacorum Borough Council – Hemel Hempstead Town Centre
- Woking Borough Council – Woking Shopping

Some quotes

John Coyne, Chief Executive, BCSC commented: "Development viability and local leadership are critical factors when retail property developers make investment decisions. As such, investors need assurance from a proactive and engaged local authority partner if they are to be willing to commit investing time and money into complex regeneration schemes. The benefits that such proactively and engagement can bring are perfectly presented in this report, and the creativity and commitment offered by the local authorities selected is evident."

Mark Bourgeois, Senior Vice President

of BCSC and Executive Director of Capital & Regional Plc added: "The examples presented today show how positive, partnership-led regeneration can dramatically enhance a local area and revitalise communities. In sharing this research publicly, we hope to encourage the development of clear local plans and invite local authorities to engage and work alongside the private sector to bring about positive change in their areas."

Paul Sargent, Chief Executive, Queensberry Real Estate – who helped in the delivery of the report following his work alongside Newport City Council on the Friars Walk development, said: "Development of large 'retail only' schemes may now be rare. Yet, retail continues to play a pivotal role as part of mixed-use regeneration in town and city centres. It is clear from these case studies that those councils taking a proactive approach to achieve bespoke funding solutions with developers will have a greater chance to ensure project viability, encouraging more investment."

Andrew Ogg, Director of Leslie Jones Architecture, who authored the report, explains: "The scale and nature of change in the retail property industry has been unprecedented, with the effects of the recession and technological change resulting in too much floorspace wrongly configured in many places. Access to information making customers more demanding of shops and their environment, significant changes in the traditional funding models and the impact of the economic crash have all combined to reduce the appetite among development companies for more risky, large-scale development in sometimes marginal locations."

Case study: Friars Walk, Newport, Gwent – Newport City Council

What was the challenge?

In 2009, the council's chosen development partner fell victim to wider market conditions and was taken into administration. This may have spelled the end of this major retail led regeneration project in other towns and cities, but not in Newport.

What was the response?

Newport City Council was immediately on the front foot and began to implement the Compulsory Purchase Order to acquire the land in its own name. It also commissioned a full design team to redesign the scheme, hold developer workshops and secure a new development partner, with Queensberry Real Estate appointed in September 2011.

In order to expedite design, planning and pre-letting, the council then supported the developer by contributing £2m towards seed funding, which greatly reduced the overall delivery programme and provided confidence to retailers of an opening window. It then secured a £1.5m grant from the Welsh Government to progress demolition and site enabling work, prudentially borrowed £90m to provide a development loan facility to its development partner on commercial terms and committed a transport grant and capital funding towards the cost of a new integrated bus station.

In a coordinated private/public sector collaboration akin to a commercial

joint venture, Queensberry Real Estate has been able to engage in direct dialogue with key anchor retailers throughout the entire process, helping to maintain momentum and confidence in the scheme. These same retailers have also been reassured to see the council's £2m investment in high street public improvements and the renovation of the Municipal Market at the same time Friars Walk Shopping Centre (400,000 sq ft) opens

on 12 November 2015. Major retailers secured include Debenhams, H&M, Next, Topshop and New Look, as well as an 8-screen Cineworld, and 11 restaurants.

By taking a direct interest in the financing of the development, and fully supporting its development partner, the council ensured it achieved the scheme it wanted and was instrumental in creating a retail-led,

mixed use project. Most importantly, the development is of sufficient critical mass to act as a catalyst to further future investment and deliver a step change in the perception of Newport city centre.

The publication is available to BCSC members at https://www.bcsc.org.uk/research_education/research



RICS FUTURES: SURVEYING APPRENTICESHIPS – CREATING SUSTAINABLE RECRUITMENT

John Edwards FRICS

This article first appeared in July/August RICS Property Journal and follows the theme of training young surveyors. This paper was written as part of the RICS Futures project. For more information and to join the discussion, go to: www.rics.org.uk/the-profession/rics-futures/discussions. The Editor thanks RICS for giving permission to reproduce it.

John is a Partner with Brown + Wallace, a multi-disciplinary surveying consultancy based in Glasgow, and has 20 years' experience in quantity surveying. His skills encompass project management, employer's agent and project monitoring services and over his career, he has worked for both consultants and contractors in the UK and internationally. As part of his duties as Partner, John is responsible for the training of apprentices and graduates employed by the firm.

John currently sits as a non-executive board member for RICS Scotland and is also a Chairman of Assessors for the APC. He also sits as a non-executive board member of a housing association, providing input on maintenance, development and strategic business matters. J.Edwards@brownandwallace.co.uk

As the property and construction industry starts to recover from one of the deepest and most prolonged recessions in recent history, we are facing an acute skills shortage. At one leading Scottish University for studying quantity surveying, the number of students in their final year of honours study stood in 2009/2010 at 54. This has dropped to only 20 in the current academic year of 2014/2015. Of those 20 students, only 2 are female. Assuming that this paints a consistent picture across surveying disciplines and other accredited university courses in the UK, it presents a serious challenge, considering that a number of consultants, public sector agencies

and building contractors will all be chasing this limited talent pool.

While it is easy to accept that as the industry becomes more prosperous, more students will return, this does not paint a picture of a sustainable recruitment model, one which can avoid a 'boom and bust' scenario. Member firms and the RICS need to adopt a more sustainable approach to recruitment by looking to school leavers and offering apprenticeships. Feedback from universities is that additional capacity on full-time surveying courses is unlikely to be expanded. However a part-time student sponsored by an employer is an entirely different proposition and the accredited universities contacted have

expressed a desire to develop this route.

The profile of surveying as a career option in schools must be raised. Targeting school leavers is crucial, for once students follow what is a vocational degree course, the pool of available talent becomes restricted. Where surveying apprenticeships can win the war for talent is by offering part-time study, with the employer effectively sponsoring the student through university. As university education becomes increasingly expensive, the opportunity to gain 5 years' work experience, receive a salary and obtain an honours degree with no student debt is significant. This should increase significantly the number of

entrants from lower socio-economic groups and thereby enhance diversity within the industry.

This does incur a direct cost for the employer with annual course fees in the region of £3,000 to £4,000 on top of a salary, so what are the benefits to firms employing an apprentice? First and foremost, the quality of students graduating via the part-time course generally tends to be better than via the full-time study route. According to one university, while the percentage of graduates getting an honours degree is relatively indifferent between the routes (94% full-time, 91% part-time), only 3% of those full-time students obtained a first class honours compared to 20% of the part-time graduates. These figures are consistent over the previous 2 academic years.

As well as emerging with better quality graduates, companies offering apprenticeships are also able to increase their marketability within

the public sector. It is increasingly the case that as part of the Pre-Qualification Questionnaire process to win work in the public sector, firms are having to demonstrate community benefit. What better way than to show creation of training and employment opportunities. When this sets you apart from your competitors it suddenly turns a cost into a benefit.

Taking community benefit a stage further, as a way of reducing cost, firms creating apprenticeships can work in partnership with local authorities to select candidates and take advantage of employment schemes where the apprentice's salary will be subsidised by as much as 50% for a period of typically up to 12 months. By helping local authorities place talented school leavers into training and employment, firms are raising not only their own profile but also that of the RICS and the industry as a whole. The availability of employment grants has made no noticeable difference to the number

of apprenticeships offered, but this is perhaps due to an apparent lack of awareness among firms of such schemes.

With a target of hiring apprentices every 2 or 3 years, firms are guaranteeing a succession of talent in the medium term, talent which at the time of graduating is immersed in the workings of the firm. By adopting a flexible target, in less prosperous times the recruitment gap period can be extended and in healthier times shortened to every year.

The evidence shows that apprenticeships, when delivered in partnership, offer clearly defined benefits to the student, the company, the educational institution, the local authority and ultimately to the surveying profession as a whole. It will reduce the need to chase a decreasing number of full-time graduates and will give firms greater control over their staff training and retention.



RIGHT TO BUILD

Rachel Kneale and Peter Richards

Rachel is Estates and Valuation Manager, Housing and Regeneration at West Lancashire Borough Council. She is the Housing Co-ordinator on ACES Council.

Peter Richards MTCP DipHE MRTPI is the Strategic Planning & Implementation Manager for West Lancashire Borough Council.



Background

In October 2014, DCLG consulted on its proposals for supporting custom and self-build housing, entitled the "Right to Build". The proposals, which have since begun to be implemented through legislation enacted in March 2015, require local authorities to carry out a number of tasks to enable and support those who wish to build their own home. There are 2 over-arching steps in the proposals: establishing the local demand for custom build and meeting that demand.

In order to establish the local demand for custom build, the proposals would require the local authority to create a register of potential custom builders - individuals or community groups who have applied to the council to go on the register because they wish to acquire a serviced building plot(s) on which to build their own home(s). This aspect of the proposals has now been included in the Self-Build and Custom House-building Act 2015, although specific guidance and regulations on the register are anticipated to be issued by the government.

Rachel and Peter give some useful guidance on how this recent government initiative might be operated, from planning and property perspectives, in a typical district local authority.

In registering, it is anticipated that individuals will be asked to express preferences about the plot they wish to acquire and the home they wish to build, such as: general location, price range of plot and type and size of dwelling. However, the council would not be required to guarantee that a plot meeting these preferences would be made available. Applicants for the register would also have to meet eligibility criteria of which 4 are proposed in the consultation proposals, all of which must be met by an applicant. Where they are assessed to be ineligible because they fail to meet these criteria, an applicant may ask the council to undertake a review of the decision.

The 4 proposed criteria are:

Age and nationality - An individual must be aged over 18 and be a European Economic Area citizen to be eligible.

Local connection - Precise eligibility under this criteria would likely be for the local authority to identify, but might include:

- If an individual was in permanent residence in the local area for any period of 5 years as a child attending a local school
- If an individual has previously lived in the area at some point for 15 continuous years as an adult
- If an individual is currently employed or routinely carry out self-employed work within either the local area or 5km of the site; and
- If an individual can demonstrate active community involvement in the local area sustained for at least the previous 2 years.

Financial viability - An individual must demonstrate reasonable expectation to be able to access sufficient financial resources to be able to acquire a plot of land and commission or build a home on it (at a going market rate) to be eligible. This is to ensure prospective custom builders are realistic about their prospects of affording a custom build

when expressing an interest in a plot of land.

Main residence - An individual must indicate an expression of interest in a plot for their main residential home. This is to ensure that the register is not used for second homes or rental properties.

Planning requirements

The register would also play a role in enabling the council to plan appropriately for custom and self-build through the planning process, by providing evidence as to the number of plots that may be required in its administrative area, broadly where and of what size. In doing so, the register would help the council to fulfil a requirement of the NPPF to allocate an adequate supply of land for all housing needs (which would include custom and self-build).

While the consultation proposals suggest that registering on the register should initially be free, it does open the door to potentially charging in the future on a cost-recovery basis for the service, as local authorities gain a track record in delivering plots for custom or self-build.

In addition, while the details of individuals on the register clearly could not be published due to the need for data protection, the council would be required to publish the headline figures from the register to make known the demand for custom and self-build in the borough, so that local planners, building contractors, and landowners may also plan for meeting the demand.

In relation to meeting the demand, the proposals envisage further legislation being enacted to require local planning authorities to take account of the demand for custom and self-build in their local plans and to require local authorities to offer for sale suitable serviced plots (with the relevant planning permission) that are ready to build, to those on the register.

It is likely that currently adopted local plans do not specifically provide or allocate land for custom or self-build.

If local plans have only recently been adopted, it would be unlikely that the local authorities would be required specifically to allocate land in planning policy until the next iteration of the plans.

However, the consultation proposals do refer to the possibility of local planning authorities having to reflect the demand for custom or self-build in their 5-year housing land supply, and so, presumably, having to identify a deliverable supply of sites to meet the demand for custom or self-build.

The plots

With regard to the proposed requirement for councils to offer for sale suitable serviced plots to those on the register, it is currently unclear precisely what will be required and this will only be clarified through the relevant new legislation, but the consultation proposals provide some indication:

- Relevant planning permission – this could be achieved through an outline planning permission, a Local Development Order or a full planning permission (the latter being submitted by the self-builders themselves). To note, the consultation proposals seem to suggest that an outline planning permission, together with a design code, would be sufficient to avoid the self-builder having to then submit a reserved matters application, thus making it easier for a self-builder. However, this would not be possible under the current planning legislation, as reserved matters must currently be submitted
- Serviced plots – the proposals indicate that, where possible, all necessary utilities should be provided to the boundary of the self-build plots and any contamination remediated, prior to the plots being offered to the register
- Land ownership – the proposals indicate that the offering of suitable, serviced plots for sale by the council at a fixed price set at

(independently valued) market value to those on the Right to Build register could become a statutory obligation and therefore indicates that the council would first need to own such land in order have the security to spend money preparing the plots and then to sell them to those on the register. In addition, that land would need to be broadly in line with the collective preferences of those on the register (e.g. in terms of location). The proposals identify a number of ways land could be secured by local authorities for this purpose, including utilising their own surplus land, requiring an on-site or financial contribution from general housing developments or simply purchasing land using their own resources as an investment to sell-on as self-build serviced plots

- Discharging the obligation – the consultation proposals suggest that it would be inappropriate to require the council to have to meet this obligation on an on-going basis for each individual on the register. Therefore, the proposals suggest that the council would have discharged its obligation if it has offered to an individual at least 3 plots that broadly meet the individual's preferences within 2.5 years of registration
- Allocating the plots – once plots have been offered (at a fixed price, to avoid a bidding process) to the relevant individuals on the register and individuals have responded indicating that they would wish to purchase the plot offered, the council would need to decide to whom on the register a plot is allocated. While the proposals suggest various ways that the council might offer plots, the allocating effectively comes down to the individual who responds and who has been on the register the longest, or a lottery approach.

Therefore, there is quite a significant potential workload in implementing the Right to Build, with a great degree of uncertainty about the process still. However, DCLG has appointed 11

vanguard authorities to test the Right to Build process, which are all still at an early stage.

Implication for councils

From a planning perspective, at the current time, there are no specific implications of the Right to Build proposals, but in preparing the next iteration of local plans, there will be a requirement to allocate land to meet local demand for custom or self-build. As legislation is published on how local authorities should secure suitable land for self-build and offer it to those on the register, there may be implications for planning in terms of how the appropriate planning permission is granted on self-build plots, but at this time, simply securing outline permission on plots that councils intend to offer to the register should suffice.

From an administrative perspective, the requirement to maintain a register has now been enacted and so councils must keep such a register, although details on the precise nature of information required to be registered will only come through the enactment of further legislation.

From a landownership perspective, the potential statutory obligation for councils to offer suitable serviced plots (with planning permission) to those on the register that broadly match the collective preferences of those on the register does create significant challenges. However, councils can only go so far until new legislation is put in place guiding this process.

What is clear from the above is that, while the Right to Build consultation proposals see the management of the Right to Build process as a matter for the local planning authority, it is likely that it will be a matter for the planning service and the estates team within the council to work together.

It is clearly appropriate for the planning service to take the lead on any future land allocation for custom or self-build in the local plan and the planning service would have a role in determining the relevant planning

permissions for those sites which are to be offered. However, the estates team would hold the register of companies and individuals interested in custom or self-build and would acquire and sell land for the purpose of meeting the Right to Build requirements.

However, the acquisition of land by the council carries significant costs and risk implications as it will have to pay market value, undergo acquisition costs, pay for planning permission and for servicing the plots, and conveyance costs for the sale. While it may be assumed to expect the price to increase, this may not necessarily be the case.

On the positive side, there is the possibility that the Right to Build could be a source of income for the council, in so far as the act of obtaining planning consent for land creates an uplift in value. Also, it is anticipated that there may be companies which would be prepared to take on the work (and some of the risk) associated with the Right to Build in exchange for (a proportion of) the profits.

