

ACES TERRIER

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

VOLUME 26 ISSUE 2 SUMMER 2021



ACES' Terrier in Print

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A series of webinars 8-23 September 2021

See flyer on page 8 or www.aces.org.uk



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ACES TERRIER

The Journal of ACES - The Association of Chief Estates Surveyors & Property Managers in the Public Sector

EDITORIAL

Betty Albon

Welcome to the 2021 Summer Terrier.

I'm pleased to announce that ACES' Terrier is back to being printed – as well as online and as pdf. I know that some professional institutions have chosen to remain digital, but a survey of readers concluded that the majority of ACES' members would like to resume reading in hard copy. So here we are. Remember to tell ACES' Secretary, Trevor Bishop, if you would like to change your delivery address to reflect changing work patterns – we're here to please!

There is a broad range of subjects covered in this issue, hopefully something of interest to you and your colleagues. There's a mix of strategic, practical and cerebral articles included, covering just some of the broad spectrum of activities that we find ourselves dealing with in the public sector. Please spread all this valuable information far and wide in whatever ways you can – and there's certainly a lot of opportunities now to do that www.aces.org.uk/library/.

Finally, please look out for information on ACES' On-line National Conference, to be held as a series of FREE webinars between 13 and 22 September. While the programme is still evolving, the flyer within will give you a good flavour. Further information will be put onto a dedicated page of ACES' website www.aces.org.uk as the President, Simon Hughes, and his team finalise details.

While every reasonable effort has been made to ensure the accuracy of the information and content provided in this document at the date of publication, no representation is made as to its correctness or completeness and no responsibility or liability is assumed for errors or omissions.

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NATIONAL COUNCIL

Notes of ACES Council Meeting on 23 April 2021 (virtual)

Trevor Bishop, ACES Secretary secretary@aces.org.uk

Detailed reports on the majority of these topics are published on the ACES' website www.aces.org.uk

President's report

The President, Simon Hughes, reported on his activities since the last meeting. These included preparation for the Annual Conference, which involved a very difficult decision on format (virtual or live), supporting activities arising from the Business Plan, including proposals for a Sponsorship Officer and championing the many initiatives underway such as RACES (Retired ACES) and FACES (Future ACES) and Homes for Older People (HOPE).

The President noted that he had now attended several branch meeting over the last 3 months and had others pencilled in.

Secretary's report

The Secretary, Trevor Bishop, reported on matters arising during the period from the last Council meeting and provided an update on membership changes and progress with collection of membership subscriptions.

A significant amount of time had been spent on various membership matters and enquiries, the completion of a maintenance agreement on the ACES website, surveys of members on RICS and ACES' Terrier, and supporting ACES' officers and other members on the ACES' Terrier, the Diploma in Strategic Asset Management in the Public Sector (SAM) Course, RACES and FACES and matters arising from the Business Plan.

Financial matters

The Treasurer, Willie Martin, presented a report on the financial position of the Association for the first 9 months of 2020/21. It was repeated that C-19 restrictions continued to have a significant impact on finances compared to the original forecast.

The Treasurer reported on the current budget position and noted the principal cost/income areas as administration, publications, conference income, subscriptions and the SAM Diploma. Recent new information emerging from some of these activities suggested an improved bottom line position for 2021/22 and modest surplus for following years.

In terms of the overall financial position, the Treasurer reported that this remains healthy with no areas of concern in terms of income or expenditure.

ACES' website

The secretary reported verbally on the ACES website. It was noted that significant efforts had gone into resolving the issues that emerged following the launch of the new website in 2020; with the help of Norse Group these had been largely resolved and a long term maintenance agreement had been entered into.

The Secretary reported only occasional queries from members on useability of the website and most issues seemed to go back to the use of outdated browsers. Recent discussions had taken place on improved accessibility to, and functionality of, the digital version of ACES' Terrier.

The lack of 100% member registrations on the website was still a continuing frustration, and concern was expressed that while forum items were being posted, responses were very thin on the ground. On this latter point, branch representatives kindly offered to share the posts at branch meetings.

Consultations

The Senior Vice President, Chris Rhodes, reported on the consultations that had taken place recently and thanked members for their input, which enabled comprehensive responses to be made on behalf of ACES.

ACES' Terrier

The Editor, Betty Albon, presented a detailed report on the results of the recent survey of members on the future of ACES' Terrier. The report listed key bullet points from the survey, notably the desire to see improvements to the digital version, the reduced circulation to colleagues of the digital version as an outcome of C-19, and the modest number of members that no longer required a hard copy. It was noted by Gerry Devine that he easily shared the journal by downloading the pdf to a work located shared drive.

A number of improvements to the digital version had already been implemented and the Secretary referred to other developments of ACES' Terrier that were being tested. These included a better search facility, a visually attractive page turn function, and display of individual articles

on a dedicated webpage as an option to reading the PDF version.

The recommendation to resume printing was discussed and, in view of the possible increase in acceptability of an enhanced digital version over time, this was approved with effect from [this] 2021 Summer Terrier, but with a further review in 2 years.

Business Plan

The President reported on a proposal to appoint a Sponsorship Officer which had been prompted by detailed discussions that had taken place with sponsors and the need to avoid conflicts of interests for senior officers. The report included a detailed job description for the position and the remuneration.

It was noted that the position would suit a retired or non-working member and the proposal was approved. The President agreed to commence the search for suitable candidates but asked Council members to assist by making appropriate recommendations from their contacts.

The Business & Marketing Manager, Neil Webster, reported on business and marketing activity that had taken place since the last meeting. Key activity centred on the organisation of webinars that provided valuable CPD for members, strengthened relationships with partners,

and assisted with the member recruitment drive. The B&MM thanked Gillian Boyle for agreeing to join the panel of the "Right to Regenerate" webinar. There was some discussion on working in partnership more productively with the Government Property Function and the B&MM will craft an appropriate letter.

The B&MM commented on the relevance and accuracy of his current title in view of the activities he was now involved in. He proposed a change to Head of Engagement and this was approved by Council.

Annual Conference 2021

The President referred to his detailed report on the proposals for the 2021 ACES' Presidential Conference and his very difficult decision to focus on holding the event as a virtual conference only [Ed – see flyer on page 8 in this issue of ACES' Terrier].

The President's report covered in some detail the format of the proposed virtual conference, which drew on lessons learned from the success of 2020 and would be designed to provide existing members with excellent learning and to encourage prospective new members to join the Association. Council approved the President proceeding as proposed.

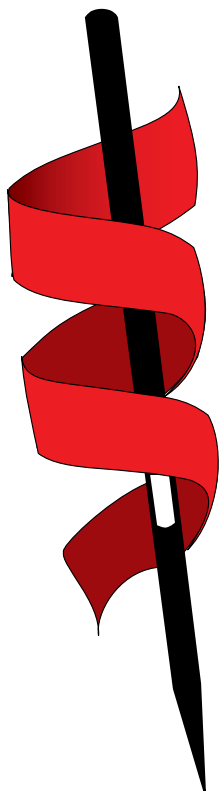
There was discussion on the decision

to not charge for the sessions, use of social media, and the need to maximise technology to enable entry to chat rooms, interaction with sponsors etc., and these will be explored in the chosen platform, which will be progressed by the President's conference team.

Annual Conference 2022

The Senior Vice President reported that the 2022 Conference had been a standard item on the London Branch agenda and options had been explored in terms of venue, hotel, sponsors and speakers, as well as the format for the Gala Dinner. A business plan was in preparation, and this would be brought to the July Council meeting for further consideration. Locations including Sutton, Kingston and Croydon had been considered, but feelings were that Sutton should be the preferred venue.

The SVP referred to a recent question about reviving the Spring Conference Branches used to take it in turn to host the spring event in a different region to the Presidential Conference. Concern was expressed about the amount of resource that was needed to put on an event and this had been one reason for their demise. Tony Bamford indicated that C-19 might still be around in spring 2022 and perhaps a virtual



'Why not use the ACES website for free* advertising of your job vacancies?

The ACES website Job Vacancies page (open to all) caters for member and non-member organisations advertising for public sector property posts.

The page gives a summary of the available post with the details of location, salary and closing date and provides a link to the organisation's own website for further details and application form etc.

The Job Vacancies page is currently available to ACES member organisations to advertise opportunities **at no cost.**

You gain direct access to likely candidates already working in the public sector property arena with the expertise and experience that you are looking for.

The new and improved ACES website enables advertisers to enter their vacancy details direct online and include their logo, website links and required details (subject to approval by ACES Secretary).

*The cost per advert for non-members is currently £100.00 for a maximum of 4 weeks' exposure on the ACES website; this is still excellent value!!

Contact the ACES Secretary, Trevor Bishop MRICS, at secretary@aces.org.uk for further information.

second conference needing less resources was the way forward.

AGM 2021

The Secretary confirmed that the venue for the 2021 AGM is secured in the City Hall, Cardiff. Enquiries of the City Council had been made and it was noted that updates from the Welsh Government were awaited with regard to holding the event. Comments were made about the numbers that usually attended the AGM and whether these could be accommodated with social distancing. The secretary undertook to determine the position with regard to the latest cancellation dates and penalties, and also take soundings from the Welsh Branch, with a view to making decisions at July Council.

ACES Award for Excellence 2021/President's Award

The Senior Vice President reported that he was now ready to launch the award, using the same format as the previous year. He would be preparing the launch and assembling the judging panel shortly.

The President noted that the President's Award will run alongside this and will report further.

RICS

The President referred to the recent survey of ACES members on the RICS and the subsequent discussions that had been held with RICS President, Kath Fontana. Members were thanked for their many comments, which had been collated by Daniella Barrow into a structured document to aid further discussions.

Sam Partridge followed up with reference to his regular updates with RICS (contained in the Liaison Report) and, more recently, a roundtable meeting that had been arranged with RICS involving a number of ACES members. This was a very useful meeting, with many excellent comments from ACES members which RICS took on board. There were many comparisons between how ACES was run and it was acknowledged that the comparative size of RICS and concentration on business and globalisation diverted attention away from members. RICS has confirmed the meeting notes will form part of the overall findings submitted to the RICS Governing Council meeting in May.

Asset management in the public sector

Malcolm Williams reported on the continuing success of the ACES/CIPFA SAM Diploma [Ed – see interview in this issue of ACES'Terrier]. It was reported that the Memorandum of Agreement between ACES and CIPFA had now been formally signed. The second iteration of the course was well under way and plans were already in place for the third course later in the year. As well as the learning gained by delegates and the enhanced profile of ACES, the courses have resulted in substantial and better than anticipated financial benefits to the Association.

A "wash up" session had been arranged with CIPFA for the end of June, in order to review progress with the programme and to explore improvements in the course for the benefit of future delegates.

RACES/Homes for Older People

Derek Rowell talked through progress made and latest developments on his 2 initiatives - RACES and iHOPE (Homes for Older People).

On RACES, with the support of Keith Jewsbury, a list of Branch Champions for the initiative had been assembled. It was accepted that some branches were short on resources and unable to put forward champions at this stage. One solution was to invite former ACES members to participate and provide additional support, with a possible added bonus of increasing membership.

Derek talked through the next steps needed to push forward the initiative, which included integration with the FACES initiative led by Neil Webster, and culminating in the launch of a newsletter.

With regard to iHOPE, it was noted that a Taskforce was being drawn together to develop the iHOPE toolkit, designed to provide key decision makers with guidance on investing in Homes for Older People Everywhere. Under the President's leadership, a core team from key ACES members had also been assembled to drive the initiative forward and select potential partners. Derek confirmed that the Association of Directors of Adult Social Services had already agreed to partner with ACES.

The report set out in detail the scope of the task ahead in terms of further support, objectives, the nature of the Taskforce, timeline and launch. Comment was made that caution needed to be exercised with regard to

the partners selected to work with ACES.

The report also referred to the national social care context, attention to which had been escalated by the pandemic, and a copy of a letter to the Prime Minister from a coalition of older people's representatives had been placed on the website as an example of the importance of this issue.

In the light of the energy that he had put into these initiatives, the Secretary proposed that Derek Rowell be formally co-opted onto Council as the Liaison Officer for the RACES and iHOPE items. The proposal was approved by Council.

FACES

Neil Webster reported on further development of the FACES initiative and the natural links with RACES. A meeting had taken place to consider the scope of the initiative. It was considered that the main focus was around encouraging a wider membership to ACES where the word senior might be dropped from the entry qualification. Neil will review and revisit the scope with a view to bringing a paper to Council in July 2021.

Coordinators, branches and external working groups

A number of Liaison Officer and Branch reports were received, and these have been published on the ACES website for the information of all members. Verbal reports were also given by officers present at the meeting.

Thanks were extended to the Liaison Officers for their efforts in producing detailed and topical reports which are appreciated by members, and to the branches for submitting reports on their activities in these relatively quiet times.

Future meetings

The next virtual meeting of ACES Council is 16 July.

Because of the volatility of the final dates for the Conference webinars, and the AGM (live or virtual) please keep an eye on the website for information. The situation will be discussed and subject to approval at the July Council meeting.

ACES MEMBERSHIP

Trevor Bishop MRICS, ACES Secretary secretary@aces.org.uk

I list below the changes in membership between 1 April 2021 and 30 June 2021.

New members approved

There were 10 new applications approved during the period:

First Name	Surname	Organisation	Branch Ref
Stephen	Morgan	Carmarthenshire County Council	W
Nicholas	Collins	City of York Council	NE
Lynn	Hanser	City of York Council	NE
Stephen	Morgan	Cornwall Council	W
Louise	Horner	County Borough of Blaenau Gwent	W
David	Baird	East Renfrewshire Council	S
Paul	Nicholson	North Lincolnshire Council	NE
Tim	Holt	Preston City Council	NW
Beverley	Hirst	Rochdale Borough Council	NW
Kate	Morgan	Swansea City Council	W

Members transferred during the period.

Three members transferred during the period:

First Name	Surname	Branch Ref
Peter	Gregory	NW
Diane	Phillips	HoE
David	Evans	E

Resignations

The following 1 member resigned during the period:

First Name	Surname	Organisation	Branch Ref
Michelle	Moores	Preston City Council	NW

Membership

Summary of current membership at 30 June 2021:

Total Membership	
Status	Number
Full	227
Additional	64
Honorary	33
Associate	26
Retired	44
Total	394

Secretary's note: A number of members have still not paid their membership subscription for this year and it is expected that some memberships will be terminated shortly.



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A series of webinars for ACES members and others working for the public sector

Dates: Monday 13th September to Thursday 23rd September 2021.

FREE for ACES Members, public sector employees, sponsors and their staff

As the United Kingdom starts the process of recovery, there is a substantial focus on better use of public sector assets – in supporting key agendas around regeneration, health, housing and the environment. Nationally and locally policy makers are looking at how we use land and buildings in this new and changing environment.

The 2021 conference will be a series of online hour long sessions, free to everyone who works within the public sector across a fortnight! Registration details to follow.

ACES as the leading body for those who work with the public sector property field are pleased to provide free virtual CPD on a wide range of topics, from regeneration, housing development, to the future of the profession.

Programme:

Mon 13th, 14.00-15.30: Excellence in the East

Showcase of projects in the eastern region from ACES Eastern Members

Wed 15th, 10.00-11.00: Delivering Regeneration

Leading recovery through our High Streets and public assets

Sponsored by **Lambert Smith Hampton**

Fri 17th, 9.00-10.00: Professional Practice update

What are the key legal changes and challenges.

Sponsored by **Avison Young**

Mon 20th, 9.00-10.00: Housing

Delivering housing on public sector sites – the challenges and rewards.

Sponsored by **Norse Group**

Wed 22nd, 14.00-15.00: Working with Health

Joining up the public sector

Sponsored by **Carter Jonas**

Thu 23rd, 10.00-11.00: Future of the profession

What Government, RICS and the private sector think!

President of RICS; MHCLG; Avison Young

For more information, please visit www.aces.org.uk, or click [HERE](#)



Ian is a Partner at global property consultancy Knight Frank and head of the firm's Public Sector Advisory team. He specialises in supporting the public sector with delivering regeneration projects, strategic and commercial advice and the production of business cases.

REGENERATION AND LEVELLING UP

Is this a once in a generation opportunity going to be wasted?

Ian Tasker ian.tasker@knightfrank.com

Firstly, may I congratulate Ian on his appointment and welcome him to the ACES' family. Here, Ian outlines the £9bn of government funds being made available to regenerate our towns and cities, and opportunities to leverage collaborative private sector investment.

An opportunity

Since October 2018 we have seen the government pledge to make available an unprecedented level of funding aimed at local regeneration of towns and cities. Over £9bn has been committed in total, representing a combination of the Towns Fund (£3.6bn), the Future High Street Fund (£1bn) and the Levelling-Up (£4.8bn) initiatives. This vast funding pot is also expected to be bolstered further through co-funding arrangements with local government and potential private sector partners, and is in addition to the C-19 support measures introduced by the government.

This represents a significant opportunity for towns and cities to accelerate their capital programmes, to ensure local communities and residents have the same experience and benefits in their local area as one would expect from any town across the country.

The government's overarching agenda is to level-up towns and cities across the country by building stronger and more resilient local economies, boosting prosperity and opportunity in our communities, and helping them build back better from the pandemic.

Without doubt this is a once-in-a-generation opportunity, and it is vital towns and cities across the UK make the most of what is on offer.

What we know so far

The first pledge dates back to 29 October 2018 when the then Chancellor of the Exchequer, Philip Hammond, announced his intentions to "renew and reshape town centres and high streets in a way that drives growth, improves experience and ensure future sustainability." This, he said, would be achieved through the newly-launched £675m Future High Street Fund.

Since then, much has happened, which it is worth briefly recapping:

- 5 July 2019: The Parliamentary Under Secretary at the Ministry of Housing, Communities & Local Government (MHCLG), Jake Berry, confirms 50 areas across the country are going through the second phase of the process to obtain access to the Future High Street funding – a £150,000 support fund to kick start the development of detailed proposals for capital funding
- 27 July 2019: The newly elected Prime Minister, Boris Johnson, announces a £3.6bn Towns Fund, including an additional £325m for the Future High Street Fund. The latter takes the total number of towns in application from 50 to 100. This allowed towns to apply for up to £25m of funding to invest in their local areas

- 25 November 2020: The then Chief Secretary to the Treasury, Rishi Sunak, announces a new Levelling Up Fund worth £4.8bn. This allows local areas to bid up to £20m to invest in local infrastructure
- 26 December 2020: The Secretary of State for Housing, Communities & Local Government, Robert Jenrick, announces that £830m from the Future High Street Fund will be invested in 73 areas across England
- 3 March 2021: The Chancellor of the Exchequer, Rishi Sunak, confirms 45 of the 101 towns who made an application for the Towns Fund had their funding confirmed, with the total amount equating to £1.02 bn
- 19 May 2021: Confirmation is given that 72 places will share over £830m from the Future High Street Fund; £107m of the Future High Street Fund was allocated to the Department for Digital, Culture, Media & Sport to support the regeneration of heritage high streets
- 8 June 2021: Robert Jenrick announces further funding of £725m for 30 towns participating in the Towns Fund.

The funds' objectives

- Future High Street Fund – To renew and reshape town centres and high streets in a way that drives growth, improves experience and ensure future sustainability
- Towns Fund – To help increase economic growth with a focus on regeneration, improved transport, better broadband connectivity, skills and culture
- Levelling-up Fund – To focus on capital investment in local infrastructure thereby building on and consolidating prior programmes such as the Local Growth Fund and Towns Fund. The first round of the Fund focussed on 3 investment themes: transportation investment, regeneration and town centre investment, and cultural investment.

Allocation and alignment of funds

The actual award mechanism for the Towns Fund was not disclosed. However we do

FIGURE 1

Priority	Amount £m	Number	Percentage
High	734	31	42%
Medium	807	35	46%
Low	204	9	12%

know that MHCLG reported dividing towns into the priority groups high, medium and low, based upon the Office of National Statistics' index of Multiple Deprivation, with an understanding that more deprived towns were more likely to be shortlisted.

The final shortlist of the 101 towns comprised all 40 high priority towns, 49 medium priority towns, and 12 low priority towns.

Figure 1 illustrates the funding allocated to 75 towns (of 101) in the Towns Fund against the priority categories.