Financial and resource implications

Administering the process will primarily fall as an additional burden on the estates team. Depending on the demand for custom or self-build within the district boundaries, the implications of maintaining a supply of suitable, serviced plots, with the relevant planning permission and in the areas where there is demand for self-build could create a significant additional burden on the council in the form of purchasing land, preparing it, securing planning permission and then offering serviced plots to individuals on the register, all of which is done at risk with no certainty that those on the register would actually purchase the plots offered to them.

The cost of this cannot be estimated until greater clarity is given by new legislation and more information is gathered from applicants on the register as to where plots (and of what size) will need to be made available.

CLAPHAM ONE

Tunde Ogbe and Kevin Joyce

Tunde is the Head of Asset Management in Property Services at the London Borough of Wandsworth and was previously involved with Clapham One at the London Borough of Lambeth. Kevin is a Principal Development Surveyor in Wandsworth Property Services.

The authors illustrate an award winning regeneration project in Lambeth

Clapham One is a 2012-built £80m mixed-use regeneration scheme which has transformed leisure services across 2 sites in Clapham town centre, South West London. It is arguably one of the recent most notable regeneration projects in London, in terms of its striking visual architecture, sustainability credentials, and the scheme having delivered high quality community facilities without any requirement for subsidy from the public purse.

The library is an eye-catching, curved 12-storey landmark building facing Clapham High Street. It was designed by architects Studio Egret West and was built on the site of a former 1960s office block named Mary Seacole House. Its external appearance was likened to the Dancing House, a landmark post-modern office building on the River Vltava in central Prague (nicknamed the 'Ginger and Fred' building after Ginger Rogers and Fred Astaire). The development comprises a new library and health centre adjoining 136 one and two bedroom private housing apartments above, many of which are dual aspect, as well as 46 basement car parking spaces.

The new 1,765 sq m library at 91 Clapham High Street holds more than 20,000 books and is arranged over basement, ground and first floor levels. Internally the library features a curved design influenced by the Frank Lloyd Wright-designed Guggenheim Museum in New York's Fifth Avenue, with both a central spiral staircase and a spiral perimeter ramp with bookshelves and reading rooms off it, leading from street level up to the first floor and down to a new community performance space,



Library building

internet zone and meeting rooms at basement level.

The artist Andrew Logan was commissioned to create the public art for the project, in the form of the 'library' signage in front of the building in mirror mosaic and covered with mementoes donated by the local community.

The adjoining 1,844 sq m health centre, known as Clapham One Medical Centre in the renamed Mary Seacole Centre at 89 Clapham High Street, shares a street entrance with the library. It comprises 19 consulting rooms, minor surgery and treatment rooms, counselling rooms with a specialist baby clinic and staff offices and facilities.

The second site is a new £11m leisure centre complex 100 yards away in Clapham Manor Street, designed by LA

Architects and operated by Greenwich Leisure Limited. The centre has replaced Edwardian municipal baths and a disused depot with a new 5,800 sq m aluminium frame building under a barrel-shaped part timber and part glass roof.



Library interior



Leisure centre

The facilities include a 6-lane 25m swimming pool with submersible boom and movable floor, a teaching pool with a movable floor, spectator seating, a 4-court sports hall to club standard for gymnastics, basketball, netball, badminton and 5-a-side football, dance and exercise and aerobiking studios, a fitness suite, a junior climbing wall and a café. The public art here is a large heart sculpture, covered in handcrafted mosaic of glass and mirror, hanging above the entrance and also created by Andrew Logan.

Adjoining the leisure centre are the residential developments known as Bicycle Mews and Manor Mews, designed by ABIR architects. These 2 apartment blocks provide 19 private housing apartments and 44 affordable housing apartments, of which 30 are for rent and the other 14 are for shared ownership.

Features of the Clapham One development, which has achieved a BREEAM 'Very Good' rating, are a combined heat and power plant, solar thermal panels, and rainwater recycling with the apartments, built to Level 4 of the Code for Sustainable Homes standards.

Clapham One was initiated by Lambeth Council issuing an OJEU notice to find a developer partner to comprehensively redevelop with a new library and leisure centre, without council subsidy, the sites of the council-owned Mary Seacole House, and Clapham Manor public baths building and depot.

Cathedral Group and United House development companies and the Notting Hill Housing Trust were chosen as the council's development partners, following which the council vested the 2 property sites into the public-private partnership. The partners both funded



Bicycle Mews housing

the new development and included the new library, health centre and replacement leisure centre facilities in their scheme.

Cathedral Group, part of the Development Securities Plc since May 2014, which initiated and led the partnership with the council, has a £2.5bn pipeline of development schemes in London and the South East, and prides itself on creating mixed-use 'place making' schemes which are innovative in their design.

Other than its involvement at Clapham One, United House, which specialises in the delivery of new and refurbished housing and acts as a contractor, developer and investor, is also developing large housing-led mixed-use development schemes at Tottenham Hale and West Greenwich in London.

Since scheme completion, Notting Hill Housing Trust, a housing association with over 30,000 properties under management and a member of the G15 group of major affordable housing providers in London, has been responsible for the management of the

new affordable housing in Bicycle Mews.

United House Construction built out the library, medical centre and apartments above and Morgan Sindall Group built the leisure centre and adjoining Bicycle Mews development.

More than 1,200 people were consulted by the council and its development partners about the design generally, and particular aspects of the scheme such as the public art.

Lambeth Council has retained a long leasehold interest in the library and in the site on which the new leisure centre stands. A key feature of the development agreement was a provision that the development profits would be capped, with any top slice being divided between the parties, thereby enabling the council to share in any development upside.

The scheme was partly funded by Deutsche Postbank Group and MedicX. In the difficult post-2008 global financial crisis environment, financial support in the form of a £12.7m loan was also secured from the Homes

and Communities Agency's Kickstart Programme, an initiative set up to support schemes in recessionary periods and help ensure a continued output of new homes and support employment. The development partners additionally succeeded in selling some £46m of the private apartments off-plan.

The Council for its part also relaxed some of the original 2007 planning conditions, including a requirement to integrate the affordable housing element of the scheme with the market homes.

The scheme has won a series of design awards between 2010 and 2013, notably a Housing Design Project Winner Award in 2010, both Best Mixed-use Development and Highly Commended Public Services Development International Property Awards and a Best Housing Project Daily Telegraph British Homes Award in 2011; Highly Commended Community Investor of the Year and Public Private Partnership MJ Awards, a Culture and Community Winner (Clapham Library) New London Architecture Award, a Best Apartment



Show apartment night view over London

Building Sunday Times British Homes Award, and a Best Exterior Design What House Silver Award in 2012; and a Development of the Year Property Week RESI Award and Architectural & Built Environment Scheme Civic Trust Winner Award in 2013.

A good litmus test for new developments is how they have weathered a few years after their completion and, for community facilities, how well or how poorly they are being used.

Clapham One has aged well, with the library building's white split clad brick infused with quartz cladding, in particular, appearing to be as elegant today as on scheme completion 3 years ago.

At a time when visitor numbers to libraries are generally falling, numbers to the new library, at around 35,000 visitors per month, have increased by over 250% since the library's move to the new building.

The influence of the Guggenheim Museum could continue in respect of the range of uses to which the oak parquet-floored community space at the base of the library could conceivably be put, such as visual arts, other exhibitions, or theatre and other performing arts productions. Food for thought perhaps?

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THE EFFECTS OF THE PUBLIC SECTOR SPENDING CUTS SINCE 2010 ON ASSET MANAGEMENT

Jane Taylor

Jane is a Property Advisor within the CIPFA group with a remit for helping practitioners engage with the challenge of delivering construction and property related services within the current public sector environment. Jane.Taylor@cipfa.org.



Jane shares the conclusions of a recent survey of its AMP Network members to assess the current state of asset management and innovative responses to continuing financial pressures.

Introduction

With a new government now in place, a term of 5 years is likely to see policies emerge that will challenge local government still further and provide additional areas for us to focus on

within the public sector. One thing that is unlikely to change is the need to deliver our services against a backdrop of reducing budgets, something we may think we are all too familiar with in the last 5 years, but there may be worse to come!

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In June this year, CIPFA Property held a series of events across the country with the theme "Stick or Twist", looking at how local authorities have responded to the unprecedented financial pressures on services since 2010.

To support these events, we asked our AMP Network members to complete a survey to assess the current state of asset management in the public sector and how local authorities are responding to current financial pressures across the UK. Were local authorities simply burying their heads in the sand, or were they trying new initiatives to help plot a course through the stormy seas? We asked what initiatives authorities were currently engaged in and whether there had been an increase or decrease in these areas over the last 5 years, compared to pre 2010.

In all we received 55 responses to our survey from a comprehensive range of local authorities, both geographically and by authority type. The findings of the survey are outlined as follows:

Strategic asset management

We asked whether the corporate focus on strategic asset management had increased or decreased since 2010. The vast majority of respondents (81%) identified a significant increase in activity in this area over the last 5 years, with authorities actively engaged in carrying out fundamental property reviews and disposing of assets.

Comments of what authorities were actually doing in relation to property review and disposal of assets were quite varied and included:

"We are carrying out strategic area reviews of our assets, by service and geographical area, to determine opportunities for the co-location of services".

"We are undertaking property reviews on a ward by ward basis to join up with regeneration and disposal opportunities over the next 10 – 15 years".

"We are disposing of poor performing assets to fund new acquisitions".

"We are coming out of leased-in buildings at break or expiry points and disposing of assets where they are not needed for other strategic needs".

"We are investigating the closure of public toilets, car parks and surplus land".

Expenditure on land and property

Authorities were asked to identify whether expenditure on land and property had increased or decreased since 2010 and whether this was likely to change over the next 12 months. The responses indicated that capital expenditure had seen no real change since 2010 and was likely to stay about the same over the next 12 months.

Planned and reactive maintenance work appears to have been worst affected as a result of reduced revenue budgets, these budgets being likely to decrease even further over the next 12 months. Interestingly, condition surveys are still being undertaken in many authorities, indicating that planned maintenance is still seen as an important area but, with insufficient funds to put in place a planned maintenance programme.

Expenditure on strategic asset management and general estates management functions does not seem to have been too adversely affected, whereas work directed towards the design of major projects appears to have seen a decline since 2010.

Examples of what authorities are doing to address the funding gap:

"In the last 5 years there has been significant expenditure in replacing old inefficient gas fired heating boilers with new efficient boilers in leisure centres and offices. We are now in the early stages of introducing led lighting where it is practical and economic to do so. Voltage optimisation is also being investigated".

"Acquisition of residential properties is being progressed to reduce expenditure on renting properties used to house temporary accommodation cases".

"We are entering into agreements with

social landlords to secure nomination rights through 'Purchase & Repair' schemes".

"Having reduced the service by over 58% since 2007/2008, the focus is now on income generation rather than further cuts. This is to ensure that the council has a resilient and viable service going forward to feed into its wider transformation programme".

Level of redundancies within property teams

We asked what level of redundancies there had been within property services teams in the last 5 years, and how authorities were coping with fewer staff numbers overall. Just under half of our respondents appeared to have made no redundancies since 2010, although the majority had introduced some cuts across their property teams. In terms of trying to cope with additional workloads, most were doing so but with some detrimental effect on the service.

Examples of how authorities are coping with reductions in the service:

"We are looking to centralise all strategic asset management activities across the council into one 'Corporate Landlord' function by April 2016".

"We are creating a single asset management function within the council and centralising property related budgets - resulting in staffing and budget savings".

"We have a shared service programme with a neighbouring authority including property, legal and HR".

"No redundancies have been made but vacant posts have not been filled. Leavers have not been replaced, there is greater use of external consultants and agency staff, alternative procurement routes with greater reliance on "off-the-shelf" solutions and less or little in-house design".

Outsourcing and insourcing of property functions

The survey indicated that there was no major shift in the way authorities

sourced their property functions either through additional outsourcing, or through bringing services back in-house. Comments from the few authorities who are actively adopting new approaches in this regard are included below:

"We are bringing design and construction project management back in house due to high fee levels associated with a previous outsourcing/partnering arrangement".

"We are looking to share property data with neighbouring authorities and offering property management services".

Acquiring investment property and using assets to stimulate growth

Authorities are becoming more commercially minded, often with new private sector relationships developing where the local authority acts as developer. In areas such as Local Asset Backed Vehicles (LABV) and Public-Private Partnerships there appears to be little change since 2010, although acquiring assets purely for investment purposes seems to be on a marked increase. Our survey indicated that many authorities were either already engaged, or looking to be engaged in acquiring investment assets.

Examples include:

"A capital programme of £10m has been approved for the provision of an Asset Investment Strategy, funded by prudential borrowing".

"There is growing acceptance by Members of all political views that acquiring investment property could be a way of deriving significant revenue income to support and maintain services".

"A strategic review of the council's investment portfolio in 2009/10 has led to an asset swap facilitated via our Limited Liability Partnership, with residential and some commercial ground rents disposed and a hotel and other assets acquired in lieu".

"We have an investment strategy using prudential borrowing and are selling

low yielding investments to fund the acquisition of commercial property investments up to £5m in value, with income yields in excess of 7.5%".

"We are seeking Member authority to establish an investment fund and have recruited a new member of staff to run the project".

"The council's LABV is now in its delivery phase, with a new multi storey car park, student accommodation and residential apartments completed. This has encouraged other private and public sector developments".

"We are using our assets on the coast to stimulate inward investment and encouraging lease surrender/renewal e.g. to support a new aquarium with £3m private sector investment. We are also working on asset disposal for a new hotel development".

"Proposed development of student accommodation for local university within our civic centre".

Working with public bodies and partner organisations

Many more authorities are now actively working with other public bodies and partner organisations, with a view to sharing their assets. This area of work includes looking at how properties might be transferred to local community groups and/or charitable organisations (Community Asset Transfer), also partnering with the private sector with a view to developing innovative property schemes.

Examples of sharing assets with other public bodies/partner organisations:

"We are exploring options for combined delivery hubs e.g. Health and Social Care Integration and Integrated Early Support".

"Our main office building is now shared with Public Health England, CCG, police and Citizens Advice Bureau with potential for further occupiers. Working with GPU and NHS Property Services on potential joint projects".

"We are working collaboratively within

the Property Partnership (made up of all public bodies e.g. LAs, police, fire, ambulance, health trusts, Job Centre Plus etc.)".

"We are establishing a combined authority, one strand of which is considering a single estate to look at regeneration opportunities".

"Our emphasis is on local government shared services to harmonise professional services, practices and processes".

"We are creating community hubs across the city which is consolidating front facing council and partner services, and releasing single service buildings where appropriate e.g. libraries and housing offices".

"We are collaborating with the police and voluntary sector to provide customer service centres and advice hubs for the community and to improve access to our services".

Examples of Community Asset Transfer:

"The council has gifted some land to a newly established community land trust. 11 houses will be developed on the site and held in trust to remain affordable on subsequent changes in ownership. We have also transferred sports centres, our conference centre and a pavilion to a charitable trust".

"We have developed a Community Asset Transfer policy that is awaiting Member approval and we have entered into discussions with a number of community groups about transferring surplus assets to them".

"Community Asset Transfer has been a corporate priority for several years and we have numerous examples of assets being transferred under long leases (usually 125 years) to VCS groups and parish councils".

"A number of assets have been transferred, including public toilets and a swimming pool".

"The LA is setting-up a leisure trust which will see property assets transferred into the trust".

"We have transferred community centres and a former school, attempting to progress some libraries but difficult to identify viable options".

"20 successful asset transfers so far and many devolved services to town and parish councils".

"We bought former MOD land and transferred this to a local community group for playground land".

Examples of where authorities have partnered with the private sector to develop innovative property schemes:

"Previously we were in partnership with a developer to increase social/affordable housing. Current proposal is to develop

our own special purpose company".