Looking at these Towns Fund allocations we note that larger towns were eligible for funding, despite previous suggestions that they should be excluded. In addition, areas with high levels of deprivation did not automatically secure funding, as previously proposed by MHCLG. There were, however, many low priority towns whose funding was approved.

It is worth noting that the Levelling Up Fund has undertaken a separate assessment of local government need, and has published an index of local authority priority areas. This is based on a combination of metrics including need for economic recovery and growth, need for improved transport connectivity, and need for regeneration. The first round of applications for the Levelling Up Fund were submitted in June 2021, with allocation of funding expected in the autumn.

We have also seen some towns consider applications to more than one fund – this is not unsurprising; however, it does raise a few challenges.

Challenges

Firstly, the interventions are complex in nature and seek to deliver on a wide range of objectives, such as a focus on economic growth through regeneration, coupled with capital investment into local infrastructure. There could be a risk that a siloed approach to the application of these fund initiatives develops, which could create a gap for certain interventions.

Also, are there overlaps in the fund initiatives and is this intentional by the government? If so, this suggests there is a need for a clear route map that

allows towns to help decide on the most appropriate fund for their interventions, rather than feeling it necessary to apply for all funds, in the hope one or more applications will be allocated funding. Indeed, this lack of clarity and potential overlap of purpose between these government funds provides the opportunity for an unsuccessful application from one fund to be dusted off and reused in another fund. This begs the question: if an application doesn't pass muster the first time around, is it fit for purpose for another fund?

Key considerations

There are a number of key considerations that arise from these initial observations.

Firstly, there is the opportunity for collaboration between neighbouring local authorities, in order to deliver interventions that have the potential for wider, regional impact. The government has been explicit in its guidance and provided the opportunity for local authorities to submit joint bids for the Levelling Up Fund. We consider this to be a positive move, as it provides the opportunity to combine resources, such as government funding and public/private sector finance and expertise, for greater social and economic good.

In addition, it is important to make sure commercial realism is evident in interventions that assume the introduction of private sector investment. Not all interventions are appropriate for this purpose, but those that are will need to demonstrate they are capable of generating real-world market returns. However, in our experience, this is not always the case, and could limit the ability to secure the required private sector expertise and finance. Furthermore, a shift is developing in the strategic thinking from some of the institutional investors and developers who are seeking opportunities to partner with the public sector, where large-scale interventions are presented as a portfolio of schemes which have combined social, economic and financial benefits.

Finally, and most importantly, we believe the quality of the business case

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supporting any government application is the key consideration in determining the likelihood of funding allocation – more so than town/local authority priority ranking. Indeed, the business case must have a robust options appraisal that arrives at the preferred funding and commercial delivery model.

Structures to succeed

There is no one size fits all approach, but there is an ever-growing awareness of the types of structure that work well and the key issues that must be addressed to deliver an intervention – including traditional models such as local authority led, wholly owned companies, and joint ventures. More recently, we have also seen interest in the use of locally-led

development corporations where large scale, complex regional projects with political significance are undertaken.

To arrive at the appropriate funding and commercial delivery model for a given intervention requires a thorough assessment and understanding of a variety of factors, including resource and expertise, level of control, availability of funding, scale, and social value and community benefits.

Public sector business cases are complex and time consuming by their very nature. As a result, the capacity for all local authorities to produce high quality business cases, proportionate to the size and complexity of the interventions, is varied. Because the quality of a business case is the single most important factor in determining government funding

allocations, it is essential that all towns and local authorities equip themselves with the right expertise and capabilities – including engaging with the best consultants – in order to succeed in this area.

Government funding of £9bn is a massive sum and we are unlikely to have this level of funding pledged by the government again – at least in our working lives.

By leveraging private sector investment through commercial realism, collaborating across the public sector to deliver wider positive impacts, and producing strong business cases, we will be better placed to make the most of this once-in-a-lifetime opportunity for the benefit of generations to come.



Charles is Head of Development Partnerships at the global property consultancy Knight Frank. He specialises in the delivery of large-scale development projects across the UK with a particular emphasis on long-term value creation and community value. His overarching ambition is to get Britain building homes that people are proud to live in.

COMING HOME REPORT Reflections on the Archbishops' Commission's report

Charles Dugdale charles.dugdale@knightfrank.com

Coming Home – published in February 2021 – was an incredibly important report with direct relevance for all surveyors, particularly for those that work in the public sector. It challenged the Church of England to reconsider how it uses its land for the benefit of society, for the fulfilment of its own missions, and to deliver truly affordable homes. This same challenge was also posed to all of us – including the government and the public sector. This essay considers how we might, as surveyors working in the public sector, interpret and rise to this challenge.

An affordability crisis

I had the privilege of being involved with the report behind the scenes and working with the Commissioners appointed by the Archbishops of Canterbury and York. It was a truly enlightening experience in many ways and refreshing to see intelligent people take a genuinely 'first principles' look at the housing crisis, without any agenda other than to be a force for good.

The Commissioners drew a conclusion that I share, which is that we need to

redefine the housing crisis. It is not simply about the number of homes available, but moreover about the affordability of those homes. Be in no doubt what the problem is – an affordability crisis.

It is only once this is redefined that we realise that the government's response to the crisis is potentially misdirected. Almost all of the government's current housebuilding initiatives seek to unblock the construction of new homes with the expectation that – as in other free

markets – additional supply will reduce prices. This doesn't work because housebuilders build to demand. If there is lower demand, they simply slow the pace of delivery. Under their own volition they will not build more than they can sell and, unsurprisingly, they have got very good at building at a pace that sustains pricing. To insist that housebuilders oversupply a market would be akin to asking a company to sacrifice profit, which would be unacceptable to shareholders.

Acknowledging that the affordability crisis doesn't (yet) justify unpicking the fundamental driver of capitalism – the profit motive – the Archbishops' Commissioners realised that the Church has a responsibility to step up to the challenge of providing genuinely affordable housing. As a major landowner of approximately 200,000 acres, the Church has the footprint to make a difference and to set an example.

The 'Coming Home' report recognises that the Church has a responsibility in its own mission, its values and perhaps (most powerfully) in the ethic of stewardship:

"The earth needs to be protected not just to leave a legacy to our children, but because it is good and it is not ours – it is held in trust. This is a fundamental pillar of a Christian understanding of land and the houses built on that land – that in the deepest sense they are not ours but God's, and we have been given the responsibility to care for them."

As a result, housing must pay attention to the protection and sustainability of the earth, so that the built environment is in harmony with the natural environment. We need to think of ourselves as stewards, not rulers of the natural world and of the properties we own or let out for rent. Housing policy needs to work with the grain of creation, to safeguard and not do violence to the earth that remains God's, yet which he has given to us as our home."

Stewardship

The ethic of stewardship is taking care of something, and the public sector has the job to take care of society. In this sense, the challenge that 'Coming Home' sets the Church is also aimed squarely at the public sector. When we realise the public sector's responsibility to effect change and address the affordability crisis, it becomes all the more surprising that this point is being lost in the political narrative.

Charlie Arbuthnot, the Chair of the

Commissioners, wrote a moving and compelling epilogue from the future, reflecting on all the positive change that occurred over the 20 years that followed 2021: "This change was triggered by a number of major pieces of work, written at much the same time, that drew our attention to principles of stewardship, of building communities rather than simply units of housing, of making 'affordable' mean 'affordable'. Indeed, it is puzzling now to think that the need for stewardship and community was ever contested as the economic and environmental benefits of healthy communities and good building practices are now so well documented."

This was Charlie's way of saying that this is not the first time people have spoken up and clearly laid out exactly what needs to happen in order to solve the current crisis. He is of course referring, among other things, to the government's own Commission on the matter – the Building Better Building Beautiful Commission – which recommended that a stewardship delivery model should be unlocked across the public and private sectors.

Rarely has so much time and thinking gone into a recommendation, and yet it has, to date, been deprioritised in favour of planning reform.

Building Better, Building Beautiful recommendation, as taken from the Living with Beauty report:

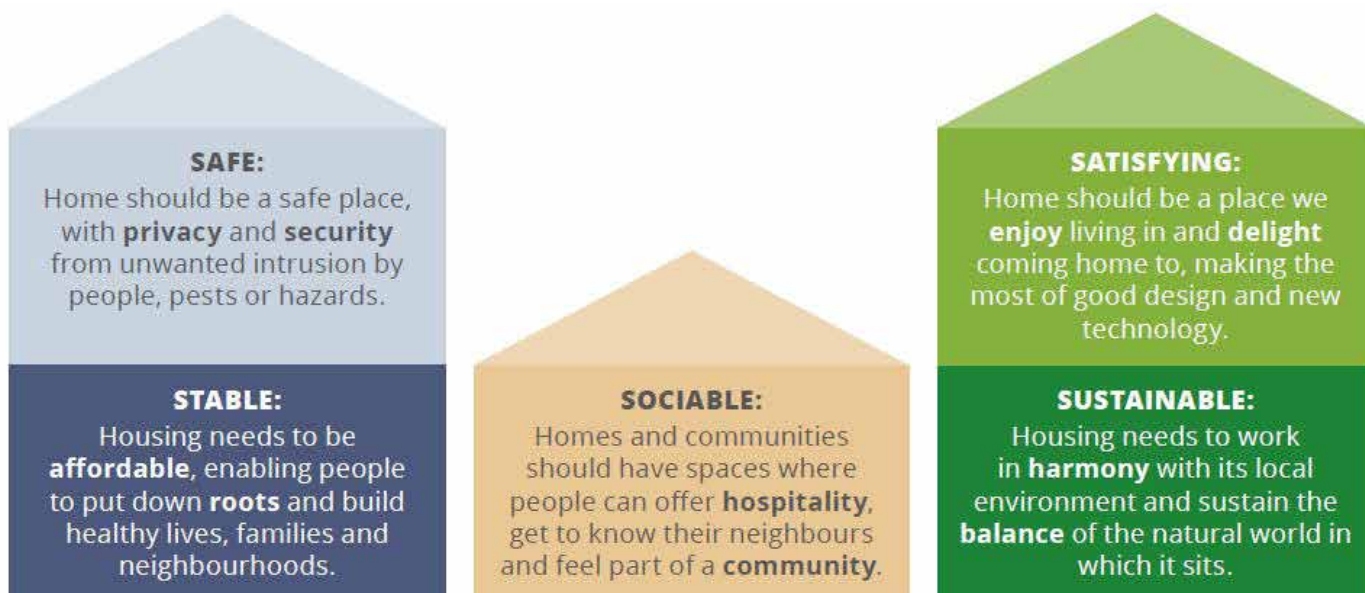
Stewardship: incentive responsibility to the future. Our proposals aim to change the nature of development in our country. In the place of quick profit at the cost of beauty and community, we aim for long-term investment in which the values that matter to people – beauty, community, history, landscape – are safeguarded. Hence places, not units, high streets not glass bottles, local design codes, not faceless architecture that could be anywhere. At present elements of the legal and tax regimes create a perverse (and unintended) bias in favour of a short-term site-by-site approach as opposed to a longer-term stewardship model. To change this we must confront legal and fiscal obstacles at the highest level and create a new 'stewardship kitemark.'



Charles discussing stewardship principles at Welborne Garden Village



Computer generated image from Welborne Park Village



Social value and viability

'Coming Home' concludes that it is probably not possible to address the affordability crisis without some sacrifice. It is not possible to give or share without some personal loss, and so it is for those with a mission – the Church and the public sector – to establish the legislative framework to allow for some sacrifice. It asks that: *"All public land should be used to maximise its long-term social, environmental and economic value, not simply be sold for the highest price. Each acre that contributes its potential social value reduces the need for public subsidy to create much needed affordable homes."*

In its simplest interpretation, this sounds very much like a sacrifice that demands a reform of s123 of the Local Government Act 1972 so that the public sector can lawfully justify disposals at an undervalue beyond the existing cap of £2m relating to social, environmental and economic value. While this amount feels disproportionate to any large-scale development, the Coming Home report makes the very important distinction between value and social value.

We can now assess social value in ways that we couldn't have contemplated only a few years ago. New international accountancy principles have emerged that allow us all to assess social value and provides a mechanism to rethink completely how we assess 'best consideration' [Ed – see Stephen Hill's treatise in this issue of ACES'Terrier]. This opens up all kinds of questions about the roles and responsibilities of the public sector and its ability to further enhance its potential as a force for good in all aspects –

not least addressing the affordability crisis. Incorporating social value in a viability context could help solve this.

And it is quite right that it should. After all, viability derives from the French 'vie' or Latin 'vita' meaning life, and so viable can be defined as 'capable of life', or 'able to exist'. This gives it an existential component that is often forgotten about. An assessment of viability should therefore appraise the societal benefit, or social value.

Imagine what a viability assessment on public sector owned land might look like if it attributed a social value to every component. Would an 'affordable' dwelling be ascribed a greater value than a 'private' dwelling?

Kitemark

'Coming Home', as its title suggests, seeks to discover what it means to have a home. The report defines a home as *"a place that enables us to live in harmony with the natural environment; it is a place we feel safe and secure; it enables us to put down roots and feel we belong to a particular location and a wider community; home is a place that brings pleasure, a place to which we delight in coming home."*

This is a complex equation and cannot be realised through the numbers game that is currently being played. Creating homes has many facets; the 'Coming Home' report suggests that these facets can be realised through compliance with the 'Kitemark', which is being developed by the Stewardship Initiative.

The Kitemark is not a one-size-fits-all approach. It can be reshaped to reflect the specific values of a company, or landowner, local government, or for a

specific project. Whether you want to call it a Kitemark or a Charter does not matter; it is a set of measurable standards that an entity can hold itself accountable to. An example of this can be found in Appendix 2 of 'Coming Home' where you will find a draft Charter for good development under 5 headings: Sustainable, Safe, Stable, Sociable and Satisfying.

Conclusion

'Coming Home' took a first principles look at the housing crisis and made some sensible and logical conclusions. It realised that we will solve nothing by building the wrong homes in the wrong places. Landowners need to think of themselves as stewards and make long-term plans that include delivering truly affordable homes. This will be made all the easier if the landscape presented by the public sector is one that embraces social value and associated accounting principles.

The name 'Coming Home' also evokes returning to 'Home Sweet Home' and encourages us all to humanise housing delivery and approach it with a sense of emotion. This is a gentle reminder of the nuances and complexities involved in creating homes and 'Coming Home' points to the Stewardship Kitemark as a potential means to address this challenge.



Andrew is the CEO of the National Custom and Self Build Association (NaCSBA), the body that lobbies for policy and wider support to boost the delivery of custom and self build homes. NaCSBA's aim is to make custom and self-build a mainstream choice for all those seeking a home of their own. Contact: Duncan Hayes media@nacsba.org.uk

EUROPEAN CUSTOM BUILD

Europe signposts the potential for custom and self build's evolution

Andrew Baddeley-Chappell ceo@nacsba.org.uk

Having attended some of the virtual sessions of the Custom and Self Build Week, I was struck by the stunning and varied examples of new housing in European cities. Andrew agreed to share this, to illustrate the opportunities in the UK. Sadly, I think some of the innovations would challenge our planning laws. The hyperlink to the training sessions is shown at the end of this article.

The opportunities

By lobbying government and working to expand the sector, NaCSBA creates more opportunities for people to build their own home. A major strand of this work is to educate, sharing knowledge with both the public and the industry, as back in May, NaCSBA did with our week of training focused on the Custom and Self Build Action Plan.

When we discussed the challenges and opportunities for growth, we highlighted that one of the issues the UK faces is the limited number of completed innovative projects that truly demonstrate the route's potential. There's plenty of activity taking place right now, but very few people are aware of it.

One of the ways we address this with politicians and professionals is by sharing examples from abroad, to see how other countries deliver custom and self build. We know that the UK remains an outlier in this type of housing, sitting at around 8% of new housing output, while many other Western European countries sit between 40-50% of output (see the graph).

So naturally, Europe's examples act as

signposts for the potential the route has for a range of applications. These are varied and exciting, and many are not dependent on large, detached homes on single plots in the countryside. Instead, they involve multi-plot sites where like-minded people live in communities, instead of anonymous new build estates.

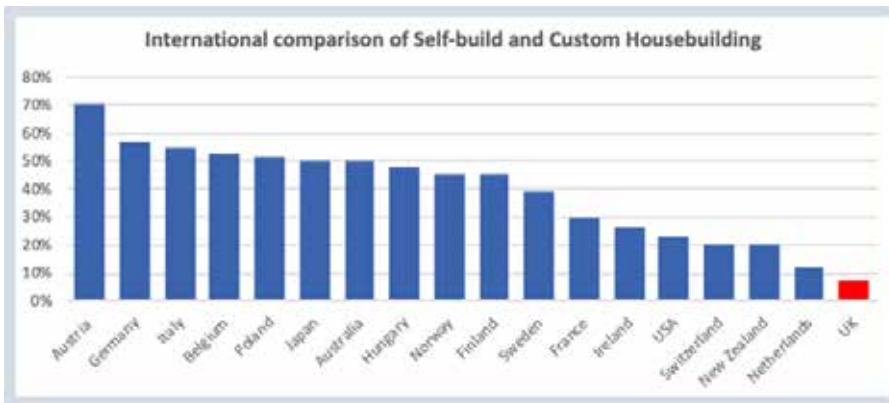
So we thought we would share a selection of projects that illustrate how different approaches to custom and self build can contribute to a new way of building homes, with design, quality and community at their heart.

The Netherlands

While the Netherlands only produces roughly 12% of its newbuild homes as custom and self build, it does showcase a spectrum in innovative approaches.

Escamplaan

The Hague includes a range of interesting projects, such as Isabellaland and Escamplaan. Escamplaan is a custom built square created on brownfield infill, sandwiched between a dual carriageway,



Terraced housing at Escamplaan (Credit: Custom Build Homes)

housing estates and light industry. What makes it notable is that the self build homes reflect a medium-density solution, made up of terraced town houses.

These are designed to their owners' preferences, but to fairly uniform heights and building lines, with the rules for each building set out in a 'Plot Passport', with a design code setting out expectations on a site level.

Part of the city's vision for Escamplaan, which was delivered through its Self Build Programme, was to include a variety of plot sizes to make it more accessible on an affordability front. There was a conscious decision on the site for homes to give up larger personal rear gardens in favour of a central square with play facilities and a pitch, as a shared resource. This central space now defines the development, fostering a real community spirit for the residents and making it stand out from other local housing.

Almere (Nr Amsterdam)

The inspiration for Oxfordshire's Graven Hill, Almere is a municipality outside Amsterdam with a range of self and custom build initiatives, but most famous is Homeruskwartier, which has become synonymous with Almere. Originally enabled by the city council in response to the 2008 downturn in building, it is a large area of 3,400 homes, including 1,500 serviced plots, as well as shared ownership and affordable apartments for self builders/self finish, and also spec-built homes.

Zoning was used to create areas with different levels of planning requirements, including light touch areas that allow greater design freedoms, and even an area where the only restriction is that houses must be innovative (see picture for some examples). Again, design codes set the scene for the entire area, while Plot Passports set the parameters for individual

builds. Land is sold through a Plot Shop in the local town centre - an idea recreated at Graven Hill in its early days.

There are a variety of plots on offer, including for small homes, collective builds and live/work projects, and despite the design freedoms the area reads well as a whole, and, surprisingly, most people build fairly traditionally.

The idea has been extended in Almere Oosterwold, which has even fewer planning restrictions. Here, residents can build whatever they want in a type of 'DIY Urbanism', with a suite of rules framing development rather than a detailed zonal plan. The 4,300 ha. area is organised by residents, right down to infrastructure, and will ultimately have 15,000 homes at a relatively low density.

While it is doubtful we would see such a relaxed vision of custom and self build in the UK, it does show how far the model can be pushed to test the status quo.

The Netherlands has many other innovative examples, from terraced housing in cities, floating homes at Schoonschip, self finish apartments, such as the Black Jack Apartments, and self-refurbishment projects in renovated buildings, such as old estates or schools, like Noordwal 117.

What the Netherlands teaches us is that, as a nation, we should be able to make room for experimental pilots that champion new ways of building. This doesn't have to mean design freedoms, but rather can refer to new models of delivery. This is especially pertinent for us as nation, as from government to villagers, many people are unhappy with the dominant form of large-scale estates of poorly designed red-brick homes outside development boundaries [Ed – you can say that again!!].

At NaCSBA we believe that custom and self build offers a different way for smaller, and more palatable, forms of development that feel more organic, and there should be space for this in our housing landscape.

Inspiration from Germany

But it's not just the Netherlands that we can learn from. With more available land to build on, Germany and Austria have a strong tradition of self building detached housing, and this has evolved to deliver large show home parks.

Scattered across the country, these parks showcase different homes from a range of



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Floating self build homes in Schoonschip, Amsterdam (Credit NaCSBA)

These show home parks have anywhere from a few to over 20 homes set out as a typical housing estate, and they have become destinations in themselves for local day-trippers, as well as those planning to build. Buyers can then pair up their plot, bought separately, with a home design, which they can then tailor to suit individual preferences.

applied more widely in the UK, as this truly helps people understand what the model can deliver.

Single show homes do exist in England for self build package companies, such as Huf Haus and Oakwrights, and some you can even book to stay in, to experience the home before you commission one. There's also an entire house built in the National Custom and Self Build Renovation Centre in Swindon, while Potton has a 5-home park just outside Cambridge, and hopefully more will be built.

The training sessions around the Custom and Self Build Action Plan are available for free, visit <https://nacsba.org.uk/cpd-2021/>





CONCRETE 3D HOUSING

The history of 3D-printing houses

Fernando Collado Lopez fernando.collado.lopez@planningdesign.co.uk

Although never likely to be a mainstream method (but you never know – and remember you first read it here) Fernando explains how to make a concrete home by 3D-printing, and promotes – with a touch of humour – the varied uses of this potential recycled material.

Fernando is an ARB registered architect who joined Planning & Design Practice in February 2019.

After qualifying in 2010, from the University of Seville, Spain and having studied at the Fakultät für Architektur und Landschaft in Hannover, Germany, Fernando moved to London. He has worked mainly in the private sector, in the UK as well as in Spain and the USA, on high-rise residential, education, religious, and retail projects. He is passionate about urban planning, sustainability, passive architectural design, energy efficiency and landscape architecture.

Currently, Fernando is working on a variety of vernacular and domestic projects, working closely with clients and the architectural, planning and conservation team at Planning & Design Practice Ltd. Bringing buildings back into use in a way that meets clients' current and future needs, as well as those of the wider community and the environment, is his aim when approaching any new challenge. He has a strong interest for the multiple aspects of the design process.

In 2018 a French couple became the first people in the world to live in a 3D-printed home. As with many of the first forays that have been made into 3D-printed homes, this was a social housing project: a collaboration between the town council of Nantes and Benoit Furet at the University of Nantes, France. Since then, homes have been built - and lived in - in many locations around the world, including the Netherlands, America and Dubai. There are now even 2-storey homes under construction, such as one being built near Dortmund, Germany. However, despite many of the pioneers of the 3D-printing of homes being socially minded and working in collaboration with not-for-profit housing organisations, this has yet to make a significant impact on the world of social housing in general.

How do you 3D-print a home?

The process of 3D-printing with concrete has been compared to using a giant tube of icing! The concrete used is a specially adapted, lightweight and foamy mixture, which is perfectly suited to creating curves and geometrically complex components. A large 3D-printer builds up layers of concrete to create the walls of the house, with only a small crew operating the machine. Rather than the traditional period of several weeks it takes to build a family home, a 3D printer can get the job done in under 2 days.

Current developments in 3D-printing of homes

The world of 3D-printed homes is a fast moving one, not only in the speed at which a building can be made, but also in terms of innovation and ambition. Hubs for 3D-printed homes have appeared in Austin, Texas and also Dubai, which intends to create a quarter of new buildings using 3D-printing by 2025 as it strives to be the world leader in this new type of construction. This initiative was created to promote the United Arab Emirates and Dubai as the technological centre for 3D-printing for civil construction, and it can be expected to be followed by many others in the future.

3D-printing also offers great affordability and speed. In 2018, the San Francisco startup company Apis Core successfully built a 38 sqm unit in a single day. The process cost around \$10,000 USD, which brings the building costs to approximately \$264/sqm. Their system does not require assembly as with other 3D alternatives, which makes the process cheaper and more efficient.

However, some minimal human input is still essential, as the wall construction requires a person to install certain components like wall ties and loose insulation, as well as with the formation of structural opening, windows, doors, etc. within the walls. And weather-wise, they have also found solutions to build even at freezing temperatures, where traditional construction is normally halted.

In Austin the pioneering company ICON, founded in 2017 with the aim of radically changing the housing industry and helping to solve the global challenge of having adequate shelter for all, created an entire neighbourhood of low-cost 3D-printed houses in Tabasco, Mexico, in partnership with the non-profit organisation New Story. The prototype cost around \$10,000 for the 3D-printed home, but the company says that it's working to get it down to just \$4,000, and the estimated construction time for the 3D printed ICON house is an impressive 24 hours.

3D construction pros and cons

Some of the pros and cons of the method:

Pros:

- Lower margin of error as most of the work is done by software and machines
- Lower cost (currently around 20% less than traditional methods)
- Speedy construction process, days rather than months or years
- Possibility of using ecological materials, including sand and recyclables.

Cons:

- The foundation, plumbing, doors and windows need to be manufactured and installed separately (the first inhabited 3D-printed house took 54 hours to be printed, but it took another 4 months for it to be completed)
- High initial investment: purchasing 3D-printing machinery is expensive
- Lack of a qualified workforce
- The technology does not yet allow for very high buildings to be built.

3D-printing - a solution to the world's housing crisis?

Across the globe, governments and local authorities are striving to build homes for growing populations. The American charity, Habitat for Humanity, estimates that 1.6bn people around the world have inadequate shelter. The social housing sector is synonymous with affordable housing, where the state and not-for-profit organisations build homes as efficiently

and cheaply as they can. Although some significant steps in the 3D-printing of homes have been made with social housing as their aim, some commentators are sceptical that this will become the norm anytime soon, citing the prohibitive cost of investing in the necessary printers as being a key barrier. It would seem that a lack of familiarity and trust in 3D-printing is also an issue.

3D-printing also offers a viable option where natural disasters have left thousands of people homeless. It can be used quickly to rebuild homes and infrastructure. There are now several 3D-printed pedestrian bridges around the world: the world's first - a reinforced concrete bridge in Madrid, Spain; a steel bridge in Amsterdam, Netherlands (the very first to be commissioned, but not built until after the Madrid one!); and the longest in the world - Shanghai's 86 feet long, concrete bridge in China. Shanghai cannot rest on its laurels, however, as the Netherlands currently has a new contender for the world's longest bridge under construction. It seems the 3D-printing of bridges is gaining ground as more projects are under way across the globe, from Europe, to Africa, the Middle East, the USA and Australia.

Out of this world - 3D-printing structures on the Moon and Mars

Over the past decade, many architects have turned their thoughts to 3D-printing and specifically to creating buildings for use on the Moon or Mars, rather than Earth, many encouraged by NASA's '3D-Printed Habitat Challenge', which began in 2015 and culminated in 3 US-based teams sharing the prize-winners' money in 2019. The competition was to build a 3D-printed habitat for deep space exploration, including missions to the Moon and Mars. NASA's stated aim was to 'advance the construction technology needed to create sustainable housing solutions for Earth and beyond'. The hopes were for advancements that would have positive effects on affordability of the building of houses back on Earth too.

The issues faced by those wishing to build any structures upon the Moon or Mars include the cost of transporting materials and the availability of engineers on-site to build the structures; 3D-printing overcomes these problems, particularly if local materials can be used. The

eventual winner of NASA's competition, a collaboration between the New York-Based SEArch+/Apis Cor featured a design for a 3-metre high module, composed of biodegradable and recyclable basalt derived from natural materials found on Mars, popular with the judges because of its use of local materials.

Back in the UK, Fosters +Partners have also explored building on both the Moon (in a 2013 collaboration with the European Space Agency), which looked at using regolith (lunar soil) as a building material to be 3D-printed from, and also entered the NASA competition with a 3D-printed 4-person houses made of rocks found on Mars (2015).

Industry leaders in technology construction, ICON, has been leading the way in recent explorations into space, based on 3D-printing. The CEO, Jason Ballard, has been named one of Time magazine's 'Next 100' in the innovators category for his boundary-pushing work on 3D-printing homes, combining his love of conservation biology with now being a technology construction pioneer. It is in fact, IKON, which has received funding from NASA as part of Project Olympus and is now expected to be the very first company to build a 3D-printed structure on the moon. Ballard is clear about the link back to Earth, however: "The very same technology that's going to allow us to address our housing challenges on Earth are the very things that are going to allow us to venture off to a new world."

The future of 3D-home construction

If we add to the recipe the options that offsite construction and Modern Methods of Construction can offer, delivering fast and efficiently more intricate and elaborate assemblies, e.g. bathroom pods, kitchens, etc, one can imagine this as an opportunity for the industry to align with the seamless and efficient production line of, let's say, car manufacturing, where the final product can benefit not only from craftsmanship, but from rigorous quality control, machine assembled parts and Artificial Intelligence support.

These could marry together perfectly, laying the foundations in the near future of a prosperous new era for the UK construction industry, as well as a big push for the UK housing stock, meeting housing and carbon emissions targets with the right energy efficient designs, and create new social housing built by local authorities.



Rob is currently the Programme Director of the Future Parks Accelerator programme for Cambridge and Peterborough. He was previously at the Landscape Institute (LI) where he oversaw the creation of the Parks and Green Space Network, following the transfer of The Parks Alliance into the LI, whose mission is to provide a voice for all those who enjoy and work in parks and green spaces across the UK. Rob worked with the Parks Action Group and across national government and the greenspace sector, to produce the national business case for parks in England: Making Parks Count <https://www.theparksalliance.org/making-parks-count-the-case-for-parks/> aimed at securing long term investment for parks.

Prior to joining the Parks Alliance, Rob held senior positions in the social enterprise, public and private sectors. Most recently he was a Director at the School for Social Entrepreneurs

MAKING PARKS COUNT

Natural capital accounting

Robert Pearce Robert.Pearce@cambridgeshire.gov.uk and Matthew Bradbury Matthew.Bradbury@neneparktrust.org.uk

Readers will recall that 2021 Spring Terrier featured several articles illustrating the importance of parks and open green spaces as essential infrastructure. Rob and Matthew bring home these arguments through the concept of natural capital accounting: “parks are essential civic infrastructure assets of considerable value that deliver exceptionally good returns in the form of natural benefits for local well-being and the environment.”

Green infrastructure

The C-19 pandemic underlined how important parks and green spaces are to our health and well-being. They are a lifeline for many, providing open space and fresh air to connect us to others, help us get through lockdown, but also introduced many to the mental health benefits of just connecting with local nature of many different shapes and sizes. As the country begins to emerge from lockdown, the importance of access to quality open space has become a priority, not just to mitigate the impact of the pandemic (that will be with us for many years to come) but also because its many benefits from restoring nature to tackling climate change have become more visible.

At the same time, the government has said it aims to Build Back Better levelling up the UK economy, boosting regional economic growth in the Midlands and the North, with huge plans to invest hundreds of billions of pounds in infrastructure to improve the well-being of people living in poorer areas and narrow the productivity gap between England's regions. But there is a risk that we see infrastructure as just roads, rail and waterways - as merely bricks and mortar - and don't include civic infrastructure - the parks and public spaces that make places attractive to people, provide social spaces that connect people but also spaces to improve health, restore nature and tackle climate change.

There are now a vast array of new place-

based programmes and initiatives aimed at driving local economic and productivity growth through investment in local assets including the Shared Prosperity Fund, the Levelling Up Fund, the Towns Fund and the Future High Streets Fund, and no doubt more to come. Rightly all need a focus on delivering the best economic return for local places - but this can't only be purely an economic one.

Roads, bridges, town centres and potholes are not the only problems that need to be fixed in 'left-behind places'. Ten years of austerity have left these communities with familiar social problems related to deprivation, including poor public health, degraded environments and civic infrastructure, and disconnected communities.

When investment decisions are being made, whether they be about regional or local infrastructure, they need focus on the programmes and projects that deliver the best return - and not only economic. Well-planned infrastructure spending can also deliver essential social and environmental returns, helping tackle local priorities for health and well-being, the environment and local communities. Places should consider where they can achieve the most public value from the investment going in.

Public parks

One of the smartest investments is to restore the civic infrastructure of these

and prior to this the Head of Corporate Projects at idverde UK, the largest green space service provider in Europe. He has also held roles in local government and the public sector and has lectured on regeneration at University College London, Kings College London and at Politecnico di Milano University in Milan, Italy, as well as contributing to books such as 'Imagining The Future City: London 2062' (Ubiquity Press 2013).

Matthew joined Nene Park Trust (one of the largest independent Parks Trusts in the UK) 6 years ago as their Chief Executive and has chaired The Parks Alliance for 5 years. He is passionate about the environment and the benefits that it provides; he has held senior roles at the Land Trust and Norfolk Wildlife Trust. Before 'seeing the light', he ran the family farming business and worked for over 20 years as a consultant advising on land management, conservation, sustainability and public access.

At Nene Park, Matthew has worked with his team and 're-master planned' the extensive landholding, property portfolio and activities, and is busy implementing a new 10-year strategy entitled 'Doing More with More.' As well as taking an active role with The Parks Alliance, Matthew is a Board member of Natural Cambridgeshire, the Cambridgeshire Local Nature Partnership, Vice Chair of the Broads Authority, a Council Member of the LI, a Trustee of Metal, a Trustee of Living Sport and Chair of the Peterborough Towns Deal Board.

places and especially public parks. Research by Natural England during the C-19 pandemic showed that local parks were valued even more than ever; they recorded record breaking visits by existing users, as well as new visitors. The benefits of our parks for our health and well-being, protecting the environment and tackling climate change were also underlined, with government and policy makers continually promoting green space and its multiple benefits. These benefits flow from our parks because they are made up of natural and semi-natural spaces that make up a stock of natural capital, providing solutions for likely post-C-19 policy problems, especially those related to public health and access to the outdoors. Research has consistently shown that if you regularly use your local park, your physical and mental health is better. Meanwhile the trees and vegetation in the park are busy capturing carbon, cooling the temperature, and reducing air pollution, simultaneously tackling public health and climate change – two of the biggest challenges facing government.

But a decade of austerity has seen investment in our civic infrastructure such as libraries, parks and public spaces neglected, with spending being slashed by over 40%, according to the Institute for Fiscal Studies. For many parks' services, the cuts were even deeper. The value of developer contributions towards open space fell by £100m between 2006 and 2017, according to the Ministry of Housing, Communities and Local Government's report on the impact of the Community Infrastructure Levy, and the total proportion of urban green space in England has declined by 8% since 2001, from 63% to 55% in 2018.

The result is a significant loss of benefits to the very communities the government's infrastructure plans aim to help. So how can future infrastructure investment recognise the true value parks deliver?

Natural capital accounting

The answer lies in how they are valued and how they are paid for. Firstly, the natural benefits that parks provide are often seen as 'free gifts', meaning they get taken for granted. Without a way of understanding their true value, investment in parks and their maintenance is not prioritised. Secondly, parks are largely paid for by local authorities and consequently, have

to compete for resources alongside other services that have direct and measurable beneficiaries (older people, children etc). Parks are often just seen as a cost.

Natural capital accounting is beginning to change this outlook in providing a consistent way of valuing the benefits of parks (and wider green infrastructure), exposing their true economic, social and environmental value for decision-makers, and exposing the associated estimated returns for local communities.

For each £1 spent by local authorities and their partners on public parks, Londoners enjoy at least £27 in value, according to the Greater London Authority's report on natural capital accounts for public green space, 2017. London's parks also prevented health costs of £580m per year and mental health costs of £370m per year. The health benefits of London's parks amount to 20% of their total economic value; as such the total asset value of London's parks is estimated to be £91bn.

According to the Birmingham Health Economic Assessment & Natural Capital Accounts report, each £1 Birmingham City Council invests in its parks and green spaces returns over £24. The annual net benefit of Birmingham's parks and green spaces to society is nearly £600m. Parks and green spaces managed by Birmingham City Council store more than 573,000 tonnes of carbon, equivalent to 2.1m tonnes of carbon dioxide, with a value of £221m. The total asset value of Birmingham's parks is estimated to be £11.4bn.

Across all of England the health and well-being benefit of parks is calculated to save the NHS at least £2.6bn every year.

With natural capital accounting, parks are essential civic infrastructure assets of considerable value that deliver exceptionally good returns in the form of natural benefits for local well-being and the environment. But as critical assets, they need ongoing investment and good maintenance to continue to do so. That has been sadly lacking.

The prime minister has already hinted at changing the Treasury rules on major infrastructure spending, to ensure government has the ability to allocate funding on improving the well-being of people living in poorer areas, as well as driving economic growth. The government response to the recent Dugupta Review was positive and sets in train a number

of actions aimed at changing the way in which we account for the natural environment, aimed at ensuring a more complete view when balancing social, economic, and environmental considerations in decision-making. This should encourage those making policy decisions to do so with the full knowledge of the true value of parks to their local

communities and the returns they deliver in terms of public value.

Natural capital accounting can help us make better decisions by illustrating how parks are a smart investment when compared to other public assets. Not only are investments into parks relatively inexpensive compared to grey infrastructure, they also deliver on key well-

being priorities for local communities and help tackle climate change.

In responding to the C-19 pandemic, the focus on Levelling Up and regional and local infrastructure spending provides a great opportunity to reverse the trend in recent years of under-investment in these critical civic assets, and reinforce the message

MATERIAL VALUATION UNCERTAINTY

The RICS Material Valuation Uncertainty Leaders Forum update on 11 May 2021

Chris Brain chris@chrisbrainassociates.com

Chris sent this important alert to ACES' members involved in undertaking asset valuations for financial accounting.

I am issuing this alert, as I have picked up that not everyone was aware of it.

The latest forum recommends that material valuation uncertainty declarations are no longer required. This update lifts the recommendation that material valuation uncertainty clauses

should be included in the valuation of assets valued with reference to trading potential, including leisure and hospitality assets such as hotels.

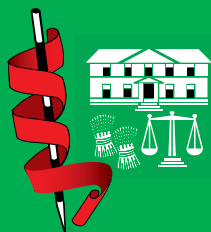
Does this mean that material valuation uncertainty clauses are dead?

Discretion in all cases remains with the

valuer. But, if you are going to continue the inclusion of such clauses in your asset valuations, then you will need to include a robust explanation as to why you have done so, or else expect to be probed on it during audit.

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ASSESSING VIABILITY IN PLANNING

The Practical Application of the RICS Guidance Note

Jacob Kut jacob.kut@avisonyoung.com

Jacob joined Avison Young in 1989. He is a Principal/Senior Director in the Valuation Consultancy Team based in our London office, leading a team providing valuation and viability advice. Jacob was on the working group that produced the recently issued RICS GN. Jacob advises on the valuation of investment and development properties and in the appraisal of large scale residential and commercial development schemes for a variety of purposes, including accounts, viability and loan security. He also specialises in the valuation of public sector assets for accounts purposes.

Jacob undertook his first viability instruction in early 1990 and since then has gained extensive experience in advising on viability matters, including affordable housing provision in mixed use schemes at the pre-planning stage, as well as acting as an Expert Witness. He also advises in disputes over review mechanisms and acts as an Independent Expert. He has presented talks to ACES members over recent years, both at these Espresso Briefings and at the ACES National Conference in Cambridge a few years ago.

Jacob kindly agreed to write this article, after having presented on this topic at a recent Espresso Briefing. It clarifies the new requirements for assessing financial viability for development applications. “...this guidance emphasises throughout that price paid cannot be used in a viability assessment to reduce developer contributions. Nor can price paid be used as a justification for failing to accord with plan policies.”

On 31 March 2021 the RICS released a new Guidance Note (GN), entitled ‘Assessing viability in planning under the National Planning Policy Framework 2019 for England’. It is effective from 1 July 2021.

History

This new RICS Guidance Note replaces the 2012 GN on financial viability in planning. It operationalises the Planning Practice Guidance issued by MHCLG (PPG) (last update September 2019).