"As part of the One Public Estate we are looking, with other local authorities, at private funding to develop council owned sites for private rented housing".

"We have a joint-venture development partnership to deliver affordable housing. Sites have been identified and we are in discussion with potential partners".

"We are looking at how this could be one of the approaches used to develop private rented housing on council land, with the aim of deriving a significant revenue income".

"A number of discreet schemes are underway, including the council

becoming a 50% share-owner of its main city centre office HQ".

Conclusion

From our survey, it would seem that there is generally a lot of activity in the world of strategic asset management. Despite decreasing budgets and reductions in staff, authorities continue to explore innovative ways to make property work harder, finding solutions to ever changing needs as new challenges emerge. There is still more to do - there always will be, but hopefully this survey shows that most are just getting on with things, despite the challenges of the last 5 years and whatever lies ahead.



ENERGY INDEX 2015

Catherine Penman

Catherine is Head of Research at Carter Jonas. Catherine.penman@carterjonas.co.uk.

Catherine provides an update on the Energy Index 2013 which featured in 2013/14 Winter Terrier. The article also gives headline advantages and disadvantages of each renewable technology. For a copy of the full report go to www.carterjonas.co.uk/researchreports/ruralpublications

Renewable energy projects continue to offer significant investment opportunities for developers, investors and landowners. These opportunities have been considered against fluctuating risks within the marketplace in the latest Energy Index published by Carter Jonas.

The report identifies the most attractive renewable technology opportunities available in the market for a candidate site assumed to be suitable for all technology options. Nonetheless, each opportunity will be driven by site

specific circumstances.

The Energy Index considers the following onshore technologies:

- Wind
- Solar
- Photovoltaic
- Biomass heating
- Anaerobic digestion
- Hydroelectric
- Ground-source heat pumps

Each technology has then been assessed against several factors. Each factor has been made relative to the scale of the technology (per kW installed) and then weighted to reflect its importance. The weighting

was formulated by considering which factors would be most important to an investor. Financial returns are the key influencer, closely followed by the development risk parameters (development cost and planning risk).

One of the key challenges in developing larger scale renewables continues to be the availability and timescale of securing a viable connection to the national grid.

Where possible, data has been sourced from official data sources or projects which the Carter Jonas Energy Team has been involved in.

We assessed each technology against the relevant financial subsidy it can secure and the analysis factored in the proposed removal of support for new solar farms under the Renewables Obligation (RO) from April 2016.



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Overview of the technologies analysed within the report

Wind

Onshore wind energy is the most prominent renewable energy source in the UK. For this Index, a single 500kW turbine and a 10MW wind farm were considered. The 500kW system benefits from the Feed-in-Tariff (FiT), but due to recent government changes the wind farm is unlikely to benefit from financial subsidy.

Key Risks:

- Connection to grid, including the availability of connection and costs associated
- Wind speed and obstructions to wind flow
- Planning permission and approval: significant work is required at planning stage and approval rates can be relatively low compared to other technologies
- Development timescale can be significantly higher than other technologies (although not per kW installed when considering large wind farms).

Solar PV

For this Index a rooftop installation (50kW) and a solar farm (5MW) were considered. The 50kW system benefits from the Feed-in-Tariff (FiT), but due to recent government changes the solar farm is forecast to benefit from a lower support rate under the CfD. Large-scale solar benefits from higher success rates for planning and lower pre-consenting costs when compared with wind farms. Generally, rooftop PV installations do not require planning permission and can be relatively easily connected to the grid.

Key Risks:

- Connection to grid, including the availability of connection and costs associated (large solar)
- Structural stability of buildings and repair liabilities (roof mounted solar)

- Volatility of financial support mechanisms.

Biomass heating

Biomass boilers typically use wood chip or pellet to provide low carbon heating and are particularly attractive for buildings with large heat demands and/or buildings not connected to the gas grid. The Index considers a 250kW installation, appropriate to a rural estate or care home, and benefits from the Renewable Heat Incentive (RHI), replacing an oil boiler with wood pellet at slightly lower operational cost. Biomass which replaces gas may attract lower returns while a wood chip boiler may attract higher returns.

Key Risks:

- Volatility of financial support mechanisms
- Security of quantity and price of biomass fuel supply
- Capital costs are relatively high when compared to fossil fuel alternatives
- Maintenance requirements such as receiving biomass deliveries and disposing of ash.

Anaerobic digestion

This is the contained breakdown of biodegradable organic materials in the absence of oxygen, resulting in 'biogas' (energy-rich methane) and solid residue (digestate). AD facilities will accept farmyard manures, energy crops and food waste. Energy crops will need to be purchased while a gate fee income can potentially be secured for waste organics. For this Index a 500kW energy crop facility and a 1MW food waste facility have been considered, benefitting from the FiT and RHI (with an additional food waste income stream for the 1MW facility).

Key Risks:

- Availability of feedstock and security of supply
- Volatility of financial support mechanisms,

particularly the reductions in the bio methane injection tariff (RHI) and planned restrictions to energy crop feedstock (FiT)

- Disposal of digestate could be expensive if suitable local destinations cannot be agreed
- Operation and maintenance is higher than other renewable energy technologies.

Hydroelectric power

Hydroelectric power uses flowing water to extract energy. Schemes can be low or high head (regarding the vertical drop of water) and have various different technical designs. For this Index a 500kW facility has been considered, benefitting from the FiT on a feasible site with reliable flow.

Key Risks:

- Extensive environmental and ecological studies are required to obtain consent
- Available sites for development are limited
- The planning process for suitable sites can be complex and lengthy
- Costs and resource (income) can vary significantly between sites.

Ground source heat pumps (GSHP)

Ground Source Heat Pumps (GSHPs) recover heat stored within the earth by circulating a fluid through a closed-loop system buried underground. Heat is extracted via a heat exchanger, providing space heating at around 30°C.

Key Risks:

- Best installed during the building construction as extensive ground works are required
- Do not work efficiently on traditional heating systems and buildings (best for low temperature and/or underfloor heating in well insulated buildings).

Results

Figure 1 sets out the combined attractiveness ranking of each technology and compares this against where each technology ranked as at 1 January 2015.

A 50kW solar project is considered the most attractive technology from an investment perspective. While it does not deliver the highest Internal Rate of Return (IRR), it is considered relatively low risk and scores well in most categories. Large scale solar and wind farms have historically been some of the most attractive technologies. However due to the loss of support under the RO, this has significantly reduced the projected IRR's for both technologies, thereby extinguishing the potential development value of the sites once consented and making them relatively unattractive.

Biomass is also an attractive investment, despite recent cuts to the RHI. It is important to note that small scale (under 200kW) biomass is financially challenging and this report considers a system greater than 200kW. In particular, biomass is an excellent opportunity for properties off the gas grid.

500kW wind remains attractive as this still delivers the highest return on investment for the right site. However wind has a lower planning approval



Figure 2
Risk Benefit Chart



rate and also low development cost score, reflecting the high development costs and risks associated with securing planning permission for sites.

GSHPs are the least attractive system, despite a fair IRR and low risk at planning. This is because, relative to the size of the technology, GSHP requires more investment and timeframe to develop with less significant income potential for an investor.

When considering investment opportunities, it is prudent to consider

the risks against the potential benefits. We have grouped the various factors together to show the relative risk/benefit and these are summarised in Figure 2.

500kW wind has the highest benefit but also has very high risk, while a 50kW solar scheme also has good benefit with significantly less risk. Biomass has reasonably high benefit and low risk, while anaerobic digestion has moderate to high benefit and medium risk. Due to recent changes to incentives, large scale solar and wind farms now offer investors a much lower benefit.



CONSERVATION OF REDUNDANT RAILWAY SIGNAL BOXES

Christopher Reeves

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The railway signal box

As the early railway systems developed, a need to control effectively operations

at increasingly busy stations and junctions led, by the 1850s, to the development of signal boxes for bringing operation under centralised

Here's an interesting topic which I don't suppose a lot of public sector surveyors have had dealings with, but fascinating nevertheless. As signal boxes become unwanted: "the issue is finding an alternative use for these redundant buildings, especially as many are potentially fragile timber structures."



Oban



Haltwhistle

control. Functionally, a signal box is merely a simple shelter for the operator and the signalling machinery [Figure 1: Oban Station Signal Box shortly before closure and subsequent demolition]. The upper operating floor, usually heavily glazed to afford the signal operator a good view of train movements, contains the frame holding levers that operate signals and points. The lower machinery floor, within a timber or brick (or, occasionally, stone) built plinth, contains the locking, an interlocking series of slide bars that prevents the signal operator making conflicting settings.

With a large number of signal boxes required, railway companies generally used a standard design, either developed in-house by the company's architects' department or purchased, along with other equipment, from one of the manufacturers of signalling equipment. Whichever procurement approach adopted, the standard design was typically modular, expandable according to circumstances, with specific designs usually reserved for unusual or prestigious locations.

Despite being a functional shelter, signal boxes were often in a public location, such as on station platforms or adjacent to a level crossing, so the standard of detailing and embellishment usually went far beyond the needs of practical function [Figure 2: Haltwhistle, Northumberland, North Eastern Railway, 1915. A bespoke design with the embellishments characteristic of the constructional

era]. Such embellishments became less common for later boxes, so that by the Second World War, and into the British Rail era, signal box design became very austere [Figure 3: (overleaf) Morpeth, Northumberland, British Rail, 1978. Not quite the most austere signal box design ever produced, yet an example of a very functional approach to building].

Signal boxes in decline

Once ubiquitous, this very functional building type serving a specific purpose is now rare. The decline started in the 1930s, with early experiments in centralised power boxes at busy locations, followed by the Beeching era line closures, so that from a peak of approximately 13,000 signal boxes there are now, excluding those used by various heritage railways, under 500 remaining of all types. Now 14 Regional Operating Centres, where computerised systems make most signalling decisions, are replacing these survivors. As such, after 2026 a majority of signal boxes will be redundant, with any remaining signal boxes being outliers kept for a specific purpose, such as supervising the operation of swing bridges. Of these remaining signal boxes, approximately 125 are listed as buildings of architectural or historical significance, generally Grade II or Category B/C, with a few listed in higher categories where part of a station group listing. Depending upon the data source consulted, 12 of these listed buildings are already 'at risk'.

Empty buildings represent a maintenance liability with no commercial advantage, so it is appropriate to view the Network Rail policy of disposal as an entirely logical way of dealing with redundant assets. However, Network Rail is publically sympathetic of attempts to save redundant signal boxes. This policy goes beyond the legal obligation to maintain listed buildings and recognises that local communities may often cherish signal boxes that otherwise have no legal protection. Where retained, the preference is for a suitable and viable alternative use.

Whereas listing has statutory force,

preservation of unlisted signal boxes in response to community pressure is potentially problematic, as seen with the widely reported situation at Deeping Saint James, near Peterborough. While the community deemed the redundant signal box to be an integral part of their village, Network Rail needed the space occupied by the box for operational reasons, so the box was dismantled and put into store to allow the community time to come up with ideas for reusing the box as part of a heritage centre. However, the associated press reporting leaves a sense that all parties were well-meaning, yet clumsy.

Listing criteria

An important problem with building conservation is knowing what to preserve, with the typically applied criteria being the 'heritage values' of:

- Evidential (human activity)
- Historical (notable past events)
- Aesthetics (visual or intellectual impact)
- Communal (meaningful to community).

This is especially the situation where preserving fragile structures and choices made under pressure of time carry a risk of poor, arbitrary decisions.

There was little interest in signal box preservation until the 1980s. English Heritage commissioned a report in 2012 that identified criteria for further listing of signal boxes, applying 4 informal criteria that start with specific design or style, although there is a clear selectivity with many good condition boxes apparently not being listed because of an already listed example (for example, the still relatively common Great Western Railway 'Type 7'). This report led to some significant listing of historic signal boxes in England. Work to date in Scotland and Wales is on a less systematic basis, doubtless reflecting resources required rather than a lack of willing, and the criteria used by English Heritage are equally applicable for listings in



Historical significance

Some surviving signal boxes merit 'blue plaque' historical significance with, for example, the significance of Garsdale (until 1932 known as Hawes Junction) in North Yorkshire starting as almost pure gothic melodrama. The early hours of Christmas Eve 1910 was, appropriately, a dark, stormy night, when the tragic figure of Signaller Sutton made a fatal mistake and sent the Night Scotch express to disaster. After this, railway companies started a widescale introduction of track circuits to show the position of trains, the precursor to signalling automation that ultimately led to Regional Operating Centres. Listed in 2013 due to historical significance and a unique frame, arguably Garsdale is where the traditional signal box started to become obsolete.

Architectural merit

While most signal boxes are utterly functional structures with minimal architectural input other than embellishments, there are exceptions. Such an exception is the Brutalism style signal box at Birmingham New Street, designed by the architectural practice of Bicknell and Hamilton in collaboration with the British Railways Regional Architect, built in 1964 and listed in 1995. With a reassuringly ominous presence, like a castle watching with quiet command over the never ceasing station activity, this signal box successfully embodies 'form follows function' more than many other buildings in the Brutalism style. It, however, has an uncertain future, with decommissioning planned in 2017.

Undeclared criteria

Although not explicitly stated as a formal criterion, subsidiary considerations seem part of some decisions to recommend listing. For example, the listing for Shrewsbury Severn Bridge Signal Box specifically describes it as a, "London and North Western Railway Type 4", signal box without mentioning that it is equally noteworthy as being the largest surviving UK mechanical signal box.

The issue is finding an alternative use for these redundant buildings, especially as many are potentially fragile timber structures.

Options for reuse

There is a strong sense that for Network Rail, relocation of disused signal boxes is a preferred option, with preference given to the heritage railway movement which has experience in preserving railway artefacts. However, although the heritage movement is substantial, it is volunteer led with diffuse leadership, not wealthy and with a limited ability to absorb over 100 signal boxes within a short period of time. Furthermore, the nature of a heritage railway restricts the size and, to an extent, the regional style of signal box that would be useable. The feeling within the heritage movement is that this may be another 'Dai Woodham moment', in reference to the Welsh scrap man who accidentally stored several hundred condemned steam locos until the heritage movement found enough money to purchase.

If moving a signal box is impossible, due to size, a group listing or other local factors, it then becomes necessary to either reuse the signal box in situ, integrating it into the local community, with suggested uses including cafés or museums, or to mothball the redundant building until it is possible to identify a recognisable use.

Relocation

Visitors to the North Norfolk Railway will see, at Holt station, what appears to be a very traditional signal box upper floor on an uncompromisingly modern fair-faced concrete block plinth. How this discordant state of affairs arose is typical of the challenges facing relocation. The signal box was an entirely timber structure Midland Railway signal box dating from 1904 and originally at Upper Portland Sidings. After closure in 1990, this signal box spent many years in storage at a preservation site until rebuilt in 2004. Unfortunately, during storage the timber structure deteriorated to such an extent that only the operating floor level was recoverable and the concrete block lower plinth is

Scotland and Wales. Whether the listing includes interior signalling equipment seemingly depends upon the country, with English listings most likely to include and Welsh listings least likely.

Specific design or style

In considering specific design or style, the stated objective is to preserve one of each major design or style, or to preserve specific buildings within a setting. For example, although Par Signal Box in Cornwall does not have the original windows, it is an example of a very rare early Great Western Railway 'Type 2' design and thus fulfils the criteria of preserving an example of a specific design. Conversely, the London, Brighton & South Coast Railway signal box at Eastbourne is a Saxby & Farmer 'Type 5', a widely used signal box from this manufacturer. As such, there was a less compelling case for listing and the signal box achieved listing (before closure in 2013) as the "best preserved", and, in recognition to the modular nature of standard designs, the largest surviving example of its type. Interestingly, community pressure seems to be a factor in this listing, an example of where preserving a building within the setting seems to represent an important criterion.



an obvious later change appropriate to current thinking concerning modifications to heritage buildings.