This new guidance also follows hard on the heels of the RICS professional statement of May 2019, entitled ‘Financial viability in planning: conduct and reporting’ (referred to as the Professional Statement). This article does not address the issues in the Professional Statement. However, it is a useful starting point for readers as it references how we should take instructions, as well as the inputs we should be reporting, which is expanded upon in the new Guidance.

The new Guidance Note

Context

In deciding the content for this article, I have decided to address purely the

practical aspects. I have therefore focused on the development management stage, rather than plan making, and set out those topics/issues that should be addressed in a Financial Viability Assessment (FVA).

The context as always is an important starting point. The RICS GN operationalises the PPG. It has been produced to assist practitioners. While the government’s approach shifts the focus of viability assessment to plan making, I address the site-specific considerations below, in the circumstances that a FVA is still required.

As in the PPG, this guidance emphasises throughout that price paid cannot be used in a viability assessment to reduce developer contributions. Nor can price paid be used as a justification for failing to accord with plan policies.

Undertaking FVAs now falls within the ambit of the RICS Valuation - Global Standards (the Red Book), with the NPPF and PPG being authoritative requirements – in effect, valuation based requirements in the PPG take precedence over any other valuation basis or approach set out in the standards. It follows from this that as viability advice sits within the Red Book, the full suite of other RICS Guidance material to evaluating development properties also applies, including:

- Comparable evidence in real estate valuation, 1st edition, October 2019
- Valuation of development property, 1st edition, October 2019.

Reflecting the PPG, we apply the government prescribed approach to assessing the Benchmark Land Value (BLV). The basic viability principles remain the same. We assess the BLV, comprising the Existing Use Value (EUV) plus a premium, or the Alternative Use Value (AUV). A residual based approach is generally adopted with sense checking against land transactions – expanded on below. It follows the ‘hurdle concept’, in that the residual value of a proposed scheme has to exceed the BLV to be deemed viable and able to provide the planning obligations sought.

The five key components

All FVAs have to address the following – I have adopted the steps identified in the GN:

1. EUV – Step 1
2. AUV – Step 2
3. The +/-the premium – Step 3
4. Policy compliant site value - residual method - Step 4
5. Policy compliant site value - comparative method – Step 5.

Step 1 – Existing Use Value

This is the primary approach to the assessment of the BLV. As the GN notes at para 4.1.4, the EUV should be informed by market evidence of current uses, costs and values. The GN addresses the detail and considerations to be considered in deriving the EUV in the main document, as well as Appendix B. In practice, there are several challenges to address in assessing the EUV. Comparable evidence may need to be adjusted to reflect the following:

- Ignoring the future prospect of development
- Taking account of permitted development or change of use within the same planning use class (may result in an AUV)
- Adjusting yield evidence for hope value in other transactions

- Adjusting the evidence to reflect that the transactions relate to yields achieved in the open market, which may not equate to the EUV. In practice, investment properties for example, do not change hands at EUV levels. The assessor would need to be satisfied that there is no double counting in applying a market yield and then a premium
- Consider the requirements to comply with the Disability Discrimination Act and Energy Performance Certificates which may suggest adjustments need to be made to the EUV.

Step 2 - Alternative Use Value

The GN provides detailed guidance on the assessment of the AUV and for the most part this is straightforward. You are looking to establish the value of the site for uses other than the existing use. This AUV must satisfy the following tests:

- That it would comply with up to date development plan policies (unless you are valuing an extant consent capable of implementation)
- That it can be demonstrated that the alternative use could be implemented on the site in question
- That it can be demonstrated there is market demand for that use
- The applicant can explain why the AUV is not being pursued.

If valuing an extant consent, you still have to address why the scheme is not coming forward.

Ultimately, the weight attached to the AUV is for the decision taker, being either the local planning authority, Planning Inspector, or any other entity required to make decisions based on the evidence.

Step 3 - Informing the premium

The evidence base for the premium above EUV is set out at paragraph 016 in the PPG. This is the main area where the PPG overrides the general hierarchy of evidence, by placing land transactions below that of other evidence specified in the PPG.

The GN references that we can look at market evidence of other BLVs from other viability assessments. The evidence must

be adjusted and Chapter 5 and Appendix D of the GN addresses this. Adjustments include, among others:

- The circumstances and factors considered in determining the EUV and premium within each comparator
- The relevant policy considerations
- The date of the BLV assessment
- Condition of the property
- Site constraints etc.

Points to note are that there is no standard amount for the premium – it is simply the reasonable incentive for a landowner to bring forward land for development, while allowing a sufficient contribution to fully comply with policy requirements. Too much reliance is in my view placed on fixed percentage uplifts, without justification.

In practice, this means the assessor will need to review at length the paperwork relating to the establishment of the BLV on each comparable, weigh up the merits of each comparable, and adjustments made. It is also conceivable that you may not agree with the quantification of the BLV in the comparables or find deficiencies in the assessment. The challenge remains that at present not all FVAs are available, or the paper trail leading to the BLV assessment of comparables is incomplete; however, over time I would expect this to improve.

Reference can also be made to land transactions as a cross check to the other evidence, and the GN notes that many of the same adjustment factors considered for the BLV evidence apply equally to land. Accordingly, land evidence needs to be adjusted to ensure it is compliant with up to date planning policy, including affordable housing. The weight attached to this evidence will depend on the quality of information available. Key aspects are to differentiate between transactions with and without planning permission.

Finally, there is the issue of sunk costs which is addressed in the GN and the extent to which this should be reflected in the premium. Logically, sites where costs have been incurred to bring the project forward and which may have reduced the EUV should be balanced by a more significant premium to account for this, compared to sites where no work has been undertaken.

Step 4 - Policy compliant residual

The GN requires the assessment of the residual value of the site, assuming the actual policy requirements to be used as a cross check against the EUV+. This has always been a logical step from my perspective and is now a requirement. Too often this is not assessed, or the assessor goes straight to an answer without illustrating or explaining why the policy compliant position does not work (if that is the case).

Step 5 - Land transactions cross check to inform the BLV

This step involves reviewing land sale evidence and adjusting that evidence for policy compliance. The PPG notes that this approach is simply a cross check and is not the primary determinant of the BLV. The GN notes that where adjusted land prices are different from BLVs, this could be indicative of assumed appraisal inputs adopted that are not being applied consistently across the market and FVAs. Hence the mandatory requirement for sensitivity testing of major inputs.

Reporting the BLV

In terms of reporting requirements, this is addressed in the RICS Professional Statement. Reports must include the following:

- EUV
- Premium
- AUV (where it exists) and
- Market evidence and all supporting considerations, including evidence of BLVs from other FVAs, assumptions and justifications.

The proposed scheme appraisal

Having established the BLV, the assessor then goes on to consider the appraisal of the proposed scheme. The GN references the 'Valuation of development property', sections 6.1, 6.2 and 6.3 and Appendix B, which details best practice when applying both basic residual and cash flow residual methods of valuation. This article does not explore this aspect in detail, but it is best practice to justify and explain

each appraisal input adopted, either by reference to comparable evidence or market facing metrics. The more robust the evidence for the appraisal inputs, the stronger will be the case being considered. Certain appraisal items are often adopted as standardised inputs, but it is important to relate those inputs to the scheme under consideration and reflect on their validity. There may be reasons why those standardised inputs need to be adjusted upwards or downwards.

Concluding the FVA

Outturn results for FVAs are often presented on one of two bases:

- a. The outturn profit percentage return, adopting the BLV as a fixed land value. This enables the profit metric to be compared with market return requirements. If the scheme outturn exceeds the target return, the scheme is viable and vice versa
- b. The outturn residual value – enabling comparison with the BLV. If the BLV is higher, the scheme is not viable and vice versa.

It is mandatory for the conclusions to be sensitivity tested. It is sometimes the case that marginally non-viable schemes do not require much movement in inputs to reach viability and the decision taker will want to be aware of how sensitive a scheme is to becoming viable.

Once the assessor has concluded a viability position, the work does not stop there – it is necessary to undertake a 'stand back' assessment as detailed below, to confirm the viability conclusions reached.

Stand back assessment

The Financial viability in planning professional statement describes the stand back as:

'Following a detailed component review of the inputs into an FVA and running the appraisal, to stand back is to consider the output(s) objectively, and with the benefit of experience, given the complexity of the proposed scheme. This may often be assisted by reviewing the sensitivity analysis.'

Section 2.3 of Valuation of development property, RICS guidance note, in particular paragraphs 2.3.2 to 2.3.6, gives additional advice on weighting evidence and

sense-checking the results. It advises that best practice avoids reliance on a single approach or method of assessing the value of development property, and highlights that valuations are normally undertaken in two ways:

- The residual method
- The market comparison approach

This is more than just a sense check. It involves reviewing evidence of land sales, ideally with a similar mix to the scheme just appraised and comparing that land evidence to the appraisal outturn. At the end of the day, when undertaking an appraisal of a scheme, the assessor is looking to establish the value of the site with a planning permission in place. That is the underlying assumption when undertaking a FVA.

It follows that to ensure the outturn is robust, the only avenue open to the assessor is to compare the appraisal results to land sales. If your appraisal appears inconsistent with the land evidence, then you are obliged to revisit the inputs robustly to test the scheme's viability. It is my experience that these stand back assessments often lead one to re-visit the appraisal inputs as they signal that the market is taking an alternate view on key appraisal inputs. The divergence can either be addressed by amending/reviewing key inputs and adjusting one's conclusions, or undertaking sensitivity analysis to inform a revised opinion.

Conclusions - BLV v Market Value

I conclude with a few observations on the issue of BLV versus Market Value. This question often arises in viability:

- The definition of BLV (EUV plus a premium) does not match that of Market Value ('the estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion' - RICS Valuation – Global Standards)
- BLV is not a price paid in the market - it is the minimum return at which

a reasonable landowner would be willing to sell. This is in contrast to the Market Value definition above

- Market Value reflects either the residual approach and/or market evidence of land/property sales
- BLV is EUV plus a premium – land

evidence is reduced in the hierarchy of evidence to a cross check

- Market evidence of land sales has to be adjusted to reflect policy compliance.

In conclusion, the new RICS Guidance operationalises the Viability PPG and NPPF and brings viability assessments under

the RICS Valuation – Global Standards requirements. Combined, this provides a more rigorous approach to assessing scheme viability, requiring greater examination and sensitivity testing of appraisals outturns, in relation to the assessment of both scheme appraisals and benchmark land values.



Simon is a chartered surveyor and Registered Valuer and has been at JLL for almost 25 years. He is a Director and Head of UK Public Sector Valuation and has worked closely with a larger team to deliver valuations to local authorities, universities, colleges and NHS trusts. Simon has recently been working closely with CIPFA to deliver its online training programme, including the Certificate in Asset Valuation course which ran in May 2021, with a new cohort due to start this September. In addition to valuations, he is part of JLL's Building a Better Tomorrow initiative which seeks to promote and deliver sustainable property solutions, and is involved in the valuation of Net Zero Carbon developments, an initiative which he is passionate about.

INVESTMENT VALUATIONS

The rent and yield approach

Simon Cullimore Simon.cullimore@eu.jll.com

When I saw this paper, although it was written to help accountants to understand the 'dark art' of valuation, I thought it would also be useful to the other professions and elected members whose councils are involved in buying assets as investments. My thanks to JLL and CIPFA for allowing me to publish this article.

While DCF (explicit) valuation models are used in some property sectors, and the level of understanding and adoption is growing, the majority of investment valuations undertaken for an authority's assets will adopt the rent and yield approach, being a growth implicit method.

The approach uses comparable evidence of lettings to determine Market Rent, and investment sales to determine yield.

An investor's thought process

An investor in the open market will set their target return for buying investments. While this will depend on their own personal circumstances and wider economic factors including interest rates and the availability of debt finance, if we assume a wider pool of willing purchasers, then the asset specific target yield will be influenced by a wide range of factors, including:

- The quality of the location (macro and micro)

- The quality of the physical asset (specification, flexibility, condition)
- The strength of security of the current income (tenant quality, length of lease)
- The strength of the occupational market, including re-letting prospects and the forecasts or perception of future levels of growth. (This latter point is what makes the method growth implicit – if an investor expects a high level of future rental growth, then they will bid a lower yield now, and vice versa).

To use an example, if an investor looked at an office producing a rent of £8,000 p.a. and decided that their target return (or all risks yield) was 8%, then they would pay £100,000 to purchase it and therefore achieve their annual target income return.

Turning this round, they would pay a multiplier equivalent to the reciprocal of the yield (in this case $1/8\% = 12.5$) - £8,000 p.a. multiplied by 12.5 results in a price/value of £100,000. This is the calculation of 'Years Purchase' in perpetuity; a freehold investment is usually capitalised into perpetuity.

Investment valuation – first principles

A valuer will analyse comparable transactions to determine the yield paid by investors on other properties. Using the previous example, if the adjoining office building were being valued, then with all other things remaining equal, the rent can be capitalised at the comparable yield to arrive at a value of £100,000.

Sadly, it is rarely that straightforward, and the assets which are being valued will not be identical to the comparables. Therefore, a valuer must use their judgement to adjust comparables to reflect differences in, for example: location; size; quality of accommodation; covenant strength of tenant(s); and lease length.

Remember that a better quality investment will be viewed as less risky by an investor and therefore their target yield (return) will be lower, and the multiplier higher. Conversely, an inferior, riskier asset will have a higher yield.

Similarly, an investor will accept a lower yield now if they think that the Market Rent is higher than the current rent and therefore their future return will be higher.

Types of yield

The word 'yield' is often used as a catch-all term, but there are a number of different types of yield which an investor or valuer can consider.

Initial yield

As the name describes, this is the yield (return) based on the current rent, divided by the price/value. On the previous example, it is £8,000 divided by £100,000, giving 8.00%.

Reversionary yield

This is the yield (return) based on the Market Rent, divided by the price/value. If the Market Rent is identical to the current rent (it is 'rack rented') then the reversionary yield will be identical to the initial yield. However, using the same example again, if the Market Rent is £10,000 p.a. (the asset is 'reversionary'), then the reversionary yield will be £10,000 divided by £100,000, giving 10%.

Equivalent yield

The equivalent yield is the weighted average of the initial and reversionary yield. It is the yield which can be applied to all parts of the cashflow to produce the value.

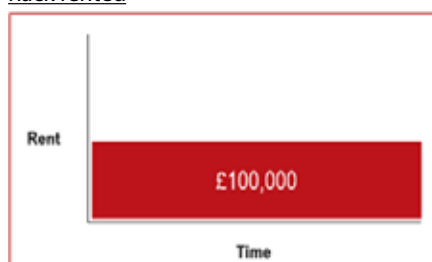
If we have a cashflow where there are prospects for growth (the Market Rent is higher than the current rent – it is reversionary) then the equivalent yield will be between the initial and reversionary yield.

It is the average yield/return which an investor will require from a purchase.

Investment valuation examples

Using the examples from the presentation, 3 main scenarios of investment valuation can be considered as follows. These adopt the 'hardcore and topslice' methodology.

Rack rented



The property is let at £100,000 p.a., and the Market Rent is £100,000 p.a. Based on comparable sales, the yield applicable for a rack rented investment is 7.5%. Therefore:

The calculation will be:

Current rent	£100,000 p.a.
YP in perpetuity @7.5%	13.3333
Market value	£1,333,333

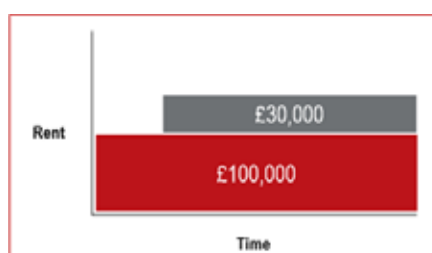
The multiplier is 13.3333, being $1/7.5\%$.

Given that the property is rack rented, the initial, reversionary and equivalent yields are all 7.5%.

Reversionary

The same property is let at £100,000 p.a., but the Market Rent is £130,000 p.a. and this can be achieved at the time of the next rent review in 2 years' time. We can adopt the same yield of 7.5% to the current income, with the reversion in 2 years' time capitalised at 8.5% with the 1% premium to reflect greater risk.

The calculation will be:



Hardcore

Current Rent	£100,000 p.a.
YP in perpetuity @7.5%	13.3333
	£1,333,333
Topslice	
Reversion	£30,000 p.a.
YP in perpetuity at 8.5%	11.7647
Deferred 2 years at 8.5%	0.8495
	£299,823
Market value	£1,633,156

The topslice is deferred 2 years as this income cannot be received until the time of the rent review. The deferral is based on the principal of the 'time value of money'; an investor will pay less for a future receipt than a current one.

If this value is analysed, the initial return would be 6.12% (£100,000 divided by £1,633,156). This shows that an investor will accept a lower initial return in exchange for a higher future return, given that the reversionary yield from this property will be 7.96% (£130,000 divided by £1,633,156).

The equivalent yield (the weighted average of the 2 yields) will be 7.71%; this is the yield which could be adopted in the above hardcore and topslice calculation to arrive at the same value.

Over-rented

The same property is let at £100,000 p.a., but the Market Rent is £70,000 p.a. (due to a change in the area or obsolescence), but this lower rent will not be relevant until lease expiry (assuming conventional upward only rent reviews) in 7 years' time. The whole income stream is deemed to be riskier, and therefore while the same yield of 7.5% can be adopted on the hardcore income, the topslice is only receivable for 7 years and a yield premium to say 9% would be applicable.

The calculation will be:



Hardcore

Market Rent	£70,000 p.a.
YP in perpetuity @7.5%	13.3333
	£933,333

Froth

Reversion	£30,000 p.a.
YP 7 years at 9.0%	<u>5.0330</u>
	<u>£150,990</u>
Market Value	£1,084,323

If this value is analysed, the initial return would be 9.22% (£100,000 divided by £1,084,323). This shows that an investor will demand a higher initial return if their future income will fall beneath the current level and the reversionary yield will be lower at 6.45% (£70,000 divided by £1,084,323).

The equivalent yield (the weighted average of the 2 yields) will be 7.56%; this is the yield which could be adopted in the above hardcore and froth calculation to arrive at the same value.

Purchaser's costs

The above examples do not reflect purchaser's costs.

Market convention shows that comparable yields and valuations are adjusted for purchaser's costs. These are the unavoidable costs of purchasing a property and comprise stamp duty, agent's fees and legal fees. The largest part is stamp duty which since 2016 has been tiered based on lot size, meaning that purchaser's costs can range from 1.8% for small lots of below £150,000, up to 6.8% for large lots. For simplicity, the following assumes 6%.

The concept and calculation of purchaser's costs is best shown with an example.

If an investor buys an office at £500,000 which produces an income of £50,000 p.a., then what is the net initial yield? The purchaser's actual outlay would have been £500,000 plus 6%, giving £530,000 and the initial yield would be 9.43% (£50,000 divided by £530,000). This is the comparable yield which we would quote.

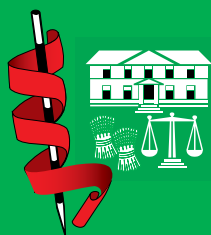
If we were valuing the adjoining property which is slightly smaller and produces an income of £40,000 p.a., our valuation would be £40,000 capitalised at 9.43%, to give a gross value of £424,178. This is the gross price which the investor would be willing to pay to achieve the comparable net yield. Therefore to arrive at the Market Value, we must deduct 6% from the gross value, using the formula 'divide by 1.06'.

The calculation for purchaser's costs is to say, 'what market value, when grossed up by the purchaser's costs, equals the gross value' and therefore to get from the gross figure to the net figure, we must divide by 1.06. This gives a subtly different answer to simply multiplying by 0.94, particularly on large lot sizes.

Note that this is not the same as costs of sale; if the Fair Value of an asset held for sale is being reported, then the costs to sell must be deducted as well.

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Stephen is a planning and development surveyor, in his own public interest practice, [C2O futureplanners](#), focussing on council estate regeneration projects, new urban settlements and extensions, community-led and self-build housing, and professional ethics training.

Relevant to this article, he was a member of the LGA's Futureswork group on 'Reforming Local Planning' (1998-2000), working with ODPM on the scope of possible planning reforms, and the RTP/ODPM Review Panel for their Spatial Planning Skills Research Project (2002). He has also served on RICS members' working groups on the valuation of land for affordable housing and 'less than best', and as a member of the RICS' Independent Land & Society Commission in 2010-11.