Reuse

Suggested uses, either on a permanent or temporary basis, include residential, retail, community activities (exhibitions space), craft studios/workshops, storage or filming.

Of the possible reuses for redundant signal boxes, arguably the most successful to date are various examples in use as cafés. Situated with the former operating floor at one end of the footbridge and occupying a central location within the main station entrance, the former Station Signal Box at York is listed Grade II Star as part of the station group listing. With both levels within main passenger circulation areas, it is clear that the successful reuse of this former signal box, with a café on the operating floor and a retail outlet occupying the former machinery space, is entirely due to a prime location for commercial use.

Location, particularly relating to access, can be a problem, as evidence by a café at Totnes, in Devon, situated in the redundant Great Western Railway 'Type 7' signal box on the 'Up' platform and adjacent to an operational railway. Network Rail requires a, "degree of physical separation ... [from the] ... operational railway", normally by fencing, so tolerating a platform location is an unusual situation.

Mothballing

Where the signal box remains adjacent to an operational railway, especially where rail-locked and therefore inaccessible without crossing a

railway, reuse in situ starts to become difficult. Furthermore, removal for reuse elsewhere is problematic for the larger and more distinctive boxes, such as Shrewsbury Severn Bridge and Birmingham New Street Signal Boxes. For these, without a creative approach to the problem, mothballing seems likely.

Mothballed buildings inevitably deteriorate. They have a lower priority for maintenance funds and any damage, whether accidental or deliberate, remains undetected for longer, exacerbating the damage. Fire damage, particularly for predominately timber structures, is an obvious risk, the most recent signal box loss to date being in April 2015. Not surprisingly, a significant number of buildings on the 'Buildings at Risk' register are unoccupied. Mothballing can become a lingering death for a building and a small number of listed signal boxes have already deteriorated to such an extent that delisting followed by demolition became a necessity. It is unlikely that these will be the last.

The 'Wylam Question'

We know of the unanswerable 'West Lothian question'. This is the 'Wylam question', an equally unanswerable question defining the situation for many surviving signal boxes. A rare, esteemed structure in an attractive location, Grade II listed, yet effectively a wooden hut on an iron structure over a busy railway and thereby pointless other than as a signal box [Figure 4: Wylam Signal Box, Northumberland, North Eastern Railway, 1897]. Even mothballing after the projected closure in 2020 carries problems, as the iron structure will be too close to the power lines when planned electrification

finally happens. Significantly, the listing does not mention an attractive riverside location or, should relocation be a possibility, that the articulate residents of Wylam will most likely have a vigorous opinion.

Conclusions

There is a mismatch between aspirations to conserve many listed signal boxes and attainable reality. Preserving many of our historic signal boxes will be difficult and it seems inevitable that many signal boxes are potentially at risk of deterioration. All parties concerned appear to be acting in good faith and everybody seems to be aware that there is a problem. It is the nature and location of these buildings that creates the problem.

At the moment there is no systematic identification of those buildings most at risk. If hard decisions need making, then it is better to make informed hard decisions, with an urgent requirement to identify those at risk buildings and widening the debate as to effective reuse. English Heritage's work in 2012 is an exemplar of good practice, yet it is not network-wide nor fully engages with all interested parties, including a heritage movement without clear leadership and often with competing ideas. There is a lot of further work, engaging with all parties required to identify all historic signal boxes, provisionally identifying those that may have to remain in location or those where relocation or an alternative use is readily apparent.

Further reading

Railway Signal Boxes by John Minnis, English Heritage Research Report Series no. 28-2012, available at <http://services.english-heritage.org.uk/ResearchReportsPdfs/028-2012WEB.pdf>

Signal Boxes by Historic Scotland, available at <http://www.historic-scotland.gov.uk/signal-boxes.pdf>



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RATING AND TAXATION UPDATE

John Murray

John gives a useful summary of the forthcoming revaluation and changes in rating.

John Murray MRICS is Principal Surveyor at the DVS, the Property Services arm of the VOA. He works at the Sheffield Valuation Office. He is the Rating and Taxation Co-ordinator on ACES Council.

2017 Revaluation

Revaluation 2017 (R2017) is a key part of the Agency's core purpose of providing valuations and property advice to support taxation and benefits. The Revaluation is the single most important operational deliverable for the Agency during its traditional business cycle.

The key UK government outcome will be the billing, by local authorities, of the new rateable values and collection of approximately £22bn (based on the 2010 rate poundage) p.a. for payment into the non-domestic rating pool.

Key numbers

- 1.9m properties
- £51.4bn rateable value within local and central rating lists
- Yield circa £22bn a year.

Key delivery dates

- Start valuation
1 July 2015
- Complete valuation
27 May 2016
- Draft Rating Lists published
30 Sept 2016
- Summary valuations available online
1 Oct 2016
- Compiled Rating Lists published
1 April 2017

The range of property types and numbers contained within the Rating Lists is extensive:

'Bulk' classes to be valued include

- 510,000 shops (including banks, post offices, etc.)
- 287,000 offices
- 195,000 warehouses
- 242,000 factories, stores, etc.

The 'non bulk' classes, which include everything else from A to Z (Airports to Zoos!) include significant civic classes that ACES members will be familiar with. These include:

- 23,000 LA schools
- 3,000 libraries
- 2,400 cemeteries
- 1,750 museums and art galleries
- 1,670 fire stations
- 1,600 sports and leisure centres
- 1,400 further education colleges
- 1,350 NHS hospitals
- 830 universities.

The important valuation phase of the work is now well underway in VOA and is currently heavily focussed on evidence assembly. It is estimated that approximately 66% of non-domestic properties are rented. Rental

information currently comes from 3 main sources:

1. Forms of Return (FOR's)
2. VO Ratepayer Contact Scheme – allows ratepayers with multiple assessments to provide data (to date 304 ratepayers have subscribed, covering 120,000 properties; total RV £2,670,000,000 (5% of the total list)
3. HMRC which provides details (Stamp Duty Land Taxes) of sales and leases that are for periods longer than 7 years. From April 2012 to March 2013 the VOA received 52,500 SDLTs on non-domestic properties.

Many civic type properties, often occupied by public sector bodies, are valued by reference to the Contractors' basis. For the 2017 Revaluation this will provide for a uniform approach across all valuation schemes:

- Estimated Replacement Cost (based on modern substitute, all costs published in the VOA Cost Guide)
- Adjusted Replacement Cost (allowing for age and obsolescence)
- Land value added
- Statutory decapitalisation rate applied
- Stand back and look (consider end adjustments).

Contractors' valuations 2017 – a change in approach

There are important changes to the way Contractors' valuations are to be dealt with in 2017. In the past, protracted central discussions have delayed the settlement of outstanding appeals, for example local authority schools were not agreed until 2013 and local authority sports and leisure centres were not agreed until 2014.

For the new 2017 List, local authorities have been invited to input at an early stage pre delivery of R2017. As a consequence, there will be no central discussions post R2017. If necessary it is anticipated there will then follow test cases.

Practice Notes

As part of the Rating Manual that is available online, the VOA issues Practice Notes for each class of property. Before valuations can start for a class, a

Practice Note will be produced.

Summary valuations and billing

The VOA will be adopting online only summary valuations. This reflects the digital access shift across government and will be enhanced and supplemented by the partnership with local authorities, allowing for:

- Information on the back of bills
- Inserts with 2016 bills
- Phased mail shots.

Rating - the future of revaluation

Non-Domestic Rates are coming under ever closer political scrutiny. The Autumn Statement 2013 initiated a review that covered frequency of revaluations, valuation methods, billing and collection and information

exchange. A discussion paper followed.

In July 2014 the government decided not to proceed with the proposed NDR Appeals Reform (which had been due to be implemented on 1 October 2014) but would take the issues forward within the broader review of business rates administration announced by the Chancellor in the Autumn Statement 2013.

As DCLG outlined in an open letter, the decision took account of the views of all interested stakeholders. Many respondents took the opportunity to raise views on the broader nature of the current business rates system. They also welcomed the government's intention to reform the appeals process but argued that it should consider reform in the broader context of the review of business rates administration.

The Autumn Statement 2014 has confirmed the wider longer term administrative reform review.



Catherine agreed to write this, following her presentation to the Scottish Branch. It may be a taste of things to come throughout the UK.

THE NEW WAY TO REGISTER LAND IN SCOTLAND

Catherine Reilly

Catherine is the Director of Knowledge and Innovation in the Real Estate Department in Brodies LLP. She was a commercial property transactional lawyer for 9 years before taking up the role of a professional support lawyer, creating and managing property precedents, and acting as a consultant on property related matters. Catherine's role also includes the monitoring and lobbying for changes in the law as it affects those who deal with property and devising and presenting training sessions to suit all types of audiences. catherine.reilly@brodies.com

The way we register land in Scotland changed when the Land Registration etc. (Scotland) Act 2012 (2012 Act) came into force on 8 December 2014, replacing the previous 1979 Act.

The main driver for the 2012 Act is the completion of the Land Register in Scotland. The Land Register, a plan-based register of land in Scotland, was introduced in 1979. Since then, around 58% (1.5m) of property titles making

up 27% (21,165 sq km) of the land mass in Scotland have been registered in the Land Register. That leaves 42% (around 1.3m) of titles and 73% (57,225 sq km) of the land mass still to be registered.

The Scottish Government has set an ambitious target for Registers of Scotland and asked for the whole of Scotland to be registered in the Land Register by 8 December 2024. They have also asked for all public





property to be registered on or before 8 December 2019. In a bid to increase the number of titles being registered, the 2012 Act introduces a number of new triggers for land registration.

The new triggers for land registration

The first is that any transfer of land will trigger land registration if the title is in the historic, deed-based, Register of Sasines. Under the 1979 Act, title transfers for no consideration, for example, by gift or between connected entities, would remain in the Register of Sasines. Now, first registration will be triggered by such transfers, as it would by a transfer for consideration, and the title deed will be required to meet the conditions of registration, more on which below.

The second new trigger for registration is automatic plot registration. This will occur on the grant of a lease or sub-lease of land not registered in the Land Register, and on the assignment of a lease recorded in the Register of Sasines. In those circumstances, the lease transaction will be registered in the Land Register and so will the landlord's heritable title.

However, only the part of the landlord's title which is leased will be registered - at no cost to the landlord. Any remaining land owned by the landlord which is not leased will not be registered and will result in some registered titles resembling patchworks. For example, if a landlord leases the footprint of wind turbines and the access roads to the turbines, these leased parts of his property will be registered but the remaining parts, if not already registered, will remain in the Register of Sasines. The landlord could choose to register the remainder of his title under voluntary registration, but he would have to pay registration dues for that part of the application to register.

You can choose or the Keeper can choose to register your title

In the past, the Keeper of the Registers of Scotland (the Keeper) was not always willing to accept applications for voluntary registration where no transaction was taking place. Now, with the 2019 and 2024 target dates in mind, the Keeper is encouraging land and property owners to present their titles for voluntary registration. First in the queue when the 2012 Act was introduced were Sheenagh Adams, the Keeper herself, and Fergus Ewing, Minister for Business, Energy and Tourism, with responsibility for Registers of Scotland. Both voluntarily registered their own houses on the day the 2012 Act came into force. A 25% discount on registration dues has recently been introduced to encourage more voluntary registrations.

The 2012 Act also provides the Keeper with another tool to boost the number of registered titles – Keeper induced registration. Without the knowledge or consent of the owner of the property, the Keeper can register a property in the Land Register and tell the owner about it after the event. There will be no cost to the owner but it remains to be seen what type of warranty the Keeper will be granting, since her team at Registers will not be privy to all the relevant information.

It has been said that Keeper induced registration was intended to be used as an end game strategy, perhaps 40 years down the line, when the last few properties remained in the Register of Sasines. However, that was before the government push to complete the Land Register. It is now anticipated that Keeper induced registration will play a much bigger role in the completion of the Land Register. A pilot is ongoing at the moment and there is to be a consultation on how it will work in practice.

A more comprehensive map of Scotland - the cadastral map

As well as more triggers for registration, the new system also has a new map. The cadastral map differs from the map previously used under the 1979 Act in that more interests in property will appear on the map than before,

for example, areas affected by burdens benefiting other properties. The cadastral map will be the collection of geospatial data for each cadastral unit. Every plot of land registered in the Land Register will be given a Cadastral Unit Number.

The new requirements for the cadastral map involve mapping the rights and burdens which affect land. When presenting a title for first registration, it is now necessary to describe or show on a plan the extent of the property affected by any burdens, for example a restriction on use or servitudes such as rights of access for maintenance. This is not always an easy task, as titles in the past have been very vague about the extent of such rights, and the descriptions and plans are often inadequate, if not missing. Thankfully, it is not necessary to show the routes of pipes and cables which would be an almost impossible task in older titles.

We are told that there will be no conflicts between registered titles on the cadastral map – an area of land cannot appear in more than one cadastral unit. To check that a property presented for registration does not overlap another registered title or leave a gap between another registered title, a plans report should be obtained before applying for registration. Plans reports replace the P16 Reports under the 1979 Act and come in 3 levels:

Level One report provides a basic comparison with existing registered properties and confirms whether there are any conflicts with any other registered property

Level Two report confirms whether the property can be identified and the boundaries align with features on the OS map and discloses any conflicts with other registered titles and leases affecting the property; and

Level Three report does all of the above and discloses all other types of registered interests which affect the property such as servitudes and minerals.

The new plans reports are much more detailed than the old P16 Reports and have thrown up a few surprises, such as



overlaps between registered titles and shortfalls in other titles.

What share of the shared plot is to be given to the sharing plot?

The cadastral map has a new way of dealing with common property. For new developments with property shared by a number of proprietors such as a car park, the shared property will now appear in its own Title Sheet with its own Title Number. The plot owners entitled to a share of that common property will also have their own Title Number. The common property title will be known as the shared plot and the main plots entitled to a share of that common property will be known as sharing plots.

The shared plot Title Sheet will list all of the Title Numbers of the sharing plots and the size of share allocated to each plot. One important point to note about new developments is that it is now essential that the size of the share of any common property to be given to plot owners must be specified. It will not be enough to say that each plot owner will be entitled to an equal share. The new rule on the size of shares does not apply to developments for which titles had been registered prior to 8 December 2014.

The Keeper's new role

The Keeper's role in registering title has also changed. She does not examine title and does not want to see all of the supporting documentation, only the title in favour of the applicant and deeds necessary to evidence title conditions. The solicitors presenting the application for registration certify in the application that the title is valid and that the granter of the title has the ability to deal with it in the manner applied for.

It is also now possible for solicitors, provided they are satisfied that the necessary evidence can be produced, to certify that the property benefits from a servitude created by prescription, for example, a right of access which

has been used peaceably and without interruption for at least 20 years. A word of caution for those looking to register a prescriptive servitude in this manner: the Keeper will take all practical steps to let the owner of the property burdened with that right of access know that you have registered the right against their property.

If there is an error or omission in the application, the Keeper will reject it and charge a £30 rejection fee. This is known as the one shot rule. The registration date for the application will be lost and the application will have to be resubmitted. In addition to this, a new criminal offence has been introduced under the 2012 Act: it is an offence for any applicant or agent acting on their behalf to make a false or misleading statement in an application or to act recklessly or negligently and mislead the Keeper. The defence to such an accusation would be that the accused took all reasonable precautions and exercised all due diligence.

The Keeper no longer issues physical Land and Charge Certificates as titles are now produced in electronic form. Extract paper copies are available for a charge. Under the 1979 Act, the Keeper would grant indemnity when accepting a title for registration; that indemnity could be relied on by anyone dealing with the property. The Keeper now grants warranty when registering a title and its protection is generally only available to the applicant.