LESS THAN BEST CONSIDERATIONmore than a little confusing?

Stephen Hill smdhill@gmail.com

ACES was asked by the RICS to sit on a round table discussion on local authority owned small housing sites. Stephen was also a member of this group and agreed to write this piece on definitions of – and flaws with – successive attempts to define 'less than best consideration'. There is plenty of food for thought, and thanks to Stephen for stimulating our brain cells!

Reading through the last 5 issues of ACES' Terrier, at least one contributor per issue makes the point that 'best consideration reasonably obtainable' ought to be capable of being interpreted more widely than just economic value. Why does that seem so hard?

And 'the Answer' is...?

There can only be a handful of surveyors who have not read, seen or heard *The Hitchhiker's Guide to the Galaxy*. For those that haven't, please hang in there. The rest of you will, of course, know that the "Answer to the Ultimate Question... of Life, the Universe, and Everything", as deduced by the computer Deep Thought, over the course of 7.5 million years is... 'and you're really not going to like this, you know...42!' Well...and I know you really are not going to like this. I think the answer is actually...er, 44?

The other problem with Deep Thought's answer is that it couldn't actually say what the 'Ultimate Question' was, and would need to design The Earth in order to find out. Now, the good news is that Deep Thought designed our very own RICS to hold the key to finding out what the 'Ultimate Question' is. It's in our 1881 Royal Charter; that bit about 'securing the optimal use of land and its associated resources to meet social and economic

need'. Everything that affects human life relies on access to and the use of land and its associated resources. So naturally, it's all down to us! (And if you make it to the end of this article, you'll find someone else who agrees that is so.) The Charter implies that social (and perhaps now also environmental) factors rank equally alongside economic factors in assessing value. So far, we have found that really difficult, and often confusing.

So, why '44'? Travel back with Deep Thought, to January 2008, and eavesdrop the House of Commons Bill Committee for the Housing & Regeneration Bill. The Committee wanted to amend Sections 10 & 50, to widen the legal basis on which the Homes & Communities Agency could sell its land, so that it could deliver desired sustainable development policy outcomes by counting the cost of achieving those outcomes as part of the consideration. The Committee contained former ministers of housing, planning and local government, all of whom believed that the Treasury would always expect the maximum cash receipt or monetary value, in which these wider considerations could not be taken into account. They wanted to be able to describe the expectation that, at least, all public land should and could be used expressly to secure social and environmental outcomes as well as economic ones.

You would have heard committee members and witnesses struggling to find the killer phrases that, on the one hand (Box 1), described getting the most cash from a market value transaction, and, on the other (Box 2), described transactions which also achieved some measure of social value or other policy outcome in what they assumed would then be a 'less than market value' transaction...all 44 of them, and not one of them a killer.

Box 1

Proper Price... Best Price... Best Price for the taxpayer... Highest Price... Best Market Price... Highest Market Price... Full Market Price... Best Consideration... Best Possible Consideration... Just Market Consideration... Best Value... Market Value... Best Market Value... Best Pure Financial Value... Full Market Value... Highest Monetary Value... Open Market Value... Private Market Value... Best Possible Income... Highest Financial Offer... Market Rate... Maximum Capital Receipt... Most Cash... Quick Buck

Box 2

Best Outcomes in respect of the objectives of the HCA... Best Possible Outcomes for the Community ... Best Value for Our Communities... Best Value for Public Money... Best Value for the public sector as a whole, as well as ensuring proper accounting and reporting responsibility... Best Value taking in Wider Considerations... Wider Public Benefit... Wider benefit to the community... Wider than Just Market Consideration... Greatest Public Benefit... Wider public interest... Public benefit... Public benefit for public assets... Social benefit... Community benefit... Social outcomes... Good public use... Better regeneration outputs... Social Value... Value for money... Undervalue

The discussion with the Minister for Housing & Planning also covered the sale of council land, with committee members asserting that similar clarity was needed for councils to sell at 'less than best consideration' (LTBC) in order to achieve the desired mix of social, economic and environmental wellbeing outcomes that were integral to the concept of sustainable development. The Minister tried hard to

convince the Committee that councils could already do that, effectively saying that 'we can't make council powers any more permissive than they already are' i.e. councils can sell assets to achieve wellbeing outcomes, and, with the right alignment of wellbeing and planning policies and powers, these may not even be LTBC disposals at all, as any purchaser would be obliged to deliver those outcomes, and that other potentially more valuable uses would not get planning permission if they could not deliver those outcomes. The Committee was not persuaded, and neither could it decide how sections 10 & 50 should be improved!

Why were they so confused? Why did they find it so hard to act, and why does the issue still come bubbling up on a regular basis, tantalisingly unresolved? If the Minister was right, and he probably was more right than not, how are we to understand the current policy framework? Is there a big job to be done: tidying up, clarifying and better explaining? Or is it easier than it looks? As Deep Thought observed when first considering 'the Ultimate Question': "Tricky". Here's my personal attempt to pick a path through the current maze.

The Maze - policy environment for planning and valuing public assets

Some considerations that policy makers and practitioners need to think about:

1. Local Government Act 1972 s123 Disposal of land by principal councils
We all know this by heart: (1)...*a council may dispose of land held by them in any manner they wish, and* (2)...*except with the consent of the Secretary of State, a council shall not dispose of land under this section...for a consideration less than the best that can reasonably be obtained.*
Nothing new here, except perhaps to acknowledge that the concept of reasonableness implies rationality in the behaviour of market actors, which, in the simpler world of the 1970s and capital regulation, was itself a reasonable assumption. Global capital flows now drive certain 'local' markets and asset class prices in ways that should at least give us pause to think whether 'reasonably obtainable' still

means what was originally intended. I have written [elsewhere](#) about the growth of market transactions that seem irrational and without regard to market evidence. For now, perhaps we should just keep that thought in mind when we use these familiar words. I gather government does at least recognise that irrationality in the market is now a problem.

2. Local Government Act 2000 s2 gave councils in England and Wales powers to further the social, economic and environmental wellbeing of their communities. There was a debate about making it 'a duty' rather than 'a power'. If a council exists primarily for that purpose, there was anxiety about the unrestricted scale of potential liabilities that might then fall on councils if a duty.
3. General Consent Order 2003 and ODPM Circular 6/03 explained how councils' (non-Housing Revenue Account) assets in England could be sold at LTBC to achieve wellbeing outcomes, using the 2000 Act powers. Wales had a similar Circular.
4. Planning & Compulsory Purchase Act 2004: the primary motivation for the planning reforms, and moving from a land use to a spatial planning system, was to enable councils to develop policies that integrated these social, economic and environmental objectives as material considerations in making strategic land use decisions in the local plan, and in granting planning permissions on all or any specific sites, in ways that were not possible pre-2004. Planning Policy Statement 1 explained this significant conceptual difference, and how planning would become instrumental in promoting sustainable development. I think it would be fair to say that this is still not well understood. Logically, the 2004 Act should have made Circular 6/03 redundant, as these mandatory planning powers effectively superseded the voluntary 2000 Act powers, and were much more powerful in achieving wellbeing outcomes with a district-wide strategic spatial rationale.
5. Planning policy could, therefore, have been made to impact on all land and/or specific sites to ensure that these wellbeing outcomes had

to be achieved by any landowner/ developer seeking a planning permission. This also meant that there should have been almost no need for LTBC transactions on council sites. Councils as local planning authorities and landowners were uniquely placed to ensure the preferred use of their land was supported by the alignment of the spatial plan, the council's asset management strategy, corporate plan and other policies: as Total Place also aimed to do. Senior surveyors giving evidence to the RICS' Independent Land & Society Commission (in 2010-11) argued for this alignment. A county surveyor described this as the necessary 'policy architecture' for rational decisions on council asset disposals, just as the Minister had also explained in 2008, and which would avoid the need for special case valuations.

6. Also in the 2004 Act, s99 Compulsory acquisition of land for development, s1A states that 'a local authority must not exercise the power... unless they think that the development, re-development or improvement is likely to contribute to the achievement of any one or more of the following objects— (a-c) the promotion or improvement of the economic... social... and environmental well-being of their area'. If that approach is sound for new purchases by councils, it would be logical and consistent that it applies to all sales, too?
7. The deficit in spatial planning skills, once the 2004 Act came into force, was so widespread across the built environment professions that government and RTPI commissioned the Effective Practice in Spatial Planning training project, jointly with the Joseph Rowntree Foundation and Greater London Authority. For various economic and political reasons, (Great Financial Crash, changes of government), the development of skills and policy tools was disrupted and patchy. The necessary integration of spatial planning and valuation skills simply did not mature to achieve the sensible and intended outcomes assumed by the Minister in 2008.
8. The Treasury published 'Value for money and the valuation of public sector assets' in July 2008... possibly in response to the confused Committee

session in January? It stated "*Councils do not own land for its own sake or to make profits. Assets are held for pursuing policy objectives.... The valuation of a publicly owned asset is based on the interests of society as a whole, not the council alone.*" In 2009, the Audit Commission: Comprehensive Area Assessment Use of Resources Framework stated "*Councils will have to show how they have used assets to mainstream the principles of Sustainable Development ... [including]... achieving the ultimate goal of improving the quality of life for people now and in the future.*" That same year, RICS' Local Authority Asset Management Best Practice Guides for DCLG reinforced the idea that "*Councils should work with partners and community groups to make the best use of their assets for the benefit of their local community... using property to shape places and deliver economic, social and environmental outcomes.*"

9. The National Planning Policy Framework (NPPF) 2012, simplified and replaced Planning Policy Statements, but reaffirmed the centrality of the integrated social, economic and environmental drivers of policy. Sustainable development (2019 NPPF paras 7-14) '*means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives... (viz.) economic... social... and environmental.*' The next version of the NPPF will incorporate the UN 2030 Sustainable Development Goals. This will increase expectations on spatial planning to promote social, economic and environmental justice and equity, as already evidenced in Scotland's planning system with its emphasis on community planning and land ownership.
10. It is often believed that 'best consideration reasonably obtainable' valuations can only reflect the economic characteristics of land development. However, the NPPF calls for all 3 interdependent factors to apply equally to any proposed land use and to all owners/purchasers. The language we use is important to get that idea into everyday thinking. 'Less than best' sounds negative,

encourages caution as needing special justifications with implications of loss, inferior use, giving something away, or the buyer getting away with something; when mostly LTBC transactions are designed to achieve exactly the kind of positive wellbeing outcomes that planning and other policies are seeking. Also, the value of land for affordable housing is often informally described as 'discounted' or below market value. It is neither. It is the market value of land for affordable housing, as conditioned by both national and local planning policies with a bespoke method of valuing affordable housing. Globally applicable techniques for valuing 'natural capital', and the increasing demand for and sophistication of measuring 'social value' indicate that new valuation methodologies are being refined to capture the impact of social, economic and environmental planning objectives on land value. Crucially, they do not externalise the negative and costly impacts of development onto other, usually less powerful, parties. These techniques, combined with the NPPF, would, in fact, provide a much more rigorous context for determining the most productive and sustainable use of public land being put up for sale; rather than trying to make a case to justify not doing something which we know, by definition, is likely to be a less than optimal use of the land.

11. Localism Act 2011, s1 repealed the 2000 Act wellbeing powers for councils in England, but not Wales. Councils had been reticent about using the power; nervous about the scale of potential wellbeing liabilities that might then fall on them if they were exercised. They were replaced in England by a less specific power of general competence, which could nevertheless be very powerful in achieving desired outcomes through more selective actions.
12. Also in the Localism Act 2011, s88 describes Land of Community Value as (1)... *a building or other land in a local authority's area is land of community value if in the opinion of the authority... (a) an actual current use of the building or other land... furthers the social wellbeing or social interests of the local community. This odd choice of words effectively places Assets of Community*

Value outside the scope of the NPPF and its impact on valuation, by excluding economic and environmental interests or wellbeing of the local community: exactly the situation that RICS members giving evidence to the Land & Society Commission had warned against. Projects are rarely ever just 'social'. It may be that well-intentioned lobbying for the Bill by community land ownership interests was not informed by a full understanding of the purpose of spatial planning.

13. Three subsequent pieces of legislation from the Welsh Assembly Government (the [Wellbeing of Future Generations Act 2015](#), [Environment Act 2016](#), and [Planning Act 2015](#)) have given full primary legislative backing to the alignment of social, economic and environmental objectives in planning and environmental protections for the use of all land, and a duty to consider the wellbeing of future generations i.e. not just reflecting current land market conditions. So how does that impact on the convention that valuation reflects but does not shape the market? If we are constrained from doing the latter, we surely have to step up the profession's thought leadership activities to do the shaping with landowners, investors and government, to ensure that we will arrive in that desired-for future.
14. Circular 06/03 has not been updated for England to reflect the introduction of spatial planning in 2004, or the repeal of wellbeing powers and introduction of the general competence power in England in 2011. The situation in Wales and good practice in [Scotland](#) show it would not be hard to make similar sensible changes in England.
15. [RICS Local Authority Asset Management Best Practice 07: Disposal of land at less than best consideration \(2010\)](#) was based on emerging recommendations from the RICS Land & Society Commission in anticipation of the Localism Act, and to reflect the significance to valuation practice of the 2004 planning reforms. This change should have enabled the sale of council land to be consistently conditioned to reflect the alignment of a council's planning policies, corporate asset management plan and other

spatially focused policy objectives to determine the correct valuation basis for the disposal, and largely avoid the issue of LTBC disposals. Written by two former county surveyors, it brought clarity to a confused area of practice, including the absence of any guidance or standard form of application to the Secretary of State for a specific LTBC consent. The members' steering group felt that the spatial planning changes were adequately covered. However, in signing off the final draft, the International Valuation Standards Board amended the proposed wording with the effect of relating the LTBC criteria back to pre-2004 land use planning principles, stating that social and environmental objectives could only be relevant considerations in LTBC transactions. This was quite simply wrong, and may have reflected the Board's unfamiliarity, along with many others', with the changed nature and purpose of the planning system.

Tricky, wasn't it?

What's the situation now?

As I hope I have illustrated, much of the primary and secondary legislation and related professional guidance on this theme does need some sorting out. We could benefit from rationalising and simplifying procedures relating to all public land.

The most recent D/MHCLG advice, '[Local Authority Assets - Disposal Guidance](#)' (2016), does not fully meet this desirable objective. [The Housing White Paper](#) (2017) review did not clarify issues about the impact of recent planning policy on valuation, and a proposed consultation for a new General Consent on disposals of land held for planning purposes at LTBC has not yet happened. The review of

public assets and powers promised as part of '[A New Deal for Britain](#)' (2020) is also in the future.

Specifically, [Best Practice 07 \(2010\)](#) is technically incorrect and potentially misleading. It is out-of-date in not reflecting the repeal of the 2000 Act wellbeing powers, the 2004 Act planning reforms, the 2011 Act introduction of the general competence power in England, or the different situation in Wales. It relies on the General Consent Order 2003 and Circular 06/03 which are out of date for the same reasons. The 2018 practice note [UK Valuation Guidance Practice Application](#) places similar reliance on these out-of-date instruments of policy, and does not deal with the differentiation of spatial and land use planning.

What next? Getting the 'policy architecture' right

The priority is to make 'the system' work better than it currently does. 'The system', in this case, is now not just the planning process, and its integration with the UN 2030 Sustainable Development Goals, but also the new national land use management responsibilities of DEFRA, starting with the new five legally binding [Environmental Principles](#), the consultation on which was launched earlier this year. These are intended to condition all government policy making, particularly in response to the Climate Emergency. They also include the Department's first steps in national land management, with the [Environmental Land Management Scheme](#) pilots currently underway.

DEFRA's first proposed principle is 'Integration'. This states that policy-makers should look for opportunities to embed environmental protection in any field of policy that has impacts on the environment.



Legislating for sustainable development to secure the long term well-being of Wales

For Wales to develop sustainably, we need to change the law to put in place the key elements that will enable it to happen:

- A clear idea of what we are aiming for and an understanding of the key principles that will guide us;
- A clear picture of the natural resources we have, the risks they face and the opportunities they provide; and,
- An efficient process that ensures the right development is located in the right place to make it happen.

The three Bills do this by:



Figure 2 The Welsh Assembly Government's wellbeing, planning and environmental protection policy framework and inter-dependencies

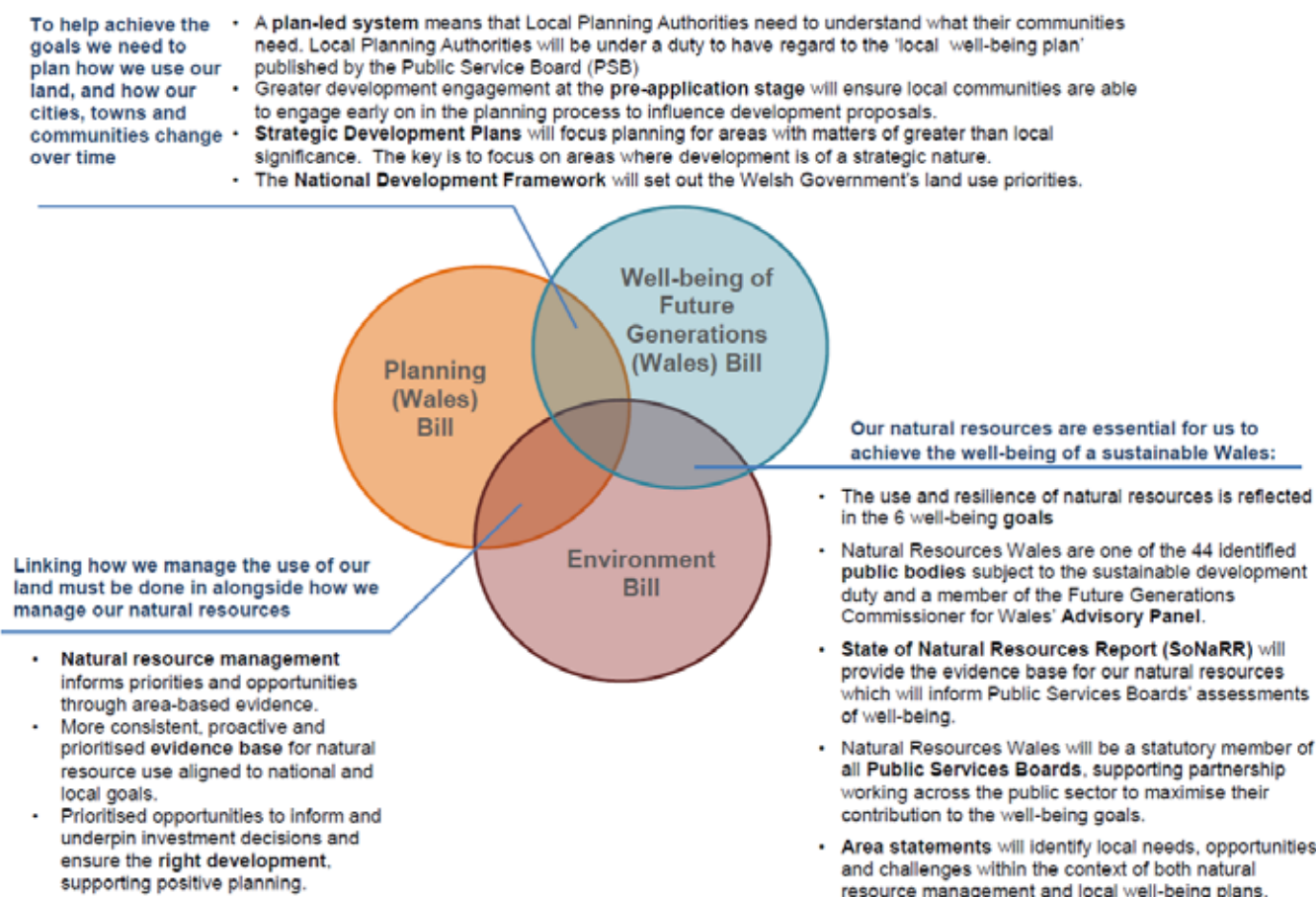
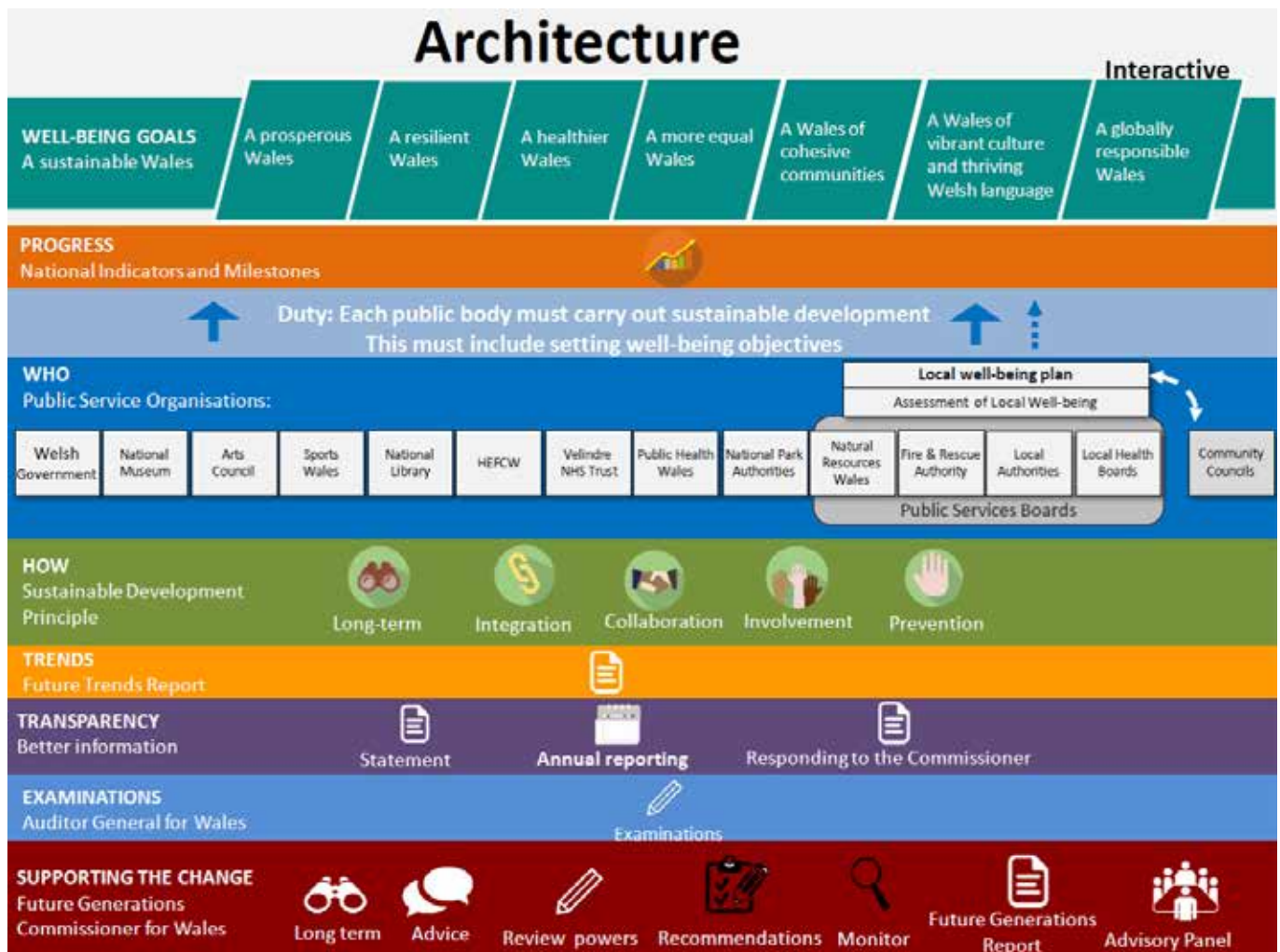