Midas Touch no more

And to end, probably the most significant change to registration of land in Scotland introduced by the 2012 Act was the removal of the 'Midas Touch'. Titles registered under the 1979 Act with full indemnity from the Keeper, and where the titleholder was in possession, were virtually impregnable, unless there had been fraud or negligence involved in the transaction. Where true proprietors lost land through registration of title, the Keeper's Midas Touch perfecting the registered title meant that they were only entitled to compensation and not the land back. The Keeper has lost this touch under the 2012 Act.

When a title to land is registered under the 2012 Act, the Keeper will grant warranty if everything is in order, but this will not guarantee that the title will not be rectified in future. If another proprietor can show that he has a valid title which challenges the title registered under the 2012 Act, the challenger may be entitled to pursue rectification. The Keeper can then rectify the Register if she is satisfied that the challenger does have better title.

The proprietor losing his property or a part of his property will not be awarded any compensation because the Keeper's warranty will not extend to areas of land to which the applicant was not entitled. A title registered under the 2012 Act will become safe from rectification (provided there has been no wrongdoing) when it is sold on, there has been at least one year's peaceful and uninterrupted possession by the seller, or the seller and the purchaser combined and that purchaser is an innocent third party acting in good faith.

Conclusion

Brodies has more experience than most using the new land registration system with our dedicated land referencing, land assembly and land registration team working on major land registration projects across the country. The new system has taken a bit of getting used to, both for lawyers and Registers of Scotland. As a member of a liaison group with Registers of Scotland, Brodies has been working with representatives of the Keeper to discuss the issues which arise in practice and work together to find solutions. We have also contributed to the consultations on the new system and will be responding to the next consultation on Keeper induced registration with suggestions as to how the system can work to suit all parties.



REGENERATION COMPULSORY PURCHASE ORDERS – THE IMPORTANCE OF CRIB LISTS TO PROVIDE A SIMPLE AIDE MEMOIRE, PART ONE

Stan Edwards

This article is part one of an attempt to provide to a wider audience the content of some of the slides provided in a seminar given by Stan to DCLG and other government departments on the practical aspects of promoting a CPO. It is reproduced as narrative, lists and tables.

Stan Edwards is a Director of Evocati Consultancy specialising in CPO process and since 2003, visiting lecturer in retail planning and development at Cardiff University. He was formerly Vice-Chairman of the Compulsory Purchase Association and is now an Honorary Member. He worked on town centre retail and project managing CPOs for over 40 years in Cwmbran, Land Authority for Wales and the Welsh Development Agency stanlje_caerleon@btinternet.com

Context and content

CPOs are of necessity a catalogue of issues in the public interest and a collection of required actions to deliver solutions through the mechanisms provided by statute and guidance. It is important that random facets of the process are collected, to in some way provide working lists/schedules of a range of requirements and activities.

“You have to learn the rules of the game. And then you have to play better than anyone else.” (Albert Einstein).

I will receive the accusation that what I provide is too simplistic. However I take that risk to achieve a simple package for CPOs for development, redevelopment and improvement, providing a basic knowledge to be built upon.

Part 1 in this Terrier includes notes on strategic concept; early considerations; purpose and power; documents to hand; core regeneration CPO powers; funding and finance; partnerships and planning.

Part 2 in Winter Terrier will include notes on a compelling case in the

public interest; consultation; Circular 06/04; Guidance for Inspectors – highway inquiries; approval in principle; and statement of reasons.

The challenge

If we are ever to learn from both mistakes and good practice in history it is necessary in some way to catalogue the key points. This certainly applies to compulsory purchase. One of my oft stated mantras is that CPOs are not difficult if only you follow the rules!

In the noughties there was certainly a pressure by acquiring authority CPO partners to press to apply the rules not only in a ‘creative’ way but one which blatantly affected individuals’ proprietary rights by pushing those rules to the limits. It took some time for the Planning Inspectorate to cotton-on. It is pleasing that Circular 06/04 is a robust tool not only to promoters but challengers of CPOs and certainly the Planning Inspectorate. It can be seen in a number of instances, the Planning Inspectorate is now looking more closely into the CPOs brought before it and more often attempting to look at the intent behind the statutes and the guidance in place.

The efforts to provide a practical source of consultative advice is an on-going process but unfortunately it is becoming a scarce resource. The local authority solicitors of yore, with their hands-on experience, saw the benefits of consultancy and took their opportunities and moved into the private sector and were influential in many of the CPOs over the past 15-20 years. Only the larger local authorities are now able to field a core CPO team. In the past 10 years they were able to supplement this with a private practice wing-man lawyer able to comfort them through the process. So is the case with surveyors, particularly those with senior practice/VOA/large corporation compensation experience who similarly easily moved to the private sector.

The 1960s/70s/80s saw the experience of professionals in the New Towns/ Regional Development Agency quangos (many of whom were previously the surveyors in large local authority corporations). With so many now leaving, the level of professional knowledge/experience in compulsory purchase and compensation is not the same as it was 30 years ago! That era is ending and in the private sector the second generation who may

not have the same level of hands-on experience is the source of advice. Yes, there is quality advice but many local authorities, with increasing cost constraints, struggle to afford quality consultants. Even then the 'pressures to pitch' cause some consultants to bid knowing too well that they have only just turned one page ahead of the local authority.

Being one who for most of my years involved with the in-house promotion of CPOs, I feel it important to pass on my 'crib-sheets', limited though they be. These days it is necessary to build and use check lists when faced with promoting or challenging CPOs – they are much cleverer than relying on memory capacity. Believe me these lists are not exhaustive; some obvious points may not be fully addressed but these are my lists – take them and share them at your peril. Not only does the approach have to be deductive but inductive as well. It is always necessary to balance form with flexibility to accommodate the distinctiveness of the project.

This article does come with a warning – it is not meant to be coffee table reading. It may fall into the same category as reading a telephone directory. Also, it is limited to basic local authority urban regeneration/ redevelopment CPOs. The ideas and concepts are however capable of transfer to other CPOs where applicable.

Basic CPO process

The first list shows the basic CPO process from concept. My notes only go in detail up the point of making and sealing a CPO just prior to submission. Once while discussing CPO training with a local authority I was asked to provide my views on the best way to succeed at an inquiry. My reply was that anyone can succeed at an inquiry as long as they are comfortable with their evidence and its part in justifying the use of compulsory purchase powers. Everything up to making and sealing the CPO is not bound by statutory procedures.

The Non Ministerial CPO basic process involves:

- STRATEGIC CONCEPT and JUSTIFICATION OF PROJECT
- JUSTIFICATION OF USE OF CPO POWERS

AUTHORISATION OF PROJECT (outline of delivery mechanisms)

- STAKE HOLDER REVIEW AND CONSIDERATIONS

AUTHORISATION TO PROMOTE CPO– APPROVAL IN PRINCIPLE

- PROVIDING DETAILED EVIDENCE, DOCUMENTATION
- CONSULTATION
- PREPARATION OF CPO DOCUMENTATION
- TECHNICAL INPUT on the draft CPO - informally consult with the relevant government department (Planning Inspectorate)

APPROVAL TO MAKE and SEAL A CPO

- SUBMISSION STAGE
- PUBLIC INQUIRY STAGE
- DECISION STAGE followed by CONFIRMATION (LA)
- POSSESSION, TITLE

The process

The early part of the process needs to be well documented future use. Consider sustainability/communities at an early stage in the process.

DESK TOP EXERCISE

ALTERNATIVES – Demonstrate OPTIONS:

GEOGRAPHIC - RELOCATION

ORIENTATION

STATUS QUO

REDUCED FACILITY

EXPANDED REPRODUCTION

EVOLUTIONARY TRANSITION

REVOLUTIONARY TRANSFORMATION

PROPORTIONALITY - RECONFIGURE?

PROVIDE 4 OPTIONS - JUSTIFY

AWARENESS CAMPAIGN – Council Statement of INTENT

STAKEHOLDER

POTENTIAL CLAIMENTS

PRESS RELEASE

ALSO AREAS OF GEOGRAPHICAL ALTERNATIVES

SIFT OPTIONS

VICINITY/S NEWSLETTER

WEBSITE UPDATES

ADVISE OF:

- CONTACT ROUTE
- DIRECT TO TEAM
- THROUGH REPRESENTATIVE TO TEAM
- THROUGH ELECTED MEMBER TO TEAM
- CPO PROGRAMME FOR DETAILED INVESTIGATION / PUBLIC CONSULTATION / ENGAGEMENT

BUILD IN RESPONSES TO CREATE INITIAL ASSESSMENT

UNDERTAKE PRELIMINARY 'PESTLE' and SITUATIONAL ANALYSIS

Mention CPO process in discussions without conveying threat

What defines purpose?

From the initial assessment of the concept, a refining process takes place to extract the purpose of the project/ CPO – provides clarity.

Normally the scope of the intended works and their purpose will appear from the formal resolutions or documents of the acquiring authority (*Waters v. Welsh Development Agency*, [2004] 2 EGLR 103, Lord Nichols 63 (5)).

A summary so far:

- POLICIES> PROGRAMMES>PROJECTS
- RESOLUTION DOCUMENTS
- These provide PURPOSE
- PURPOSE derives PLANNING and POWER
- POWER provides STATUTORY RIGHTS AND LIMITATIONS
- The degree of wellbeing assessment as to what is the public interest and justification for CPO powers. (These should have flowed from the documentation anyway). This is apart from T&CPA 226 1A

- RESOLUTION DOCUMENTS
- Approval in Principle – DOCUMENTS
- Assessment of AIP conditions including community engagement audit trail- DOCUMENTS
- Draft CPO
- Technical review
- Approval to make and seal – DOCUMENTS
- Make and Seal

Knowing the outline requirements of delivery, it is then appropriate to start marshalling the prime documents and guidelines to be used. Have to hand:

- The empowering Act (READ and apply EMPOWERMENT)
- Notes on the preparation of land plans and reference schedules – eg

Welsh Office Highways Directorate Memorandum TR138 (A) (W) Revised 1990.

- Circular 06/04 Re Read (NAFWC 14/2004)
- Note documents re Appendix Q Circular 06/04
- Notes accompanying Statutory Instruments
- Encyclopaedia/s of Compulsory Purchase
- Your own check-list
- ESSENTIAL TO USE SOURCE DOCUMENTS

The local authority requires to understand the core regeneration power available (see table).

TABLE: CORE LOCAL AUTHORITY REGENERATION POWERS

GENERAL	KEY POWER	PURPOSES	NOTE
Town and Country Planning Act 1990 by Section 99 of the Planning and Compulsory purchase Act 2004	1(a) ... think ... facilitate... dev, redev, imp. on or relation to the land 1(b) Proper planning	1(a) 1. Basic wide regen. schemes – 06/04 Append A 2. Housing regen. – 06/04 Appends A and E 3. Community assets – 06/04 Append KA 4. Listed Buildings in regeneration 5. Highways in wider regeneration	Qualification of 1(a) with 1A – Social Economic Environmental 2. Housing in regeneration 3. Community request 4. To restore rather than preserve 5. Highways as part of a wider mixed use scheme NB Originally 'Suitable and Required'; now 'Think will Facilitate'
	(2A)		Crown
	(3) authorised for: (a) executing works (b) common/OS.		
Housing Act 1985 Acquisition of land for housing purposes	Section 17	Development for and acquisition of housing – 06/04 Appendix E	Specifically for housing. See 06/04 App. E In connection with housing accomm. Section 12
Planning (Listed Buildings and Conservation Areas) Act 1990	Section 47	PRESERVATION	06/04 Append K NB 1. Beyond preservation then TCPA restoration. 2. Repairs Notice 3. Magistrates Court 4. Management
Highways Act 1980 et seq		Specifically highway purposes under the Act/s	NB Persimmon Case

Powers – Circular 06/04

In application of the power the following serves as a reminder:

13. An acquiring authority can only make use of the 1981 Act statutory procedures for the compulsory acquisition of land where an enabling power is provided in an enactment. There are a large number of such enabling powers, each of which specifies the purposes for which land can be acquired under that particular legislation and the types of acquiring authority by which it can be exercised.

14. The purpose for which an authority seeks to acquire land will determine the statutory power under which compulsory purchase is sought; and that, in turn, will influence the factors which the confirming Minister will want to take into account in determining confirmation.

15. Authorities should look to use the most specific power available for the purpose in mind, and only use a general power where unavoidable. Factors relevant to specific individual powers are considered in Appendices A to K.

RULE OF THUMB

- Use the most specific power that encapsulates the whole project (see Table)
- If the content of the project goes beyond a powers granted for a specific purpose then the wider power must be used
- Specific eg Highways Act 1980 / Housing Act / Listed Building etc Act Wider eg Town and Country Planning Act 1990 (as amended)

Funding arrangements and finance

Costs include administrative (CPO), acquisition (claims) and infrastructure costs.

Funding/Appraisal - The acquiring authority must be able to reassure the Minister and/or an inspector at an

inquiry, of the financial viability and be satisfied that there is a reasonable prospect that the scheme will proceed (ODPM Circular 06/04). The acquiring authority must be able to demonstrate that either public funds are forthcoming or, in the case of a joint venture, all or part of the funding will come from a private source. Funding must be identified for the whole scheme.

Can a review of sequencing of developer involvement regarding project delivery enhance a demonstration of a reasonable prospect the scheme will proceed? 06/04 20-22.

JV agreement terms - if the acquiring authority is acquiring in collaboration with a developer or other party if applicable (e.g. Community Development Trust).

Financial – Is it viable? Is it compliant?

- Section 233 TandCPA 1990 governs disposal
- Standard Commercial Property Securities Ltd v Glasgow City Council (No 2) [2006] UKHL 50, 2007 SC (HL) 33
- Acquiring authority can choose its partner on 'best terms'
- Can take into account off-site benefits if related
- Financial viability may be material if it relates to the development, as it can be where it is part of a composite development on another part. Where the proposed development will finance other relevant planning benefits, it may be material. Also off-site benefits which are related to or are connected with the development will be material. Review Lord Collins judgment in the Wolves case (R (on the application of Sainsbury's Supermarkets Ltd) (Appellant) v Wolverhampton City Council and another (Respondents) [2010] UKSC 20).

There must be a reasonable prospect that the scheme will proceed.

Partnerships

In the absence of public sector funding for projects, partnerships are necessary. However it is important to note here that the local authority partner may be a community development trust (a not-for-profit organisation).

- PPP Public Private Partnership – Special Purpose Vehicle - Agreement
- Acquiring authorities have the right to choose their partners; it is in line with 'best value' and the provisions of Section 233 TandCPA 1990 but this alone is not a CPO criterion
- With private sector developers, make sure the dog (acquiring authority) wags the tail
- Who leads? Acquiring authority!
- Private sector supposed to take the risk – AA beware of creeping risk off-loading (note Friars Walk, Newport)
- Who does what?
- Who negotiates?
- Authorisations
- Funding payments mechanisms
- Technical advisors – who is the client?
- Exit strategy
- Indemnity
- Standard Commercial Property Securities Limited and others (Respondents) v Glasgow City Council (Appellants) and others (Scotland) 2006 UKHL 50
- Make sure of accommodation works mechanism – document in agreement
- Negotiations
- Preparatory work

- Timetables
- Parallel negotiations – informal
- Alternatives – consider from the outset. Prepare to give reasons
- DOCUMENT EVERYTHING! CPOs are an exercise in document handling
- Make sure the agreement is signed!

Planning

The project should not be blocked by planning impediments and the planning system should be the first port of call for a project which is, or should be, undertaken for the public good. Note benefits of a joint inquiry if necessary.