Figure 3 The Welsh Assembly Government's political and administrative architecture for developing and monitoring progress of the wellbeing, planning and environmental protection legislation 2015-16 Source: Welsh Assembly Government



The Welsh Assembly Government's suite of legislation in 2015-16 (Figs 1 to 3) showed how to integrate sustainable development, environmental protection and planning objectives together, and thus create a coherent policy framework in which valuation practice can develop a greater understanding of how planning and other policies should impact on value.

As suggested earlier, more courageous professional thought leadership will also be necessary to help shape property markets that are more responsive to public policy ambitions, reflect all the costs of land use and development, and can no longer externalise real social, economic and environmental costs onto others without penalty. It should also aim to advocate for more effective policy architecture. There is a revealing contrast between the Welsh Government's logical organisation of a Department of Climate Change, with the Housing portfolio within it, and MHCLG which has no Climate Change policy and a vacant post with that responsibility.

Working with the land and planning professions

The government's natural allies in promoting the public interest through planning and land management are clearly the land and planning professions and their professional institutions with their public interest purposes. The purpose of planning and land management policies could be characterised as securing the optimal use of land and its associated resources to meet social and economic need, just as our 1881 Charter specifies. It might be desirable to write exactly that high level objective into those policies, as this would place a greater imperative on the work of the RICS and its members to be more focussed on the 1881 Charter principle: 'the usefulness of the profession for the public advantage'.

By more closely aligning the public interest purposes of the professions and government in this way, government could also strengthen the institutions' regulatory role in taking a firmer line with members whose actions could be interpreted as not being 'for the public

advantage', or in the public interest. For example, some chartered planners and surveyors both openly and covertly exploited weaknesses in the drafting of policy and professional advice in relation to *Financial Viability in Planning*, so that their clients could avoid providing the amount of affordable housing determined by public policy. Although those weaknesses have been now largely remedied, the institutions were unable to take any firm action against these members, even though they were, in the words of my professional ethics students, 'committing a fraud against the public interest'. Many other members deeply resented the resulting damage to the reputation of and trust in the profession, through the inability of the institution to take appropriate action. Some are now lobbying the RICS to take a stronger thought leadership role on the public interest use of land, as part of the review of *the future direction of the profession*. The alignment suggested here would be timely for both government and the profession.

Proposed actions for MHCLG and RICS

- Review and update all General Consent Orders, and related Circulars relating to all forms of public land, and produce a comprehensive directory of Orders, Circulars and powers and duties of all public landowners, for England and devolved administrations, with associated updated professional guidance on valuation and asset management
- Set up an online wiki library facility, in partnership with ACES and LGA, to record valuation and disposal practice related to this area of public policy, both existing good practice and emerging innovative practice
- Investigate whether Equitable Value (previously Fair Value) has a role as a more commonly used basis of value for disposal of council assets. Could good practice be developed to apply Equitable Value as a better and more appropriate measure of market value for the transfer of assets between parties with similar public interest objectives, powers, obligations and plans for the land being transferred, as if it was a 'going concern'? For instance, the statutory definition of Community Land Trusts (CLTs), also in that Housing & Regeneration Act 2008, was

deliberately framed to mimic both the wellbeing powers of councils under the Local Government Act 2000, and the primary purpose of planning in the post-2004 system, to facilitate the transfer of assets from councils to CLTs that would enable them to develop on similar terms to a council.

Did you survive the Maze?

You did? I do hope you won't regret that, because we didn't quite agree what 'the Ultimate Question' actually was, did we?! As designed by Deep Thought, it is down to us, remember?

So, try this...the concept of LTBC was grounded in the pre-2004 planning system. It's 17 years past its sell-by date. The question is not 'how do we measure any undervalue', but 'how do we value all land (and its associated resources), all the time, to reflect the social, economic and environmental determinants of our future existence...Life, the Universe, and Everything; as if our and others' lives depended on it, which they do?'

Otherwise, we will be doing rather 'less than our best' to meet our Charter obligations. The late Duke of Edinburgh and Deep Thought would have agreed. To quote the Duke of Edinburgh: *"To a very large extent, it is surveyors who will decide what the new face of the Earth will look like; it is surveyors who will exert the*

Photograph credited to Wikimedia, University of Salford Press Office



greatest influence on the quality of human existence in the future. This is a daunting prospect and a responsibility which cannot be undertaken lightly... (Duke of Edinburgh addressing 12th International Congress of Surveyors, London 1968).

Further materials by the author on Less than Best Consideration issues, in consultation responses to the proposed Right to Regenerate and Planning White Paper, including earlier advice to GLA researchers on land policies, and extracts from the RICS' Land & Society Commission report, contained in <https://neweconomics.org/RtR-Consultation-Response.pdf> and RICS Modus, July-Aug 2011 - The HAPPINESS issue (pp44-46)

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The Terrier

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PLANNING REFORM – where are we now?

Tony Mulhall tmulhall@RICS.org

Tony outlines the components of the Planning Bill and the many and varied concerns of the Commons Committee: “given the stakeholder and political feedback, what is the implication for the radical reforms outlined in the white paper?”

The Planning Bill

One of the key pieces of legislation announced in the Queen’s Speech in May is the Planning Bill, due to be laid before parliament at the end of 2021. The intention is to bring about the root and branch reforms to the planning system promised by Prime Minister, Boris Johnson, in the White Paper ‘Planning for the Future’.

As part of engagement on the proposed reforms, RICS submitted a detailed response to the questions raised in the government consultation. In addition, we submitted written evidence to the House of Commons Select Committee and gave oral evidence at one of their sessions chaired by Clive Betts MP, in November 2020.

Planning matters to people and the Select Committee took extensive evidence from individuals and stakeholder groups with legitimately held differences of opinion. Many well informed people considered that the system was fundamentally sound but needed minor amendments, together with further investment in resources. Other equally informed stakeholders felt it had failed to deliver on a number of fronts and was in need of significant change. The committee reported in May 2021, expressing considerable reservations about government proposals.

Fundamentally the white paper proposed a move away from a discretionary planning system to a more prescriptive one, to bring about more certainty for all stakeholders. In principle, RICS has supported this move to a system with more predictable outcomes, to address the widespread dissatisfaction we have observed which we characterised as follows:

- After spending years participating in the plan making process, the local community still has little or no idea about what is going to be built in their area
- After spending a lot of time and money, developers are often still very unsure about what the outcome of a planning application will be.

Our observations, which were reiterated in the Committee’s report, provide an important starting point. The current system is based on measures introduced to address post World War II reconstruction, which has been amended and expanded over 70 years. The cumulative effect of layers of legislative measures is increasing complexity, with many stakeholders feeling that meaningful participation has been diminished. Planning risk for small builders is increasingly a deterrent.

In the meantime, we have also had the results of the Amersham/Chesham by-election, a prosperous home counties constituency where the Conservative Party lost a safe seat, having held it for over 50 years. There will be many interpretations about why this happened. There were local HS2 factors but somewhere in the mix, resistance to proposed planning reforms comes to the surface.

There is inevitable legal complexity in a system set up to provide public assurance on a number of different levels. The planning system fulfils many roles, balancing public and private interests; short and long-term objectives; local and global goals; local and national scales. It is used by government as one of the key measures for regulating the built environment to deliver on the Sustainable Development Goals.

The question now being raised is, given the stakeholder and political feedback, what is the implication for the radical reforms outlined in the white paper? Government's abandoned attempt to allocate housing numbers by algorithm demonstrates how politically sensitive is this policy area. In addition, growing opposition to some of the proposals from within the Conservative parliamentary party may prove increasingly influential on the final balance to be struck as the planning bill is debated.

Commons Committee report – some key highlights

Inevitably with a white paper on such a wide-ranging policy area, limited detail was provided, making it difficult to assess the workability of the system. Unsurprisingly, the Committee indicated that more detail was needed on how the reforms would work in practice:

- Zoning type proposal – Under the government's proposals, local areas would be divided (through local plans) into 3 parts: 'growth', 'renewal' and 'protected', with different planning rules applying for each. The Committee was not convinced that this zoning type approach would create a quicker, cheaper, more democratic planning system. If the government is determined to pursue this measure, the Committee advocated that local authorities should set out detailed plans for 'growth' and 'renewal' areas which specify heights of buildings, density of development, minimum parking standards, access to retail, education, transport, health facilities and other local amenities
- Local plans and public engagement – The government proposes to shift public engagement from individual planning applications to the local plan stage. The Committee found that far more people engage with individual planning proposals and feared that the proposed change would reduce public involvement in the planning process. The Committee concluded that all individuals must still be able to comment and influence upon all individual planning proposals. The Committee supported a timeframe for introducing the new local plans,

but heard evidence that it may be impractical to deliver them within the government's proposed 30-month timeframe. The Committee suggested a staggered roll-out of the new types of local plans across the country

- Housing formula - In August 2020, the government proposed reforms to the current formula (the 'Standard Method') used to determine housing demand in each local authority. The Committee received evidence endorsing the principle of a nationally set formula, but the majority disapproved of this new proposed formula. In December 2020, the government announced a new approach, but the Committee sought better information on how the revised approach would work in practice
- Housing delivery – The Committee particularly focused on housing delivery - an important objective of the reforms - and put forward measures to speed up delivery. The Committee proposed that the government set a limit of 18 months following discharge of planning conditions for work to commence on site. If work has not progressed to the satisfaction of the local planning authority, then the planning permission may be revoked. A further 18 months should be allowed for development to be completed, after which the local authority should be able, taking account of the size and complexity of the site, and infrastructure to be completed by other parties, to levy full council tax for each housing unit which has not been completed. To command public support, there also needs to be greater clarity on why and how the housing target needs to be delivered. The Committee concluded the government should lay out the evidential basis for its 300,000 housing units a year target and how it will achieve it, both by tenure and by location
- Funding infrastructure - The government has proposed replacing the current s106 and Community Infrastructure Levy with a national infrastructure levy. The Committee found that there is a case for replacing the latter, but not the former, arguing that reserving s106 will protect against

a possible loss of affordable housing

- Resources – The Committee recognised the need for additional resources for planning departments, and specialist skills. The pressures on the system will only increase if the government proceeds with its reforms, including the 30-month timeframe for local plans, at the same time as local planning authorities are also operating the current system; an additional £500m over 4 years should be sought for local planning authorities
- Design and beauty – The Committee welcomed the government's commitment to enhance the place of design and beauty in the planning system
- Green Belt and environmental and historical protections – The Committee recognised that the Green Belt remains one of the most contentious issues in planning. It suggested a review to examine its purpose, public understanding of the Green Belt, the criteria for inclusion, and what additional protections might be appropriate. As a major feature of the planning system since the Second World War has been about ensuring protection for environmental and historic sites and buildings, the Committee recommended that the government should publish an assessment of the impact of its proposed changes on historic buildings and sites.

Conclusion

RICS remains closely engaged with the evolution of the proposed new planning system and continues to take soundings from members. In particular, we are keen to ensure that the measures introduced are genuinely beneficial and can be effectively applied to the benefit of all stakeholders. We are also keen to ensure that the transition period during which the two systems will be operating simultaneously is functioning effectively, and that any minor adjustments which could help the current system to function better are implemented.



Tim, founder and Director of the Lowe Group, is an entrepreneur who is passionate about delivering cost-effective, innovative solutions to managing vacant properties, which create social impact and support local communities. Tim has worked with developers, investors, funds and public services on numerous vacant sites to provide property owners with an efficient and secure service for their vacant properties. At the same time, this service provides London's key workers, young professionals and creatives with affordable accommodation.

LOWE has continued to grow and evolve as a business and Tim now manages numerous properties within their portfolio. LOWE has also diversified the type of solution they offer, providing their clients with the most bespoke service possible, broadening their offering to include charitable occupation, affordable workspaces and traditional security services too.

PROPERTY WITH A PURPOSE

The LOWE Group - A statement of 5 years

Tim Lowe tim@thelowegroupltd.com

Tim looks back on the successes of The Lowe Group, which I have been featuring in ACES' Terriers for almost as long as Tim has been operating. There are opportunities in the public sector to partner with the company, to put temporarily vacant properties to good use: "we have a proven track record of protecting vacant buildings from squatting, mitigating business rates and lowering insurance premiums, while creating social impact in the communities in which we work."

This year we are celebrating the 5-year anniversary of LOWE. Looking back over the past 5 years there is a lot that we can be proud of. More than anything, the last 18 months has demonstrated the importance of 'purpose' and creating social impact, and we have successfully launched some great platforms, including the LOWE Foundation, the Ambassador Programme and our LOWEkey Prioritisation.

The LOWE Foundation

Since LOWE was founded in 2016, social impact has been a vital part of our business practice. The LOWE Foundation, the charitable arm of the company, was launched because as a business, we take our moral responsibility to the greater London community seriously. Guardianship addresses 2 major issues in real estate today - affordable and environmentally sustainable housing - but we want to engage with these issues further, and over the years we have partnered with charities such as St. Mungo's, LandAid and Spires Streatham. The principal aim of the Foundation is to expand our reach and engage with causes that are important both to our clients and guardians. We work

with guardians and landlords to collaborate on projects and promote valuable causes, with a primary focus on local charities and the prevention and relief of poverty.

Also part of the LOWE Foundation is our Buy One Give One scheme, which generates a donation from LOWE to a valuable cause which aligns with our values: for every property we take on, we donate £250, and for every guardian we house, we donate £10. Within the last 12 months, we have also made donations to AfriKids, CALM, Plastic Oceans and Client Earth, and we continue to generate this giving scheme into volunteer action as we develop a network of relationships across charities and guardians.

LOWE Ambassadors

And we have some fantastic guardians doing innovative and creative things too. Our aim is to give our guardians the space and infrastructure to support them in their endeavours, and to connect them with resources and each other. To this end, in 2020 we launched the LOWE Ambassador Programme, to support passionate guardians who are driven both in their work, their



individual projects and are invested in bringing together the LOWE community. The selective programme is aimed at providing key workers, innovators (entrepreneurs and young business owners) and placemakers (creatives and artists) a platform to pursue the causes they are passionate about through significant licence fee discounts and a voice within LOWE.

Guardianship is more than just a living alternative: it is a lifestyle. We have seen our guardians go to war-torn countries to provide aid and medical attention, make the Forbes 30 Under 30, be nominated for a Mercury Prize, and fight on the medical frontier during the C-19 pandemic. The sheer diversity and calibre of LOWE guardians



is astounding, and we saw an amazing opportunity to connect like-minded people and foster collaboration. So many guardians choose guardianship not just for affordability, but also for community, opportunity and sustainability.

LOWEkey prioritisation

The housing crisis in London has long been a topic of conversation, and the impact that the acute housing shortage is having on our key workers in the NHS, as well as other vital public services, has become a major issue, particularly during the C-19 Pandemic. Key workers are struggling to find acceptable, affordable accommodation within a

reasonable distance from their work, and many are faced with the expensive option of commuting, while juggling long and variable shifts.

The vital contribution that key workers make to our society, living and working in the same city should, at the very least, be a viable option. Our vision is to see a city of equal opportunity, where key workers are not priced out of a city, and local areas can flourish, regardless of post code. With an overwhelming number of vacant properties in London, we want to collaborate with our clients to help solve this crisis for our key workers [Ed – see articles in 2020 Summer Terrier on key worker housing and ambassadors].





Our LOWEkey initiative aims to do just this, a dedicated programme which provides affordable accommodation to London's key workers. Through LOWEkey, we always endeavour to prioritise key workers when taking on new properties, to provide them with an affordable rental solution, close to their place of work. Affordable living through guardianship schemes can be a great solution for thousands of key workers in London, providing a stable and sustainable solution in the short term, while protecting public workers in our society.

The solution is mutually beneficial; a well-run guardian scheme that provides key workers with an affordable living solution close to their work, while providing landlords with a cost-effective solution to managing their vacant buildings.

LOWE is growing

As a business, we've also grown both geographically (with property guardianships now in Oxford, Bournemouth, Brighton and Winchester) as well as in-house, expanding our dedicated property services team and LOWE Maintenance operatives to better serve our guardians and clients.

Affordable workspace

In 2020, we also diversified the type of solution we offer through LOWE Works, our workspace concept that utilises vacant buildings to offer high quality workspace in local neighbourhoods. As a young business ourselves, we are well-versed in the negative impact both high rental and commuting

costs can have on a business, both at the early stages of its life and further down the line. At the same time, we also recognise the benefits that not only come from separating work and home life, but also the importance that being a part of a community has on stimulating creativity, our mental health and well-being, and productivity – something that has become even more apparent during the C-19 pandemic. This segment of our business also grew as we realised that some of our clients' properties were better suited to affordable workspace and we witnessed an increasing demand for high quality, flexible workspace (mainly driven by the pandemic).

Charitable Occupation

We also saw how rising rents in London are having an adverse impact on artists, musicians and creatives, who are being priced out of the city. Particularly during the C-19 pandemic, access to affordable workspace for artists is crucial, when the creative economy has seen limited support and unprecedented job losses. We also diversified our property services to include Charitable Occupation, which, in partnership with arts charity, SET, provides affordable studio space, while at the same time helping landlords protect their buildings against squatters, anti-social behaviour and vandalism.

Social impact is a vital part of LOWE's business practice, and a principal value is support and involvement with the local community. The importance of Charitable Occupation is to provide artists, musicians, voluntary and charitable groups with the space to create locally based, stimulating

communities, and help the surrounding community to flourish. Creating affordable studio space not only utilises vacant properties to drive positive impact and change within local communities, but also benefits landlords who are looking to create social impact through their vacant space, whilst artists benefit from affordable creative spaces, as well as access to a community for collaborating and networking.

The LOWE Group

Following the success of both LOWE Works and Charitable Occupation, I'm pleased to announce that at the beginning of 2021 we officially rebranded to The LOWE Group. The change in name reflects the diversification of our property services to include affordable workspace, charitable occupation, property guardianship, business rate mitigation and security. Our professional property management services are completely tailor-made to suit our clients' property. Whether your property is suitable for guardianship, workspace or charitable occupation, we have a proven track record of protecting vacant buildings from squatting, mitigating business rates and lowering insurance premiums, while creating social impact in the communities in which we work. We will never deviate from the values at the core of our business.

For more information on The LOWE Group, please browse our brand-new website www.thelowegroupltd.com



Michael is a solicitor who has specialised on property litigation and risk management for most of his career and is a strong advocate of a proactive approach to the management of commercial risks associated with owning and occupying property. Within his field of work, Michael has a particular expertise in relation to legal issues relating to telecommunications matters and property, for example, issues relating to phone masts [Ed – see 2019 Autumn Terrier]. He also has extensive experience in relation to commercial property dilapidations claims. He regularly presents CPD seminars both in-house and for commercial CPD providers and he is also the founder of the LinkedIn Dilapidations Discussion Forum and Interest Group which has in excess of 2,500 members.

DILAPIDATIONS

Claims for Damages for Breach of Contract

Michael Watson Michael.Watson@knightsplc.com

Michael presents a comprehensive and practical guide to what is a dilapidations claim and how to settle them. “The whole culture of dilapidations claims is that it is just a process of negotiation between surveyors” – clearly it is not, so be prepared to end up in a court of law.

Dilapidations is something that many professionals involved in commercial property will be familiar with. Some will be dealing with dilapidations personally on a day to day basis, whereas for others it will be something they come across infrequently. For many with responsibility for managing property assets, it may be an area of their work in respect of which they seek external advice and support, whether presenting a claim or responding to one. For anyone with budget holder responsibility, or the responsibility for reporting to a budget holder, they presumably need to make sure that recommendations and decisions they make in relation to such claims are proper and justifiable. In short, if settling a claim they ought to be confident that they or their client are not paying over the odds,

and if making a claim, they may want to be sure that they are recovering that which is properly due and owing.

The aim of this article is to take a step back and consider precisely what a dilapidations claim is, to pose a few questions as to how they are conventionally dealt with and hopefully to inspire the reader to question whether conventional wisdom is really the best way forward when recommending or sanctioning settlements of such claims.

What is a dilapidations claim?

A dilapidations claim is a claim for damages which are properly recoverable at law as a consequence of alleged breach of contract.





It follows from this that to advise properly on such a claim, one probably should have a good knowledge of matters such as the rules relating to the interpretation of contracts which have been developed by the courts over the years. For example, what actually is the difference in terms of contractual obligation between a contract which obliges a party to keep premises in "good repair" and a contract which requires the premises to be kept in "good and substantial repair and condition"?

When interpreting a contract, the courts will proceed on the basis that every word that was written in the contract was put there by the parties because they wanted it there and intended it to have a purpose. Accordingly, the inclusion of the words "substantial" and "condition" means the parties intended something other than just an obligation to keep the property in "good repair".

Proper analysis of the precise nature of

the contractual obligations is something that is very often overlooked by those who present or respond to such claims on behalf of landlords and tenants. It is not unknown for those preparing such claims and presenting them by way of a schedule of dilapidations to overlook this fairly basic requirement. In the case of *Latimer v Carney* in the Court of Appeal, Lady Justice Arden observed: *"The judge found that Mr Hughes did not have the lease covenants before him when he prepared his schedule of dilapidations"*. In short, a landlord pursued a claim for damages for breach of contract all the way to trial (and ultimately to the Court of Appeal) in circumstances where their expert witness hadn't actually read the contract.

Understanding the precise nature and extent of the repairing and other contractual obligations entered into by the tenant is fundamental to successfully pursuing or defending a claim for dilapidations damages. If we do not know

exactly what the contractual obligations are, then there is little prospect of properly opining as to whether there has been a breach of contract.

The full extent of the contractual obligations may not only be within the lease, but may be found in a variety of other documents such as licences to alter, deeds of variation and even licences to assign. Any landlord or tenant faced with the prospect of a dilapidations claim would be wise to undertake a thorough process of due diligence, to establish precisely what condition and configuration the tenant is obliged to deliver the property back to the landlord.

Those instructing professionals to advise in relation to such claims would be well served in stress testing their advisers and looking to define precisely what it is that they are being required to do. Are they being asked just to haggle a deal, irrespective of and unrelated to the proper extent of legal liability, or are they being retained to provide a proper forensic analysis of a claim for damages recoverable at law?

The key point is that on day one when the parties entered into the contract, they agreed what they will have defined as the "demised premises" that should be handed back to the landlord and also, the condition the demised premises should be handed back in. The configuration and condition in which the demised premises should be delivered up may be readily ascertainable from the lease alone, or it may also be necessary to consider other documents such as licences for alterations etc.

For landlords, this is a process that they would be wise to undertake well in advance of the expiry of the contractual term, so as to ensure that any notices to reinstate alterations that may be required can be served on the tenant in good time.

A dilapidations claim is, therefore, a complex legal claim for damages and the key to setting off on the right foot for both landlords and tenants is to identify precisely what the contractual obligations are, and having done that, only then can one move to inspect the property and consider whether the tenant has actually complied with their contractual promises.

Damages

A schedule of dilapidations will conventionally set out a list of items which are alleged to constitute breaches of

contract on the part of the tenant, along with a proposed remedy and the view of the landlord (or their professional advisers) as to the cost of remedying each breach of contract. This will often then be presented as the landlord's "claim". In most cases, the schedule will be prepared by a surveyor retained by the landlord and the tenant will likewise retain a surveyor to respond to the schedule. The product of this process will be two positions which are set out by the parties as representing their view on the merits of the claim for damages. Thereafter, a process of negotiation may ensue in the form of a horse trade, whereby the parties move towards agreement of a sum to be paid by the tenant to the landlord.

This process of haggling may be quite acceptable to the parties, in that it may produce a commercially acceptable outcome which both can live with and move on from; however, it may have no relation to the actual damages to which the landlord is properly entitled as a consequence of the tenant's breach of contract. Tenants in particular, and those who advise them, may just want to step back, take stock and consider whether the proposed sum in settlement really is that which the landlord is entitled to by way of damages recoverable at law. In particular, anyone with responsibility for disbursing public funds should be diligent to make sure that they know whether they are sanctioning a donation to their former landlord or the payment of a properly due sum by way of damages.

Both at common law and pursuant to statute, the damages to which a landlord is entitled are limited to the diminution in value of the landlord's reversionary interest consequent upon the proven breaches of contract. If the landlord has actually spent money and undertaken the works then this may be prima facie evidence of damage to the reversion.

Any tenant in circumstances where settlement of a claim is recommended by their advisers should ask themselves whether the sum they are being advised to pay really does represent their liability for breach of contract. That is to say, does it truly represent the loss the landlord has suffered by way of diminution in the value of their reversionary interest, or is it just the product of a haggle between advisers as to a sum to be donated by the tenant to the landlord?

When does liability for dilapidations arise?

Dilapidations is often considered to be something to be dealt with at lease end, by way of a claim for damages for breach of contract arising from the tenant's failure to deliver the property back to the landlord, in accordance with the promises they made in their contract with the landlord. Those promises are not made at the end of the lease. A tenant promising to keep a property in good and substantial repair and condition makes that promise on day one and therefore they should do exactly that. If they don't want to decorate the exterior of a property every 3 years, and the interior every 5 years, then they should not enter into solemn contractual promises to do so.

It is not unknown for landlords and those who advise them to be very forgiving of tenants who fail to maintain their premises during the term, with the consequence that they are then left to pursue a damages claim after the tenant has vacated the property. This often leaves the landlord with a vacant unit that needs substantial works before it can be returned to being an income generating asset.

It also means that the landlord is pursuing a remedy against a tenant who no longer has an interest in the property and in circumstances whereby the landlord may be at their weakest position. This is because of the ability for the tenant to challenge any claim on the basis of the extent to which the reversionary interest value is diminished, thereby requiring the involvement of valuation experts as well.

For tenants, of course, it may make perfect sense to try and drag everything out until the expiry of the lease when the landlord will indeed be at their weakest.

Any properly drafted modern lease of commercial property should contain a *Jervis v Harris* clause, which enables the landlord to serve notice on the tenant requiring them to repair the property and if they do not, the landlord is then permitted to enter the property, carry out the necessary remedial works and then recover the cost from the tenant. This is a powerful mechanism for landlords and while it requires a degree of commitment from the landlord, in terms of being willing to enforce the terms of the contract and to spend money in doing so, it can be a very powerful and cost effective way of enforcing the tenant's contractual promises.

Rather than waiting until the end of a lease, landlords would be well served by reviewing the condition of the property regularly, and certainly a couple of years prior to the end of the term, so as to evaluate whether the tenant is complying with their repairing obligations. If they are not, then early deployment of the repair notice mechanism could be a prudent move.

Similarly, any tenant faced with a repair notice should take it seriously and review the extent of compliance with the contractual promises they have made to their landlord.

Progressing claims

It is not unknown for dilapidations claims to become exceptionally protracted with repeated rounds of schedule, response, amended schedule, further comments, further response and so forth but really this should not be necessary? Both parties are looking at the same contract, the same property and the same evidence as to the condition of the property at the material date. Theoretically, their respective experts should come up with the same conclusion in terms of the extent of breaches of contract, the required remedies, and the cost of remedial works. Inevitably, they do not, and this can then lead to months and sometimes years of "negotiations" in which the experts trade off their positions against each other.

It needn't be like this. A landlord who is properly advised and has confidence in their advisers should have no concerns about pursuing their claim if not settled in good time by the tenant. If they are properly advised as to the quantum of damages to which they are entitled, then if the tenant does not settle their claim, they have 3 options:

- a. Walk away and move on in life
- b. Take whatever sum the tenant might deign to offer - if any, or
- c. Put the claim into court and let the judge tell the tenant to pay the damages that are properly due.

Very often landlords seem reluctant to take a robust approach to recovering that to which they are legitimately entitled, but in the absence of a satisfactory payment of damages by the tenant, moving swiftly

to place the claim before the courts has a number of advantages. The first, and probably most obvious, is that it lets the tenant know that the landlord is serious about recovering that which is properly due to them. Unless the tenant genuinely believes that they have no liability whatsoever, then they are exposed to cost risk and need to start taking some realistic decisions about their liability very early in the process.

Secondly, a landlord who moves quickly to place their claim before the courts is effectively litigating at the tenant's expense until the tenant makes a realistic offer of settlement. This can really focus the mind of the tenant and drive them to make an early and realistic offer of settlement, resulting in a swift conclusion to the matter.

For tenants, rather than engaging in a protracted process of haggling, an early and realistic assessment of their liability can be used to inform a pre-emptive offer of settlement. If they are confident of their position (and their advisers), then they can simply stand fast and leave the landlord either to accept the offer or put the matter into court, knowing that the cost risk has been significantly shifted by the early offer. Landlords are often reluctant to take on the risk of litigation in those circumstances and a carefully formulated pre-emptive offer can prove to be a catalyst for an early cost effective resolution.

All too often dilapidations claims drag on and on which is rarely in the interests of either party, whereas a robust and decisive approach can be beneficial for both landlords and tenants, in that it can facilitate the swift resolution of damages claims. Ultimately, if a tenant will not make an offer that is acceptable to the landlord, then the landlord who wishes actually to recover the damages to which they are entitled has only one option, which is to put the matter before the courts and let the judge give the parties the answer as to what the recoverable damages are.

Evidence

If the landlord has to resort to pursuing their claim at court, then they will be entirely reliant upon credible expert witness evidence. They have the burden of proof and therefore they have to convince the judge as to the breaches of contract and their entitlement to damages.

Similarly, any tenant defending such a

claim will be reliant upon the evidence and opinions of their expert witnesses and to this end, it is important that expert witness surveyors engaged in dilapidations by both landlords and tenants are absolutely clear as to what is required of them from day one.

An initial schedule that turns out to be exaggerated, or a response that is understated, could be fertile grounds for cross examination should the claim need to proceed to trial. One thing for advisers to look at is an early evaluation of the credibility of their opponent's expert witness(es). Assessing an opponent's expert as being lacking in credibility because an early schedule or response does not stand up to scrutiny may expose weaknesses which can inform tactics and strategy going forward.

Any surveyor acting for a landlord in a dilapidations claim must bear in mind from day one that if the tenant will not engage, and effectively tells the landlord to "get lost", then they may find themselves taking an oath and presenting their evidence in support of the landlord's claim for damages. If the claim does progress to this stage, then they are also likely to find themselves being cross examined by counsel for the tenant. Standing in the witness box is too late in the day to start thinking about contractual interpretation and the standard of repair. If this is not correct from day one, then the landlord does not have a credible expert witness to put before the court and will not have the option of being able to pursue a claim for the damages to which they are legitimately entitled.

Similarly, a tenant who is seeking to defend a claim but has issues of credibility with their expert witnesses, may find themselves in a difficult and expensive predicament if faced with a determined landlord.

Of course, most dilapidations cases do settle so does it really matter whether a surveyor presenting a claim or responding to one is able to be a credible expert witness?

Inevitably parties engaged in a dilapidations claim will participate in discussions, negotiations and possibly even mediation. The positions taken by either party in those attempts to resolve the dispute will be informed by an assessment of the strengths and weaknesses of their own position, compared with the strengths and weaknesses of their opponent. There will be evaluation of risk and the merits of the opponent's case and this risk assessment will be constantly reviewed

and updated as the claim progresses.

Any party who considers that the expert witnesses retained by their opponent lack credibility will be encouraged in their pursuit or defence of the claim, and properly advised parties will be looking for opportunities to influence the negotiation process by promoting the confidence and credibility of their own expert witnesses, and exposing the weakness of those retained by their opponent.

Being a credible expert witness is of itself not a simple task. There are rules, guidance and standards set out by the Civil Procedure Rules, the Civil Justice Council, the RICS and the courts in judgments over the centuries.

On day one when that instruction to prepare a schedule of dilapidations, or to prepare a response, is given, no one knows whether that is the one case which will result in the surveyors taking an oath and giving expert evidence. It is, however, important for their clients to have that option because if they do not, then capitulation is the only other option if faced with a robust opponent.

In order to ensure that they are not compromised further down the line, landlords and tenants would be wise to make sure that surveyors instructed in dilapidations claims are given formal expert witness instructions from day one that make it clear they are being instructed in a capacity that may ultimately require them to present evidence at court. Issuing formal expert witness instructions should mean that there is no confusion on the part of the expert and that it does not come as a surprise to them if they find themselves engaged in a process of litigation and court reporting.

Formal instructions can make it clear to the expert what guidance and duties they have and should be following. To be able to show they were cognisant of this from day one adds to their credibility, should the matter need to proceed to expert witness reporting and the giving of evidence.

Some professional indemnity insurance policies do not include cover for expert witness work and therefore this can be checked on day one, rather than the landlord or tenant finding out that their expert does not have this cover - just when they need it the most.

Conclusion

Dilapidations claims are complex claims

for damages recoverable at law in respect of alleged breach of contract. Many are resolved by a process of haggling, but in many instances the outcome is not directly related to the actual liability of the tenant for damages that are properly recoverable at law.

For those who instruct professionals in relation to such claims, and are accountable for the outcomes, then it is important critically to evaluate the advice that is being provided and to understand whether it is a proper forensic analysis of the damages that are recoverable at law, or merely the product of a process of haggling and horse trading. Indeed, those instructing professionals should make clear what they expect by carefully

formulated instructions that are specific as to what is required.

The whole culture of dilapidations claims is that it is just a process of negotiation between surveyors, but the law reports are full of instances where parties, for whatever reason, did not resolve the damages claim by haggling and they have sought the determination of a judge. There are also many cases where the claimant or defendant have suffered serious consequences as a result of the failure of their expert witnesses on the day in court. Such consequences are often reflected in costs orders made by the courts and can be very expensive.

To this end, those engaged to advise in dilapidations claims would be well

advised to keep in mind that their client's ability to seek a just determination of the damages due may be entirely dependent on their ability to give cogent and credible evidence on oath. Unless one party is prepared to capitulate, every case has the potential for being determined before the courts. Of course most do not go that far, but it is probably better to prepare from day one as though it will, and that way the client will not be disappointed.

For landlords and tenants, it is worth making sure that retained advisers are properly instructed from day one and understand that they may be required to present evidence to a court. As the saying goes: "If you want peace prepare for war".



RELOCATING TELECOMS KIT Arrested development – telecoms impact

Paul Williams MRICS MAPM ACI Arb Paul.williams@carterjonas.co.uk

As Head of Telecoms, Paul leads a team of experts providing advice to clients where their property is impacted by telecommunications apparatus. He has 20 years' experience in acquisition, portfolio management, strategy, valuation and estates management of broadcast and telecoms infrastructure, in both consultancy and client/operator-side.

Joining Carter Jonas in 2018, he regularly acts on complex and litigious matters, providing expert witness and strategic advice across the public sector, utilities and infrastructure, registered providers, and private clients.

Paul revisits some of the implications of the Electronic Communications Code, particularly those where telecoms kit may need to be relocated.

Introduction

Since the reform of the Electronic Communications Code in 2017, both public and private sector land and property owners have been understandably disappointed with significant reductions in income from telecom sites. Irrespective of the purpose of holding the property, it has resulted in many taking a long hard look at the impact of telecoms on the host property, the costs and burdens associated with having a telecommunications operator at the property and critically, the property

lifecycle and medium to long-term options. This is especially relevant for public sector asset managers, who will be considering different constraints and outcomes when compared with properties held as an investment.

As readers will be aware from previous articles [Ed – see in particular 2019 Autumn Terrier], the changes to the Code brought about significant changes to the way in which both fixed and mobile operators are able to occupy land and property. The introduction of a statutory basis of valuation for consideration (rent) and compensation has perhaps been

one of the most controversial elements of the reform and has helped lead to unprecedented levels of litigation in the sector (22 reported cases since 2018, against 3 during the preceding 15 years).

The public estate

The Department for Digital, Culture, Media and Sport (DCMS) has been clear that it sees a reduction in rents as being the price to pay for the telecoms operators investing in the infrastructure, to enable operators to deliver 5G and improve levels of voice and data coverage in rural areas. The Shared Rural Network, a £1bn 50-50 operator/government funded initiative announced in March 2020 is intended to accelerate that ambition and replaces the original plan to obligate operator coverage commitment via the lucrative 5G spectrum award process.

Central government, through the DCMS, Cabinet Office and Office for Government Property, and in response to operator lobbying, has encouraged owners of the public estate to consider making properties available, even suggesting through a "Digital Toolkit" to consider a more holistic approach to the definition of "best value" which leans toward socio-economic benefits, rather than the burdens and prejudice that might arise from an operator's occupation.

Repossession – routes and reasons

Perhaps the single greatest impact of telecoms apparatus on property is a loss of control or the ability to take back possession quickly, whether on a temporary or permanent basis. This could be for a variety of reasons, such as repair or maintenance, disposal, demolition or development and regeneration.