Planning – to define benefits and liabilities

On-site (wellbeing and sustainable benefits plus negative effects). Retain contributions to wellbeing for CPO purposes

Off-site benefits:

- Material (CPO)
- Reasonably related (CPO) – scale; proximity; composite and connected (policies, programmes, projects); direction of flow of benefit

Feed impacts of Section 106 and CIL into appraisal as appropriate

REMEMBER WOLVES and CONNECTIVITY - In the Wolves CPO, Wolverhampton CC could not report of authorisation for any connectivity between the schemes in planning terms.

PROXIMITY and REASONABLY RELATED TO

The importance in a CPO is to demonstrate the product of a well-documented planning audit trail.

For arguing the case for delivery of a scheme it should be easy to provide clearly defined linkages between composite projects because they were 'material', relevant and 'reasonably related' to one another.

Many CPOs fail to demonstrate the underlying requirement that the Order must show a compelling case in the public interest which significantly justifies interference with an affected party's rights.

Stan's guidance notes and checklists will be continued in Winter Terrier.



COMPULSORY PURCHASE ORDER COMPENSATION REFRESHER

Michael Forster

Mike is employed by Rossendale Borough Council, Lancashire and is involved in asset rationalisation and consolidation with a particular interest in town centre regeneration and infrastructure assets. He is a member of ACES Council.

This article is the concluding part of a feature based on a tutorial held this summer. It involves a hypothetical situation of land being claimed from a farm holding for a new highway. Part 1 covered making a CPO and the heads of claim and can be found in 2015 Summer Terrier.

The property

A mixed-use farm affected by a major highway proposal which will sever land from the remaining holding and will also remove some land. How would you advise your client in respect of

preparing a compensation claim for all losses suffered?

Land value/disturbance

Valentine V Skelmersdale Development Corporation established loss of profit £per acre of land, in addition to market value (MV) of land taken £25/acre x 3years in this case, and removal expenses of stock and farm equipment.

Loss of profit can only be claimed where there is an additional specialised profit from the land. See Brickell V Shaftesbury RDC - market garden and retail business supplied by the land where loss of producer profit and

retailer's profit were both paid. Some doubts over current validity of the Skelmersdale case.

Disturbance

Can be reduced by allowing claimant to remain in possession to harvest his crops or to reduce loss on forced sale of stock. It may be more convenient to leave the settlement of this part of the claim until the loss or expenses concerned have materialised and can be readily quantified - see West Midland Baptist Trust 1970. But if it goes to Tribunal before such detail is available, the LT will make the best estimate it can on the evidence before it.

If the owner is running the farm through a limited company which does not own the land, the company cannot claim disturbance, nor can the owner claim the limited company's loss since in law they are 2 distinct persons- see *Woolfson and others V Strathclyde Regional Council*. But if the one person is entitled to profits, it may be claimed as one person -see *DHN Food Distribution Limited V Tower Hamlets London Borough Council*.

A similar problem arises where the business is a family partnership, where none of the partners has an interest in the land other than the owner. Who is in possession and disturbed - the partnership or the owner? This is further complicated if the partnership is a tenant of the owner. He could claim loss as a share of the partnership. Other partners may claim under S20 of the 1965 Compulsory Purchas Act (see *DHN case*).

A problem arose in *Pyrah (Doddington) Limited V Northants City Council* where a 9.5 acres' strip of land in the middle of a 237 acre farm had been acquired. The freehold was vested in the claimant company, subject to a yearly tenancy to Pyrah and Bowers Limited. At the relevant date a controlling interest in both companies was held by Mr A C Pyrah. Compensation was awarded only for tenanted land value. This should be compared with *Wharvesto Limited V Cheshire County Council and Astraphine Ltd. v Cheshire CC* (non-Agricultural land) where LT held the 2 interests to be combined on a vacant possession basis and compensation for disturbance was awarded. Principle of *Horn v Sunderland* being maintained as compensation not exceeding total loss.

Where a CPO is looming, consideration should be given to re-ordering the farming arrangement before it is too late, so that full compensation may be received by the landowners and the tenant.

Items for disturbance claim

1. Loss of producer's profits
2. Loss of retailer's profits where producer retails some or all of his

produce and cannot replace it from other sources

3. Expenses of removal and losses on forced sale of live and dead stock, furniture and equipment, whether business or personal. See *Venasler V Department of Agriculture for Scotland* where a tenant was allowed to profits from sale of motor launch and equipment
4. Tillages and tenant right
5. Travelling expenses in search of comparable property, legal certificates, stamp duty and surveyor's fees on its purchase where claimant is the owner occupier (*Harvey V Crawley DC* and *Succamore V London Borough of Newham*)
6. Expenditure has to be not too remote and the natural and reasonable consequence of the dispossession.

Covenants and trusts

In the *DHN case*, acquiring authority (AA) had to compensate the beneficiaries of a trust. Licencees may get compensation if can be construed by equity as a constructive trust. A covenant may be extinguished but AA must pay compensation to affected partner (S120 of LGA 1972 and S14 of LG (Miscellaneous Provision) Act 1976.

If the land is sold the interest will revive and bind subsequent purchasers see *Marten V Flight Refuelling Limited 1961*.

TCP Act 1990 S237 contains limited immunity to carry out building operations with the benefit of planning permission on land acquired for planning purposes. The provision does not extinguish the rights which will be revived if passed on to private purchasers.

Severance

S8 of 1965 Act requires AA to purchase any severed areas of less than 0.5 acres. S53-57 of 1973 Act requires the purchase of the rest of the land in an

agricultural unit if the retained land is not reasonably capable of being farmed by itself. Both procedures require the service of a counter notice following service of notice to treat or General Vesting Deed (GVD).

Owners must serve counter notice on AA before entry is taken. With GVD, a different procedure applies (Schedule 1 to Comp Purchaser (Vesting Declaration) Act 1981).

- Notice to be served within 28 days by affected owner
- Where notice served GVD will not take effect and AA will not be entitled to take possession
- Within 3 months AA must notify owner that either not proceeding, or whole of land included in CPO, or referring notice of objection to LT, notifying owner at same time
- Failure of AA to notify will be regarded as a withdrawal from any acquisition of land concerned
- LT may consider not only material detriment but also the extent of an owner's land that the AA ought to acquire
- Compensation offer letter to be submitted before LT hearing; costs awarded if settlement figure is lower.

Accommodation works

No statutory basis for this but AA will usually accept it to reduce the claim for severance/injurious affection. Examples are new fences, gates, access routes, under-passes or bridges, new water supply and drainage work. A bridge or underpass to the severed area may partially or completely reduce any depreciation in the value of the severed land that could have been recovered as compensation. In *Wilson V M0T 1980* the cost of purchasing land to re-site a sheep pen was agreed as part of the accommodation works.

Contractor damage

Can be significant but AA not liable

and owner must rely on common law for nuisance or trespass, unless the contract by the AA authorises such acts and works which cause damage, to the extent that such damage is a necessary consequence of the contract.

The AA is liable for any damage caused by its workforce if that liability lies in nuisance, trespass or negligence and is damaged, which is not authorised expressly or impliedly by the enabling Act.

Other miscellaneous practice guidance

- Horn v Sunderland Corp (1941) - the right to be put in same position as if land had not been taken
- Betterment not to reduce the value of land to the owner below market value

- Ikarian Reefer case 1993 set out duties and responsibilities of expert witnesses in civil cases (7 main principles)
- Evidence – actual comparables preferred by LT. LT simplified procedures under Rule 28
- Claim within 6 years of notice to treat or GVD to LT
- 90% advance payment on early entry by AA subject to 14 days' service of notice of entry
- Date of notice to treat or GVD within 3 years of making CPO
- Crichel Down principles - right to dispossess owner to acquire land at market value, see DOE circular 6/93. Draft updated guidance published 18 March 2015 together

with consultation on improving the compulsory purchase process

- Purchase notices SS145-147 of 1990 Act, special provisions for agricultural units.

Comments in this article should only be used as a starting point and not relied upon in giving evidence or advising clients.

Permission has been obtained from the RICS to publish extracts from publication ISBN 0854063765 – Compensation for Compulsory Acquisition Land (4th Edition) by R.N.D. Hamilton LL.B. Permission has been obtained from Barry Denyer-Green, LL.M, PhD, FRICS, Barrister of the Middle Temple to publish extracts from his 10th edition of Compulsory Purchase and Compensation.



Gary gives an update of issues featuring in recent caselaw.

COMPULSORY PURCHASE AND COMPENSATION CASE LAW UPDATE 2015

Gary Sams

Gary is the Chief Estates Surveyor at Fylde Borough Council. He is a visiting lecturer for the College of Estate Management and part time lecturer at Reading University in his specialist field of compulsory purchase and compensation. He is editor and joint author of "Statutory Valuations" and joint author of "Modern Methods of Valuation". He is also a legal editor of "The Journal of Property Valuation and Investment" for which he contributes regular papers on recent compulsory purchase case law.

Introduction

This is the first episode of a two-part article, with the second part to appear in 2015/16 Winter Terrier. I look at 3 cases, 2 from the Upper Tribunal (Lands Chamber) and one from the Court of Appeal, which cover broadly similar ground. Each of the cases relates predominantly to valuing the land acquired under compulsory purchase. The cases are mainly concerned with the approach to ignoring the scheme so the compensation paid is neither

reduced nor enhanced by its impact on property value. Other issues include ransom value, betterment and depreciation in the value of land retained. Only the first of these cases is considered in this edition.

Disregarding the scheme using the cancellation approach

In J S Bloor (Wilmslow) Ltd. v. Homes and Communities [2015] EWCA Civ 540 the Court of Appeal had to consider

an appeal against the decision of The Upper Tribunal (Lands Chamber) (UT) ACQ 78 2011 in a case concerning greenfield land in Rochdale. The case centred on the approach to disregarding the scheme as required by s6 of the 1961 Land Compensation Act and the Pointe Gourde Rule. This has long been regarded as one of the most complex aspects of the compensation code and this decision, while providing useful guidance, did little to simplify the issue. I shall try and summarise the issues and outcomes in a manner which

is comprehensible, while remaining true to the decision. I may not succeed!

The case concerned the compulsory purchase by the North West Development Agency of 2 plots of grazing land totalling 10.86 ha. The claimant had originally acquired the land in 2003 for £1.3m, though this transaction also include 'the nib' – a small plot of 0.16 ha which divides the main plots from the public highway and could provide access. The UT had awarded compensation of £746,000 on the basis that there was a 50% hope value that planning permission would be awarded in around 5 years' time for residential development of part of the site, with access from the nib. The acquiring authority appealed, but not in respect of the values used or planning assumptions made by the UT. This was just as well as the Appeal Court was clear that the UT was the proper place for such issues to be decided. The appeal was on the grounds that the 'no-scheme world' rules, set out in s6 of the 1961 Land Compensation Act and the Pointe Gourde principle, had been wrongly applied in that the UT had assumed that in that no-scheme world, planning policies would have been different to those in the real world in which the scheme was to proceed.

The starting point was not in dispute. The compulsory purchase order, and the scheme for which it was made, had to be left out of account in assessing compensation and had to be left out of account by assuming the CPO scheme had been abandoned just prior to the valuation date, rather than by assuming that no such scheme had ever been imagined. This approach is now written into statute in the Localism Act 2011, but even though the valuation date in this case preceded that statute, the Court of Appeal came to the same conclusion having regard to case law – specifically Transport for London v Spireose Ltd [2009] 1 WLR 1797 and Waters v Welsh Development Agency [2004] 1 WLR 1304. The relevance of this decision is, therefore, not diminished post 2011.

It is also well established that disregarding the scheme is a 2 stage

process. You must first establish the assumptions under which the valuation is to take place, in terms of planning policies, physical environment and any other factors. You then undertake the valuation having regard to the hypothetical world you have created.

The no-scheme world

The need for a no-scheme world is a basic pre-requisite of fair compensation. If there was no such assumption then the value of properties acquired would be affected by the actions of the acquiring authority in 2 ways. Firstly the fact that the property was under the threat of compulsory purchase would diminish its value. Secondly the nature of the scheme underlying the acquisition would affect values, either positively or negatively. For example, the construction of a bypass is likely to reduce the value of housing in its vicinity, but increase the value of industrial property which has improved access. This cancellation approach to creating a no-scheme world has been preferred by the Courts and the authors of the 2011 Act because it has the advantage of clarity and simplicity. You simply assume the scheme has been abandoned and value the property as it stands, having regard to its actual physical and planning environment at the valuation date. However, the cancellation approach has a major problem – it does not genuinely disregard the scheme. The only way to do that is to imagine there has never been a scheme. How would planning policies and new development in the locality of the property have been different, perhaps over a period of decades, if there had never been a scheme? In the words of Lord Denning in Myers v. Milton Keynes Development Corporation [1974] 1 WLR 696 the valuer must 'let his imagination take flight to the clouds. He must conjure up a land of make-believe'.

In the view of the acquiring authority, the UT had not truly used the cancellation approach. It had been guilty of using common sense and assuming that if there had been no scheme, then some of the policies in the development plan would have been

different. Specifically they assumed that in the absence of the scheme (a business park), the development plan would have a more relaxed approach to the possibility of residential development of the subject land.

The Appeal Court made it clear that the assumption of a no-scheme world applies only to the subject land and it is necessary to assume in relation to adjacent land that the scheme is proceeding. Quoting from the decision in Thomas Newall Ltd v Lancaster City Council [2010] UKUT 2 (LC) it does not determine what those assumptions should be:

"In our judgment the Pointe Gourde principle does not permit a further statutory assumption to be made, namely that in addition to the assumption that 'no part of the relevant land were proposed to be acquired' there are no proposals to acquire any land pursuant to the relevant scheme. To do so would introduce a new assumption which is not warranted by the language of s16 (7) nor by any recognised purposive principle of statutory construction as envisaged by Lord Walker in paragraph 36 of Spirerose. It would also result in applying the Pointe Gourde principle to the ascertainment of the interest to be valued rather than the value of the interest contrary to Rugby Joint Water Board case and see also Myers v Milton Keynes Development Corp [1974] 1 WLR 696 at p.702. It will be at the subsequent valuation stage that Pointe Gourde is potentially applicable not at this preliminary stage of determining whether the reference land is assumed to have planning permission."

One of the policies in the local plan was that any development of the proposed business park had to be accessed from a spine road linked to the motorway junction, not from the public highway that could be accessed through the nib. The UT had concluded on the cancellation assumption that the owner of the reference land would have an expectation of planning permission for residential development linked to the spine road. The Appeal Court decided this value was all attributable to the development of the business park and

therefore must be disregarded because:

- a) Such development is unequivocally attributable to the business park scheme and any resulting increase in the value of the subject land must be disregarded
- b) If there had been no business park development, so the subject land was not physically surrounded by its development or prospect of development, the development of the subject land would be less likely to be carried out. As a result the resulting increase in value had to be disregarded.

However, this much was common ground as both parties accepted that any development from the proposed spine road must be disregarded. The appeal centred on the treatment by the UT of the other planning possibility – planning permission for independent residential development of the subject land accessed via the nib.

The UT considered that any hope value generated by the possibility of development on the reference land which did not utilise any of the business park infrastructure would not fall to be disregarded. Any increase in value due to the business park infrastructure had to be disregarded, but by the same token so did any reduction of value arising from the scheme. This disregard would include a refusal of access through the nib because the business park was taking up all available traffic capacity. In a true no-scheme world there would have been a reasonable prospect of independent development accessed through the nib and this should not be disregarded.

The appeal by the HCA was on the grounds that the UT had confused the identification of the planning status and the valuation. The valuation has to reflect the planning status established by applying the cancellation assumption and should not, as the UT had done, include further alterations to planning status. However, the claimant argued that in a no-scheme world, planning policies would have been less restrictive and the UT was right

to assume modification of planning policies to allow development through the nib.

The decision

The Appeal Court disagreed with both of these extremes. The UT was wrong to adopt a no-scheme universe in which the planning policy would permit access through the nib. However, the scheme to be ignored 'has to be construed as referring to more than simply the physical development of that land. It must denote the scheme of development itself with the development plan strategy and policies it contains and the implementation of those policies in the form of the grant of planning permission and the making of the CPO...' although... the application of the Pointe Gourde principle to supplement the 1961 Act should not be pressed too far, it would, in my view, be completely unrealistic to regard the scheme as not including the planning policies and objections which underpin it and dictate its form and scope'.

The UT was therefore correct that the planning status of the subject land had to be modified for the purpose of valuation in the no-scheme world. It was wrong to do so by simply applying less strict policies but otherwise leaving the allocation of the land for development in place. 'What it should have done was to consider the planning potential of the reference land without regard to the development scheme and its underlying policies and therefore its effect on value. In that no scheme world it should have examined what wider no scheme specific policies (including but not necessarily limited to PPG3) would have applied to a planning application at the valuation date had there been no KBP (business park) and so struck a fair balance between the public interest and those of the Claimant in relation to the valuation of the reference land'.

The UT was found to be wrong not, as the acquiring authority contended, for assuming a no-scheme world would have changed planning policies, but for not looking at the whole planning policy framework afresh in the

hypothetical no-scheme world. This approach removes one criticism of the cancellation approach – that it does not truly ignore the scheme. However, it also revives Lord Denning's cloud cuckoo land approach in which valuers must imagine how planning policies would have been different in the no-scheme world.

The acquiring authority has therefore won its appeal and the case has been reviewed back to the UT to reconsider its valuation in the light of the Appeal Court decision. However, it may be a pyrrhic victory. Will the UT decide that this greenfield site is unsuitable for development in a true no-scheme world, as the appellant will hope and as seems most likely? Or will it decide that it is ripe for immediate large scale development and greatly increase its compensation award?

Ransom value

One final fly in the ointment. In a no-scheme world the subject land can only be accessed through the nib. The nib is owned by a company associated to the claimant, but that is irrelevant as in the CPO world the subject land is owned by a hypothetical willing seller. If the subject land is found to have substantial development value then surely that value could only be realised if a substantial ransom payment is made by that hypothetical willing seller to the owner of the nib? This possibility is mentioned in passing in the UT decision but not fully considered. Perhaps it will be given more prominence in the referral.

Gary's summary and the remaining 2 cases will be featured in 2015/16 Winter Terrier.



The Heart of England Branch supports Nottingham Trent University with its BSc (Honours) Real Estate course and offered a prize for the best corporate real estate project that analysed corporate real estate management in the public sector context, including the production of a 'model' for measuring performance. A summarised version of the winning submission produced by Alexander Jowett follows.

Introduction

Corporate real estate management refers to the management of buildings and parcels of land at the disposal of private and public organisations who are not primarily in the real estate business. A corporate real estate portfolio requires a central strategy that can be applied to each asset to ensure that it is meeting the objectives and requirements of the organisation.

This strategic asset management process starts with understanding the objectives and using these through the acquisition stage. This then continues through the operation, maintenance and refurbishment stages and finalises at the disposal stage. Corporate real estate managers must ensure that the portfolio meets occupational requirements, while also ensuring optimum performance and value for money. Asset management is a key part

ANALYSIS OF CORPORATE REAL ESTATE MANAGEMENT IN THE PUBLIC SECTOR

Richard Allen

of business planning which connects, at a strategic level, decisions about an organisation's business needs, the deployment of its assets and its future investment needs.

Organisational context

The public sector consists of organisations for which the whole or majority of the stake is owned by central or local government. Central and local government together own around £370bn of property, with over £20bn p.a. running costs (Cabinet Office, 2013).

Local authorities form part of the public sector and own approximately two-thirds of all public assets. The public sector is faced with severe cost cutting as the UK economy continues to recover from the recent recession and looks to decrease the budget deficit. This can be achieved through reduction of costs and releasing capital from under-performing and surplus assets.

Rationalising the portfolio does not only provide cost benefits, but also environmental benefits. In 2010 the UK government signed up to the Carbon Reductions Commitment, which legally binds it to incentivise methods of reducing their carbon footprint.

Change management

There is a constant need for change within the public sector, but the

challenges it faces are different from those of its private sector counterparts, especially in terms of public accountability, demonstrating value for money, and in meeting the increasing expectations, regarding service levels and quality, of both the general public and politicians. When organisations implement change, they put their focus on strategic and tactical planning. However, over 50% of initiatives fail due to individual attitudes and behaviour. The increased number of stakeholders within the public sector compared to the private sector means that change management procedures must be implemented effectively.

Public sector corporate real estate managers can use change management techniques to adapt working practices, in order to maximise their use of property assets and ensure space is efficiently used. An example of this is Nottingham City Council which previously occupied various buildings across the city, with different departments occupying different buildings. In 2010 the council acquired Loxley house, a 200,000 sq ft office where it has moved the majority of departments. The floorspace that these individual departments used to occupy covered 400,000 sq ft, so therefore the asset management team has managed to reduce the occupational space by 100%. This leads to numerous capital gains through reduced occupational costs and capital from the sales of previous buildings. A change in

the working practices has meant a reduction in the required space. Whereas some staff used to have their own office space, not each member of staff needs their own permanent desk due to sickness leave, holidays, home working and staff spending a large amount of time working away from their desk. So they now operate a totally open plan hot desk system and have 4 workstations for every 5 staff.

Corporate landlord

Another example of change management is the concept of the 'corporate landlord' which in the public sector has been identified as an effective way to deliver efficient property management. Under this approach, the management, maintenance and funding is transferred from the service department to a centralised asset management team. This team must set strategic objectives that are in line with the objectives of the organisation and measure the performance of the portfolio to ensure that it meets the requirements of the objectives. The approach allows for rationalisation through delivering economies of scale in terms of capacity, procurement and opportunities for co-location with other departments. The key objectives of the organisation can be implemented more effectively through the corporate landlord approach, as they have control over the whole estate.

Strategic objectives of local authorities' real estate

The primary objective of the public estate is to serve the organisations that provide a service to the public. Due to severe cost cutting, the need to undergo strategic asset management to ensure the portfolio is performing to its optimum ability and creating real value for money has become crucial.

In June 2013 the government produced a 'Government's Estate Strategy' that sets out the key priorities of the government's estate. The document outlines the need to deliver real value for money to the tax payer, reduce environmental impacts, transform the way civil servants work and contribute

to the government's growth agenda. An updated version was released in October 2014. Between now and 2020 the following reforms will take place:

- Removal of artificial boundaries between departments, local authorities and other public bodies
- Work in ways that minimise the need for office space
- Use assets more efficiently
- Dispose of surplus properties in a way that maximises receipts and boosts growth and creates new homes.

Local authorities can utilise the government's estate strategy when creating their own asset management strategy. The public sector is working towards reducing its occupancy space by bringing departments together into multi-departmental buildings. So far this has accumulated to a saving of £800m p.a. in running costs and has raised capital of £1.7bn in sales of land and buildings.

Strategic objectives differ for each local authority, but from an analysis of 3 authorities' strategies - Leeds, Nottingham and Newcastle-under-Lyme, and also the government's estate strategy - there are clear re-occurrences across the board that can be categorised as 'cost', 'efficiency', 'utilisation' and 'modernisation'.

Performance measurement and benchmarking

For the public sector, as with the private sector, it is not enough to simply set strategic objectives; the portfolio must be performance measured and benchmarked to ensure that the strategic objectives are met. Performance measurement allows a corporate real estate manager to analyse the portfolio as a whole or on an asset-by-asset basis. These measurements can then be benchmarked against either other public sector bodies or indexes from the private sector.

Benchmarks can be utilised against

the 4 strategic objectives categories referred to above:

Cost reduction is crucial for local authorities who must minimise their occupational costs in order to have capital/revenue available for their primary objective - to provide services to the local community. Cost can be measured both through occupancy cost per workstation and occupancy cost per sq ft. Both of these performance measurements can be benchmarked against the IPD Occupancy Cost Databank to ensure that their occupational costs are outperforming the industry norm.

Efficiency of the portfolio can be broken down into space optimisation and reducing environmental impact. Space optimisation can be measured through the amount of space per employee or the percentage of maximum capacity occupied, which in return can be benchmarked using the IPD Space Code. Reducing environmental impact can be measured through the BREEAM In-Use, which provides an opportunity to evaluate environmental performance of existing buildings and create benchmarks for improvement. Reducing environmental impact can also be measured through carbon emissions per sq ft, which can then be benchmarked against the IPD Occupancy Costs Databank.

Utilisation can be broken down into space utilisation and fit for purpose. Space utilisation can be measured through percentage of space utilised on a daily basis. Fit for purpose can be measured through a Post Occupancy Evaluation (POE) which is a process of systematically evaluating the performance of buildings after they have been occupied for some time. These measurements can then be benchmarked against other local authorities.

Modernisation can be broken down into reducing maintenance costs and user satisfaction. Maintenance costs can be measured per sq ft and user satisfaction can be measured through a post occupancy evaluation. These measurements can then be benchmarked against other local authorities.

When lessons learnt from benchmarking are applied appropriately, they can facilitate improved performance in critical functions within a building or inform the development of a strategy across an estate.

The model

Using the strategic objective categories and performance measurement, a sophisticated model that enables an assessment of the overall performance of a property portfolio can be created (see Diagram 1) The model can also be utilised to assess the performance of each asset within the portfolio to establish a ranking system, and at what stage of the property cycle each property is in - continued usage, refurbishment, redevelopment or disposal. The model breaks down the 4 strategic objective categories into asset management objectives and further breaks these down into a performance measurement. For example for 'Cost' the 'asset management' objective would be reducing occupancy and the 'performance measurement' would be the occupying cost and work station per sq ft. Each of these measures is then given a weighting based on how essential they are to the overall property performance. Based on how the properties perform against the benchmark, a quantitative measure is assigned (1 for over-performing the benchmark, 0 for within 'close range' of the benchmark and -1 for under-performing the benchmark). A traffic light system can be utilised when assessing the whole portfolio, to flag up areas of improvement. To assess an individual asset, one must simply run the asset through the model and create an overall performance score, which would be used for the ranking system.

Upon assessment of an individual asset, the total score would be imputed into a ranking model in order to establish at what section of the property cycle the asset sits (see Diagram 2). The ranking system would not always produce the correct solution and an element of human input would be needed to re-rank certain assets.

The model enables a simplified method of ranking the assets within a portfolio

Diagram 1 Suggested model with fictional data

Strategic objectives	Asset management objective	Performance measurement	Weighting	Performance score	Weighted score
Cost	Reducing occupancy cost	Occupancy cost per workstation	15%	1	1.5
		Occupancy cost per sq ft	10%	1	1
Efficiency	Space optimisation	Amount of space per person	10%	-1	-1
		Percentage of maximum capacity occupied	10%	-1	-1
	Reducing environmental impact	BREEAM in-use	5%	-1	-0.5
		Carbon emissions per sq ft	10%	-1	-1
Utilisation	Space utilisation	Percentage of space occupied on a daily basis	15%	-1	-1.5
	Fit for purpose	Post occupancy evaluation	10%	0	0
Modernisation	Maintenance cost	Maintenance cost per sq ft	10%	0	0
	User satisfaction	Post occupancy evaluation	5%	-1	-0.5
Total score				-4	-3

Diagram 2 Asset ranking system

Continued operation	Improved property usage	Property improvement	Future disposal	Disposal
0+ and all green	0 with some orange/red fields	-1 to -4	-4 still occupied	-4 onwards and not occupied
The building is performing at its optimum levels and only needs continued maintenance	The building needs to be optimised better	The building is in need of improvements that are more cost effective than disposal	The building is underperforming and while still functional, will need replacing soon	The building is surplus to requirements and needs disposing of

and can also be utilised to measure the performance of the whole portfolio.

Conclusion

The public sector is radically changing the way in which it manages its corporate real estate in order to mirror good practices set by the private sector. It is working to reduce the costs, reduce the environmental impact, and increase the efficiency. The corporate landlord approach allows for a central model to be implemented to measure performance and inflict change to the estate in line with strategic objectives. However, the public sector has a wide range of stakeholders, which makes implementing change difficult.

DUNCAN BLACKIE, EASTERN BRANCH

Eastern Branch met at Cambridge Fire Station on 10 July 2015. There were 50 attendees, including 3 from South East Branch.

Chairman, Neil McManus opened the meeting and reported that resignations had been received from Ian Lowe (former branch secretary) and Jeff Clarke (former branch chairman). Neil thanked them both for past service to the branch.

Neil encouraged members to attend the national conference. It was agreed that the branch will sponsor a young surveyor from St Albans to attend the national conference [Ed – see Emma’s conference write-up in this Terrier]. The branch also agreed, subject to affordability, to make £300 available to subsidise attendance by other branch members.

The theme of the day was setting up companies, their activities, challenges and successes, to help meet financial pressures. Three speakers gave their experiences.

[Duncan Vessey, South Cambridgeshire District Council/ Ermine Street Housing Ltd](#)

The district forms a ‘doughnut’ around Cambridge and is therefore part of the world class growth area associated with higher education and related high technology employment. Supply of land for all uses is restricted and property prices are accordingly high - and housing costs are prohibitive for people on a living wage.

High levels of economic activity in and around Cambridge mean that for many, there has been no alternative but the private rented sector and they, as with other areas, experience a wide variation in the standard of accommodation and the quality of service provided by private sector landlords and agents.

SCDC, a housing authority which enjoys a good reputation, has identified an opportunity to use its skills and capital to fill a gap in the commercial market

– and to generate rental income and benefit from capital growth. A wholly owned limited company was set up and the council agreed to invest significant capital from reserves to acquire around 35 houses under a 2 year pilot. In addition the Defence Infrastructure Organisation leased to the company 28 vacant houses in Waterbeach.

The council’s original intention was to fund via debt finance, but despite focussing on lower house-price areas, yields were too low to cover commercial interest rates (circa 7%). Investment is now a mixture of equity and debt. Operational costs will remain relatively high until the number of units under management reaches sufficient critical mass to justify management costs. SCDC is considering whether to sell up or scale up to an optimum portfolio of 500 or more units.

[Kevin Clark, Broxbourne Borough Council/Badger Commercial Investments Ltd.](#)

Broxbourne BC has taken a similar approach to SCDC, and has encountered similar issues in relation to acquisitions at preferred yields. The council already has a sizable commercial portfolio, generating a large rental income. Although BBC divested itself of its housing stock some time ago, it will invest in residential, commercial and mixed use schemes. It will also contemplate direct development and is prepared to invest in opportunities well beyond the local authority boundary.

To date the overall position is that total residential and commercial investment either completed or committed is around £16m and more funds are available. Yields give a better return than borrowing costs.

The initial expectations were that investment would be self-financing, including all costs, at a 6% yield but this has proved to be optimistic; stock has been harder than anticipated to source and the council has had to look further afield. Internal resources have

been stretched and external support has been required for out of borough opportunities.

[Andy Pack, 31ten Consulting.](#)

Various forms of joint venture was his topic for the meeting. He concluded that ‘no one size fits all’ and advocated that authorities would benefit from a ‘strategic toolkit’ which enabled them to mix and match their skills with partners as appropriate. It also depended on levels of risks and rewards from investment and development.

Andy touched on numerous examples and case studies, including:

- The use of municipal bonds to raise long term debt finance against aggregated revenue streams
- Investment led approaches, which leverage investment against land value, such as Barking & Dagenham’s partnership with Long Harbour to develop 400 affordable homes
- 50/50 deadlocked arrangements, often referred to as Local Asset Backed Vehicles, such as Croydon & Laing
- Public bodies have directly invested and harnessed their borrowing power in conjunction with private sector expertise, such as Wokingham Homes Ltd

[Open Forum](#)

Various issues were raised in response to the presentations - planning in the management of public sector portfolios, including strategic acquisitions; forward funding of infrastructure through mechanisms such as the imposition of charges over land which will benefit from this investment; and a recently set up asset backed vehicle at Breckland DC where it has agreed to inject local authority assets, subject to a good business case being made.

The next meeting and AGM will be held in St Albans on 6 November.



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RICHARD ALLEN, HEART OF ENGLAND

Three hours themed formal CPD and a meeting room looking out over the Trent Bridge Cricket ground, on the last day of a county championship match (window blinds were down during the meeting), proved to be a winning formula for the July Branch meeting. Hosted by Nottinghamshire County Council the meeting attracted 26 members and guests - the best for many years. The meeting welcomed as our principal guest the new ACES national Secretary Keith Jewsbury and also appointed Judith Bayes of Rutland County Council as Branch Vice-Chair. Judith will take over as Chair at the Branch AGM in November.

The theme for the morning presentations was housing regeneration in Nottingham. Mark Lowe, Manager of the Regeneration Service at Nottingham City Council, explained the housing issues facing the city and that the political priorities were to improve housing growth, achieve balanced communities with economically active households and families, and develop more aspirational and affordable housing, with the emphasis on place making. The council was now undertaking the biggest housing building programme for a decade through HRA self-funding schemes. It was demolishing low net present value and low demand stock and developing around 500 new homes, with Nottingham City Homes being the main stock holder and developer, but with some schemes being done in partnership. He explained in some detail the various schemes being undertaken in the programme.

Ashley Walters, Development Manager with Blueprint Regeneration, then talked about its development of sustainable homes and workplaces. He explained the Blueprint story and various developments since the company was set up in 2005 as a public/private partnership to tackle complex regeneration in the East Midlands, and how it is actively working to a unique sustainable

investment policy covering 4 themes - regeneration; environmental sustainability; design; and health, happiness and well-being. The presentation was followed by an interesting visit to its award winning Green Street low energy and self-build housing development in the Meadows area of Nottingham.

Public service transformation was the theme for the afternoon session. Colin Packman, Government Property Unit, provided an update on the government's Estate Strategy. He explained the key themes - development of hubs, overarching goals, timeline, tight asset management, One Public -Estate progress and wider public sector engagement.

Andrew Stevens, Group Manager - Property, Nottinghamshire County Council, then presented the council's joint venture and Common Property Unit proposals. He explained how it was approaching reshaping its provision of property services by engaging managers and staff, the options considered, key requirements from a partner, what was in it for a partner and the lessons learnt so far.

During the main meeting it was agreed that 2 free places at the national ACES Presidential Conference in September (all costs to be funded by the branch) would be available to persons from authorities with at least one paying delegate, who would nominate one person in accordance with the criteria in the Branch Action Plan. Disappointingly no nominations were received. The reasons why will need to be part of the action plan review at the next Branch AGM.

There had been a few organisational issues, but it was proposed to hold the CPD Road Show in the autumn in Birmingham. Since the meeting, the Secretary has progressed arrangements with Peter Jones of Birmingham City Council Property Services who will host the event on Monday 23 November

at the council's new state of the art Woodcock Street offices.

There was a discussion on the response as landowners to the registration of any assets of community value, authorities' policies for disposal (sale or lease) of property to community groups and how concessions are determined for any disposal at less than best consideration [Ed - see 2015 Summer Terrier]. Geoff Taylor from Warwickshire undertook to supply a copy of his draft protocol policy covering this topic.

There were also discussions on a variety of other matters including asset valuations, IFRS13 [Ed - see 2015 Spring and Summer Terriers], the use of registered valuers and audit by the RICS, training requirements for APC counsellors and supervisors, and the meeting of the ePIMS data transparency requirements.

A new Branch Secretary will be required at the next AGM so it was agreed that a job specification be produced and be forwarded to all branch members in order to find a volunteer for this important post.

In July the Secretary attended the Nottingham Trent University Graduation Ceremony to present the ACES prize to Alexander Jowett for the best project on the BSc (Honours) Real Estate course, which looked at corporate real estate management in the public sector. A summarised version of his winning coursework appears in this Terrier.

CHRIS RHODES, LONDON BRANCH

In July, London Branch held a CPD event at Southwark Council's offices, attended by around 60 people. This half day event included presentations on developer procurement and town centre projects, liquidated damages, overage, and housing supply as part of the series of CPD events being promoted nationally.

The branch also held an all-day event at Camden, courtesy of Argent Developments and Camden Council. A presentation on the Kings Cross development focused on the progress of one of London's biggest single development sites since the 19th century, well on the way to completion by Argent and its partners. Covering 67 acres, the masterplan for the site includes 50 new buildings, 2,000 homes, a new home for Central St Martins College in the former Granary and 26 acres of open space. Much of this has been delivered and temporary uses including restaurants and a lido have been incorporated. After the presentation, members had a guided tour of the scheme.

The Branch meeting took place in the new headquarters of Camden Council, also part of the Kings Cross development, and started with a presentation about the building. The office has been co-located with public facilities including a library, leisure centre and swimming pool. Camden

had undertaken a project common to many authorities, of rationalising its office accommodation, in this case from 15 buildings to 7 and eventually to 4. The new building accommodated 2,400 staff at a desk sharing ratio of 10:6.5 and had achieved BREEAM outstanding status. Members then toured the building.

Some time had been set aside to focus on Assets of Community Value, as many colleagues had had involvement with the process. The discussion covered the approach to decision-making, interpretation of policy, member involvement, nature of applications and public consultation. Other items included feedback from the CPD event, recent meetings with RICS, and the branch sponsorship of places at the national conference for which 4 recipient authorities were drawn. Members also considered national government initiatives, ways of working together for staff in progress of completing the RICS APC, housing companies being established, amalgamation of services by some boroughs and the acquisition by several authorities of property as an investment.

The September branch meeting was held at Southwark and took place immediately after the national conference. Members saw a presentation by Susan Heaton-Wright

of Executive Voice on public speaking and making an impact in meetings. This very interesting and entertaining session was a departure from the normal technical briefing. Members later discussed feedback from the conference, mobile phone masts, issues arising from the previous ACES Council meeting which had taken place in August, and with 2 representatives of RICS attending, were able to hear at first hand the latest Institution news and share views on the implications for the public sector. Other matters covered included rationalisation of depots and their running costs, internal fee structures, outsourcing being undertaken by some councils, joint venture partnering, corporate landlord models and staff restructuring.

Our final meeting of the year in December will include the branch AGM and the handover of the chairmanship from Jeremy Pilgrim to Ade Adebayo and will be followed by a Christmas dinner.

The Terrier

The Terrier is published quarterly by ACES. The inclusion of any individual article in the Terrier should not be taken as any indication that ACES approves of or agrees with the contents of the article.

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Other Interest Areas

THE GLOUCESTER GLADIATOR

Close encounters of a variable kind

As autumn draws on and as part-time working now dilutes to casual, more time becomes available to reflect on the many and variable encounters experienced over a professional career now spanning 5 decades. The O.E.D. defines encounters as meetings in combat or by chance. Well I leave you to be the judge of my experiences, but they were certainly all memorable.

The hound

It was a sweltering hot summer's day and a rent review beckoned. I didn't envisage a confrontation as the tenant was a mildly spoken character, but I was slightly wary of the hound from previous visits to the farm. In that respect I was not to be disappointed. Approaching the farmhouse with a degree of trepidation, I was met by ferocious barking from a long haired large Alsatian confined to the sauna-like glass sided front porch. Well, I thought, his bark must be worse than his bite, and surely he would be reined in by my host before the door was open. I could not be more wrong and soon my worst fears were confirmed: as soon as the door was ajar the rabid beast leapt wolf-like towards me. Unbalanced I fell to the ground, and soon this canine terror was sprawled over me, teeth gleaming, mouth foaming and nostrils flared. Just as quickly though this terror subsided as my face was covered in slobbering licks. "Don't worry about him" chortled the farmer; "He's been looking forward to your visit all day." Needless to say, in my ruffled state the farmer had the negotiating edge, and in my desire to get away as quickly as I could matters were concluded very much in his favour.

The drink

As the recently arrived Principal Land

Agent, I was keen to make my mark. Standards needed radical improvement and I was the new broom to achieve this. My team advised me that one farm in particular required attention: untidiness and poor management was rife. It was a dank November afternoon (strange how the weather features in so many of my experiences); I called at the farmhouse to be advised that the farmer was residing in the Cider House, aka The Old Dairy. There I was effusively met by the epitome of the rotund ruddy faced farmer of legend, Sunny Ray Hyland (name changed to avoid litigation). "Come in my boy and sit yourself down." The den, as he referred to it, was bedecked with rows of wooden barrels of varying sizes, but it was the smell which overpowered me: well-matured apple exuding an aroma of pervading alcohol. "Right, what will you try first?" He enquired. Before I could answer a draft of yellow liquid was drained off the first barrel into a shallow greasy saucepan which was wafted lightly over the open coal fire to remove the chill before being poured into a clearly well used plastic beaker - pips, peel chippings and all designed to give it genuine flavour, or so I was told. I have to say it tasted delicious, and from then on I'm afraid to recount, it was all downhill as sample after sample of Gloucestershire Perry and scrumpy were arraigned for my delectation.

As the afternoon wore on, I was coming to the conclusion that this wasn't such a bad farm after all, but perhaps it would benefit from more frequent visits if this was the standard of hospitality on offer. Eventually it was time to leave, but not before a plastic flagon of the finest cider was thrust into my hands. I drove somewhat slowly down the country lanes as the gathering gloom of the late afternoon set in. My eyes became heavy, and as it had been a particularly long day, I pulled into a farm gateway

for a quick power nap. Several hours later I woke with a start. Darkness surrounded me, so I resumed my journey homewards to be met at the door by an anxious wife, increasingly worried by my non-appearance. Needless to say my gift was never enjoyed, and I have eschewed the juice of the apple ever since. Thankfully, this was in the days before the breathalyser, and before gifts or acts of hospitality had to be recorded so meticulously.

The gun

My next encounter was a far more frightening one where genuine menace was at least implied if not acted on. Again, poor standards of management were the concern. The Director of Property, Chairman of the County Farms Committee and I were inspecting the holding prior to the issuing of a formal Notice to Remedy to rectify the numerous serious breaches of the tenancy agreement which littered the farm. The tenant, a somewhat taciturn gentleman of few words, decided to accompany us on our tour armed, literally, with a twelve bore shotgun with the breach broken but, disconcertingly, both barrels loaded. At every vantage point or area of concern he would flick the breach closed, waft the barrels in our general direction, and point out certain redeeming features which he felt warranted our attention. This increasingly unsettling practice, to say the least, gradually eroded whatever confidence we may have originally had, to the extent that we were soon readily agreeing that things weren't so bad after all.

The outfit

My final memorable encounter was, to put it mildly, surreal, but I promise you it really did take place. Again, the summer sun blazed as I walked

the short distance from the office to conduct acquisition negotiations with the remaining house owner on a large inner city site being pieced together to enable the construction of a new Magistrates Courts complex. The house, a Victorian end of terrace establishment, sat somewhat forlornly but defiantly like the remaining front tooth in an old crone's mouth. I knocked at the door, and the sight which confronted me as it opened will forever be etched on my memory. There before me stood a man of robust disposition clothed only in thong-sized swimming trunks, together with flippers, snorkel and mask. "Comm... inn" came the distorted response

through the mask to my introduction. He motioned me to sit down before a raging log fire, and negotiations commenced.

The juxtaposition of unreality to normality was compounded by his wife, as I assumed that to be the relationship, fully and conventionally attired, blithely inquiring whether tea and biscuits would be required. Now, I have conducted negotiations of every conceivable type, but my composure wilted as I struggled to cope with the vision before me, compounded by my total inability to understand what was being said through the mask, which, together with the rest of his get-up,

remained in place for the duration of our meeting. As a negotiating tactic it was unsurpassed: I was totally floored and soon realised that a deal had been sealed significantly in excess of my intended offer price. Yet again I took my leave, thoroughly discombobulated.

Reflecting back on these encounters, I realise a common theme emerges: on each occasion my normal equilibrium was disturbed, my advantage was shot, with the outcome being the exact opposite of what had been intended. The moral I suppose is to expect the unexpected.

THE SUFFOLK SCRIBBLER

Free the Beyton 14 – or is it 15?

Back in the Spring I mentioned the reintroduction of geese to the village green in Beyton. Someone seems to have taken the heading to heart as a number of geese have already been sprung. There are now only 9.

But the controversy about their very presence rages on. This relates to the conflict between a group of fairly large animals, who are constantly eating grass, in occupation of land also used as a children's play area and for organised games. The nature of the conflict is obvious, so much so that in the latest Parish Magazine, delivered in the last few days, a part time PAID position of Green Cleaner-Upper is being advertised.

I wonder if I ought to apply. After all I must be one of the few people in the village with relevant experience of this type of work; after all I was a Chief Officer in local government for a good few years.

Hippocalypse now!

In the newspaper headlines piece in the last Terrier I failed to mention my 2 favourite headlines. These are "Phew what a scorcher!" and "Gotcha."

Bury St Edmunds

Bury St Edmunds is a lovely, historic market town in Suffolk. The name of the town is always written in this way and in speech is always referred to as "**Bury Saint Edmunds.**" Nothing could be more straightforward so why does the name cause such confusion? Perhaps it is something to do with the town's historic development.

In the mid 7th century St Sigebert, the younger son of King Raedwald, the first Christian King of the East Angles, founded a monastery in the very small settlement then known as Beodericsworth. In the year 896 King Edmund was slain by the invading Danes and his body was removed to the monastery where he became revered as a saint.

In the 10th and 11th centuries the great Abbey Church was built, as the town had become an important centre of pilgrimage and the town changed its name from Beodericsworth to St Edmund's Bury. And here it is important to note that the word "Bury" does not refer to the "burial" of St Edmund but it is the German/Norse word for a fortified enclosure; as in, for example, Aylesbury, Canterbury, Tewkesbury and Glastonbury.

In the 11th century the appointment of a French monk Abbot Baldwin coincided with the growth of the monastic town which prospered and flourished and it is thought that this French connection helped preserve the town's prosperity despite the Norman invasion post 1066. However the last recorded name change took place and thereafter the town became known as Bury St Edmunds.

So where does the confusion arise?

The spelling of the town's name still causes some confusion. For example some till receipts issued by newcomers to the town mistakenly print out the name as "**Bury Saint Edmunds**" or much worse as "**Bury St Edmunds.**" And only this week my electrician, who drives a small Mercedes van with immaculate sign writing pointed out to me that his telephone number, carefully written across the rear doors of the van, uses the neat little centrally positioned door handle, in the form of the Mercedes logo, to separate the name from the actual number logo - providing that you can calculate the numbers correctly. However here the sign-writer calculated the number of spaces and letters in "Bury St Edmunds" to be 14 and not 15 and hence when he reached the centre he was a letter short; thus for many years the following

information will be displayed ie "Bury St Edmund [logo] 755333"

And finally I remember one acquaintance, long ago, who delighted in asking, every time we met, "Hello and how are things in Bury Street Edmunds?"

AI

The BBC has taken up the advent of AI, artificial intelligence, with great

enthusiasm and has taken the view that when some application with real AI is perfected, the machines will take over the world and, then to use the BBC approved reporting format, perfected when the bird 'flu scare was on, "you're all gonna die!"

But the BBC overlooks 2 important issues here:

1. Artificial intelligence relates to the thinking and problem solving

issues and not to the mechanical process of connecting up to a power supply and ensuring that power supply is actually available

2. And that until quite recently the term artificial intelligence was a more polite way of saying "real stupidity".

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