Since December 2017, any written agreement made with a "Code Operator" (a list of those at <http://ow.ly/c0CF30rMulx>), automatically attracts security of tenure under the Code. With it no longer being possible to "contract out" of the Code, and irrespective of the fixed term, a minimum of 18 months' statutory notice will need to be served on an operator stating one of 4 grounds on which the agreement should end. When comparing grounds in the Code with the selection available under 30(1) of the Landlord and Tenant Act 1954

("LTA 1954"), property owners may be surprised by the absence of an equivalent to ground (g) to recover possession for their own use. Landlords should also note the reduced wording within the "redevelopment" ground at 31(4) of the Code, and that parties or Tribunal may consider interpretation and effect differently when compared with the of LTA 1954.

Timescales

In our experience, timescales and costs in achieving vacant possession from Code operators is often significantly underestimated. Unlike the LTA 1954 process, which might see vacant possession achievable within 12 months if managed carefully, the Code requires a property owner to endure a lengthy 2-stage and possibly 3-stage statutory process. The first step affords an operator a minimum period of 18 months' notice, during which an application to the Upper Tribunal (Lands Chamber) ("the Tribunal"), followed by a hearing at which the property owner must make out their ground, otherwise face the prospect of a new, or modified continuing Code agreement being imposed.

Assuming that the property owner is successful at the first hearing, the Code agreement comes to an end. However, property owners anticipating vacant possession shortly thereafter will be disappointed to learn that a further notice is necessary, and absent agreement between the parties as to what might be considered a "reasonable" timescale, it is yet again the Tribunal who must make an order for the eventual removal of apparatus. If the operator still fails to remove the apparatus, the landowner is forced to go back to the Court yet again, to seek a further order to allow the landowner to remove the equipment.

Forget the '54 Act?

It is unlikely to have been the intention of those drafting the Code, but as a result of Cornerstone Telecommunications Infrastructure Ltd v Ashloch Ltd & Anor [2019] UKUT 338 (LC) ("Ashloch"), those existing agreements which were in effect (or "subsisting") as at the Code came into force on 27 December 2017 and protected by security of tenure under the LTA 1954, can only be terminated (and



either replaced with a Code agreement, or successfully opposed by the landlord) by the LTA 1954 procedure.

For landlords seeking to develop, or importantly wishing to rely on ground (d) to occupy the holding for their own use (such option being absent from the statutory grounds within the Code) a less onerous and speedier route to vacant possession is presented. It is also a route more frequently travelled by non-telecoms practitioners, given there are no reported cases from the Tribunal that have dealt with termination of a Code agreement. Perhaps the only disadvantage is the need to factor in statutory compensation on termination of the tenancy. However, with rateable values for telecoms sites being relatively modest when compared to the savings or benefits that securing vacant possession brings, this is unlikely to be a major concern.

Further Code reform

This route is unlikely to be available for long as the operators have been lobbying hard to try and close what they consider to be a "loophole". Despite the Ashloch case being dismissed at the Court of Appeal earlier this year, which prevented operators from avoiding the LTA 1954 process, the DCMS has indicated that it may be willing to do away with the protections afforded to landowners by the LTA 1954. This, and other changes, including making the right to upgrade



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and share sites unlimited, unrestricted and retrospective are to be put forward in a draft bill following the Queen's Speech in May.

Fire safety and telecomms

The recent introduction of the Fire Safety Act 2021 (FSA) has resulted in public sector property managers urgently reviewing existing asset management plans and lifecycles for all properties with two or more domestic dwellings. With the act applying to a building's structure, external walls and any common parts, telecoms apparatus that is already installed, or is planned, should be carefully and independently assessed.

Increasingly, operators are deploying batteries or generators (with fuel storage) to sites for resilience and certain customer requirements. New and upgraded apparatus may result in new openings in building fabric or other sensitive areas where the integrity of fireproofing is critical.

It is not only the flat surface and visible areas of buildings which comprise operator apparatus; power and fibre cables within dry risers or fixed to internal or external faces of the building are a particular issue and concern where fixed through cladding that needs urgent removal or replacement.

Barriers to fire safety

Many public sector high-rise properties are already occupied by telecoms

operators, as are additional demands for new and upgraded sites on this asset type. However, with many older properties, especially from the 1960s beyond economic repair or refurbishment, often the only viable option is to demolish and rebuild. Increasingly, an operator's unwillingness, or inability to surrender possession and rely on statutory protections is having a significant impact.

We have seen a recent example of this scenario when advising a local authority, having resolved to demolish two high-rise residential blocks, where fire safety was the driving factor. While the task of decanting over 150 residents is underway and compulsory acquisition likely to be averted to complete that exercise, the planned demolition date later this year is increasingly at risk due to the continued occupation of multiple Code operators on both properties. At present, there are no provisions with the Code, or FSA that address or provide relief from this issue.

Project risk and cost

Understandably experienced practitioners have highlighted the above issues as presenting a potentially significant risk, liability and cost, particularly when set against the modest sums offered at the commencement of an agreement by way of compensation, or as an annual consideration for the rights under a Code agreement. Irrecoverable costs in the order of £100,000 or more to achieve vacant possession in these circumstances is not uncommon, and often only

results in an operator surrendering at the last moment – possibly some 24-30 months from the initial notice and well beyond what most project, property or asset management teams might have considered within programme or budget.

Key to achieving a successful outcome is understanding how to engage appropriately with an operator. While litigation is inevitable and parties will want to protect their position, an understanding of key concerns and objectives on both sides, along with an openness to collaborate on technical and other practical matters to mitigate risk, should be embraced. In some cases where significant redevelopment or regeneration is planned, mutual benefits can be realised: better digital connectivity within the development, improved or integrated siting and design, managed service disruption or temporary site deployment.

A final word on fibre

While much of the noise and industry press coverage is centred around mobile operator activity to realise rent savings and expanded rights, it should be remembered that fixed line and fibre providers will often also be "Code Operators" and therefore have available to them the same ability to seek conferral of Code rights and statutory protections on occupation.

The number of fibre providers operating in this space has increased significantly over the last few years, with several focussing on establishing rights and access across the public estate, by city or region. While elected members are understandably responding to a call for digital inclusion, and the socio-economic benefits that a choice of high-quality communications brings for all, it is the property and legal services teams who must reconcile how such rights may impact on an individual or group of assets. Such impacts may be easier to quantify and mitigate at the commencement of an agreement, but with most fibre providers seeking a term in perpetuity, which may bind many properties simultaneously (a so-called "bulk wayleave"), future development, value and routes to repossession could be compromised.



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annual asset valuations for



David is an authorised High Court Enforcement Officer with over 35 years' experience in specialist evictions and enforcement. He is the director for corporate governance and compliance at The Sheriff's Office and regularly works with the National Eviction Team, both companies being part of High Court Enforcement Group.

He has a wealth of experience in dealing with high profile enforcement operations and has planned and led operations to remove demonstrators from complex locations, including St Paul's Cathedral (OCCUPY!), Admiralty Arch, Parliament Square, Bexhill-Hastings by-pass, nuclear power sites and numerous fracking sites, including Balcombe.



RESIDENTIAL EVICTIONS UPDATE

Tenant eviction in England

David Asker property@hceggroup.co.uk

In the first of two articles in this issue of ACES' Terrier, David updates readers on the recent government announcement about the termination of the moratorium on residential evictions.

End of moratorium

At the start of the pandemic, the government placed a moratorium on the eviction of tenants from residential properties, to support renters in financial difficulties as a result of C-19.

The moratorium was extended several times, but on 12 May 2021, the government announced that the moratorium would end on 31 May in England. The Welsh Assembly has decided that the moratorium on residential evictions in Wales should remain in place to 30 June 2021 (subject to review).

It has been a juggling act for the government to protect renters, but also to be mindful of the need for landlords to have access to justice. Government data shows that 45% of private landlords own just one property and are highly vulnerable to rent arrears.

One of the conditions to the ending of the moratorium was that enforcement agents enforcing a writ of possession will delay an eviction where they have been made aware that anyone living in the property has Covid symptoms or is self-isolating. They will issue a new notice of eviction once the isolation period has been completed.

Notice periods

Notice periods required to be given by landlords were also amended during the pandemic and were raised to 6 months. However, from 1 June, these reduced to 4 months, and the plan is to return to pre-Covid notice period levels from 1 October, subject to public health advice and progress with the roadmap.

Notice periods for cases where there is less than 4 months of unpaid rent, will

reduce to 2 months' notice from 1 August.

However, there are some exceptions to these, with shorter notice periods for the most serious cases which put the greatest strain on landlords:

- Anti-social behaviour (immediate to 4 weeks' notice)
- Domestic abuse in the social sector (2 to 4 weeks' notice)
- False statement (2 to 4 weeks' notice)
- Over 4 months' accumulated rent arrears (4 weeks' notice)
- Breach of immigration rules 'Right to Rent' (2 weeks' notice)
- Death of a tenant (2 months' notice).

In a similar vein, courts will also continue to prioritise the most serious cases, such as those involving fraud or anti-social behaviour, many of which predate the pandemic.

A fairer private rented sector

The government has also announced that a white paper will be published in the autumn, setting out proposals to create a fairer private rented sector, including the abolition of Section 21 evictions and a new 'lifetime deposit'.

While we are very much in favour of a fairer system, we are concerned that the removal of "no fault" section 21 evictions will place additional restrictions on landlords. There is a real danger of landlords exiting the market if their risk is perceived to be too high - all of which will place additional strain on local authority housing teams, as demand increasingly outstrips supply.

PROTESTER EVICTION

Clearing the anti-vax campaigners

David Asker property@hceggroup.co.uk

In the second of David's articles, he here describes the eviction of protestors who were using a strong level of violence to resist the breaking up of a camp on a council green.



On Monday 31 May 2021, demonstrators calling themselves "Lovedown" moved from a shopping centre in London onto a council owned green, pitched their tents and continued to protest against Covid vaccines, testing, mask wearing and the lockdown generally.

The local authority went to court to obtain a writ of possession to remove them and instructed the National Eviction Team (NET) to undertake the eviction. The writ of possession was sealed on Friday 11 June and the NET, supported by the Metropolitan Police, commenced the eviction on Tuesday 15 June.

Many of the local residents commented that they were relieved that action was

being taken. They were pleased with how quickly the local authority reacted, as there had been an increased level of crime and anti-social behaviour in the area since the protesters' arrival.

On 15 June, the operation began to remove a large group (60 plus) of protesters from the green. NET agents encountered significant verbal abuse and threats of violence from the protesters, many of whom instantly armed themselves with everyday objects that could be used as weapons.

During the early stages of the operation, several of the protesters removed themselves peacefully from the camp, but a hardcore group decided to remain. Due to the level of violence/weaponry and with the escalating tensions, the increasing likelihood of harm and injury, a combined decision was made to withdraw. This enabled the Met Police to reassess the level of support needed to safely manage this level of aggression.

The NET resumed the eviction with full Met Police support on Thursday 17 June. The team consisted of 50 NET enforcement agents who were fully supported by the Met Police. Although



several NET agents were attacked by the demonstrators with some agents sustaining minor injuries, the protesters' camp was cleared within 2 hours.

Following this hugely successful operation, the camp was cleared of all the residual rubbish left by the protesters and Heras fencing was erected by the local authority to secure the green's perimeter. The Met Police issued dispersal orders to clear the remaining protesters from the surrounding areas.

In our experience, when landowners and local authorities encounter large groups of protesters or trespassers turning up on their land, early engagement with an experienced Authorised High Court Enforcement Officer is essential. This case demonstrates the benefit of this early engagement. The local authority acted quickly to secure a writ of possession and promptly instructed the NET and Met Police. This ensured that the protest camp was not allowed to expand any further and undoubtedly helped to stop the increase of antisocial behaviour and crime in the area.

The National Eviction Team would like to thank the local authority and Metropolitan Police for their full support in making this an extremely successful operation.





Chris spent nearly 25 years working in local government, involved in estate management and strategic asset management. Having moved on to CIPFA in 2003, Chris has been delivering property consultancy and training across the public sector. In 2019, he established his own consultancy, Chris Brain Associates, and he continues to support the public sector with property consultancy and training throughout the UK, in strategic asset management, organisational efficiency, and asset valuation.

Chris is a member of ACES and is ACES' Valuation Liaison Officer.

ASSET MANAGEMENT AND CHANGE

We've always done it that way

Chris Brain FRICS chris@chrisbrainassociates.com

Chris here advocates embracing constructive change: "Remember that bad ideas are a stepping stone to good ideas."

"We've always done it this way" is a phrase I hear quite a bit. In fact, it is one of the most commonly heard phrases in all the property consultancy and training that I have undertaken over the past 2 decades.

I first encountered this phrase over 30 years ago, as it was a phrase of choice at that time of a former work colleague of mine. I remember thinking at the time what a foolish phrase this was.

Grace Brewster Murray Hopper was an American computer scientist and Rear Admiral in the United States Navy. As one of the first programmers of the Harvard Mark 1 computer, she was a pioneer of computer programming. She worked in a very fast-moving technological domain where simply attempting to repeat previously successful strategies was sometimes disastrous.

She has been attributed as having described this phrase as the most dangerous phrase in the English language. I would agree with her. Not only dangerous, but really quite depressing.

It is reported that on the wall over her desk, Grace Hooper hung a clock going counter-clockwise to remind people resistant to change that because something was done one way in the past, is no reason why it can't be done a better way in the future.

The phrase can sometimes of course be synonymous with *"If it ain't broke, don't fix it."* In the hectic world of local government, some might argue that relying on a tried-and-tested approach is

often a harmless, natural course of action. After all, it has always worked in the past, why shouldn't it still work in the future?

I am more inclined to argue that resting on your laurels is foolish - a last-ditch effort to remain relevant. We know that past success is no guarantee for future success, especially when the only constant is change. But that doesn't stop many workplaces from being completely resistant to new ideas.

If you're currently stuck in this sort of culture, you know how frustrating it can be. Simply relying on past achievements can lead to stagnation and expose you to significant risks. Organisations convince themselves that because they have not encountered problems in the past, that by operating the same way forever they will avoid those problems in the future.

One of the reasons people use this phrase is from fear: of failing, of the new, of the unfamiliar. And the worst part? There's a difference between an organisation that sticks to its guns and one that's simply afraid of change. Regardless, fear is one of the most potentially destructive impediments for any organisation.

Fear prevents an organisation from taking action - or, in some cases, from doing anything at all. Part of combating fear is knowing how and when to inspire it. It isn't about change for the sake of change.

How many of you challenge how you manage the property estate in your organisation?

How many of you are prepared to rise up against the status quo, to challenge the way things have been done in the past, to seek out new and more efficient and effective ways of doing things?

If you are up for change, then what that change will be will depend on where your organisation is at the moment, and what the opportunities are for improvement. Perhaps it will be the implementation of a corporate landlord model, so that property assets are truly treated as corporate assets. Maybe it will be the strengthening of governance across the property portfolio, so that decisions are made in a strategic context.

It might be investing in training and development of your workforce, or even challenging pay structures to improve staff retention and recruitment. It could be that for you it is about developing data and performance frameworks, so that decisions are evidence based and bids can be made for more resources.

Or it could be about developing an estate strategy that aligns with your organisation's climate emergency agenda and the post-Covid world. It might even be that you wish to challenge the fundamentals of your organisation's commercial property investment strategy, and open it up to greater scrutiny or improve risk awareness.

I often say to my clients that the first big step in any change process is deciding that change is needed in the first place. As Martin Luther King once said, *"Take the first step in faith. You don't have to see the whole staircase, just take the first step."*

I choose to work with the clients I work with because they are committed to change. And I mean real change, not paying lip service to change. They are not content with how things are being done. They too, have risen up against that phrase *"We've always done it that way."*

Please do not mistake change with copying or plagiarising what others are doing. While it is often said that imitation is the sincerest form of flattery, in my experience this does not always see a good outcome. The change path that you need to take is the change path that you need to take, and not the change path that someone else took.

As Simon Sinek says: *"To be innovative, we can't look to what others have done. The whole idea of blazing a path is that there was no path there before."*

I agree. That is why if you truly wish

to be innovative, you have to be willing to be guided towards tailored solutions to your challenges. In setting a new future for your property portfolio, reflect on where your organisation is currently, where it needs to be, and what the steps might be for you to reach your destination. Establish your own path that leads to your destiny.

If you think about strategic property asset management in simple terms, it is nothing more than a journey from A to B. Over the past 2 decades I have worked with clients with a total balance sheet value that exceeds £60bn. Those organisations sometimes struggle to visualise where B is. Not only that, they very often don't actually know where A is.

So while moving from A to B can be a straightforward process, if you don't know where you are or where you are going, you will wander aimlessly. The journey really does start with understanding where you are.

Some of you may be familiar with the immortal Pink Floyd lyrics: *"The child has grown. The dream is gone. I have become, comfortably numb."*

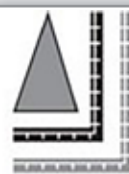
Alison Gopnik is professor of psychology and philosophy at the University of California, Berkeley. As she neatly puts it: *"The older we get, the harder it is for us to learn, to question, to reimagine. This isn't just habit hardening into dogma. It's encoded into the way our brains change as we age. And it's worsened by an intellectual and economic culture that prizes efficiency and dismisses play."*

To be able to devise a property strategy, you need to find your child mind. You need to break out from the habit of efficient thinking. You need to shake off how you have done things in the past.

You need to learn to play. Play around with ideas. Play around with notions. Play around with concepts. Play

around with beliefs. Play around with scenarios. Play around with solutions. Remember that bad ideas are a stepping stone to good ideas.

Instead of accepting that the status quo is acceptable, because *"We've always done it that way"*, challenge and innovate so that you can design your new future.



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Heena works as an analyst in the research team at Carter Jonas, reporting on market trends and themes across both the rural and commercial divisions.

THE MODEL ESTATE 2021

Model Estate performance

Heena Gadhave Heena.Gadhavi@carterjonas.co.uk

The Model Estate report has been featured for a number of years, lastly in 2020 Autumn Terrier. It provides useful trends for asset classes typically managed by local authority surveyors, and comparisons against other investment types. The changes over the past year have been turbulent, but perhaps not as disruptive as anticipated, as Heena describes.

The Model Estate report for 2020 performance

The 'Model Estate' is a notional agricultural estate created by Carter Jonas in 2010, of over 3,000 acres. The estate comprises the components shown in the graphic – a combination of let and in-house farms, a commercial and residential portfolio, a solar farm, and the introduction of a quarry. It is located in Oxfordshire.

The model estate is also used to compare the performance of agricultural land against a basket of alternative asset

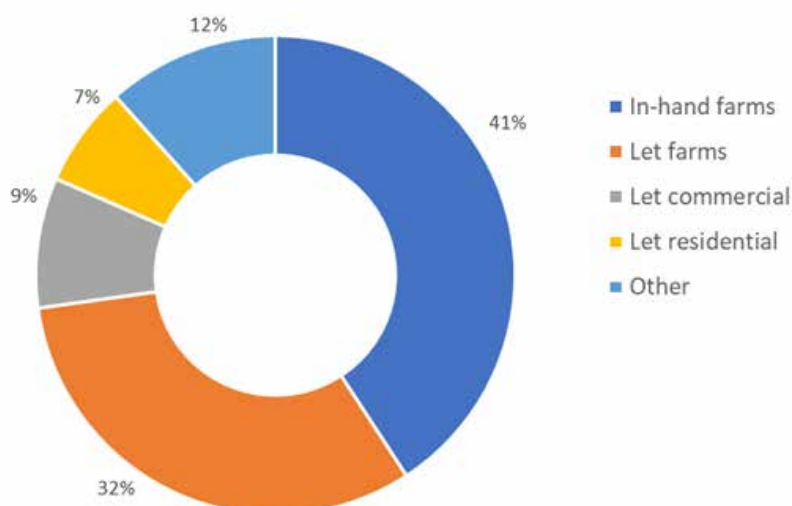
classes: residential and commercial property, equities, gold, fine wine and classic cars. By recording the data since 2010, the report can focus on the estate's annual change and its longer term performance (see second graphic).

Despite the turbulent economic climate created by the C-19 pandemic, the model estate yet again proved its resilience, with its value increasing to £44.4m at December 2020, from £39.8m in 2019, an 11.6% increase during the year.

Other: 650%

Components of the Model Estate (by capital value)

Source: Carter Jonas



The estate's impressive growth was primarily driven by the introduction of a quarry, following a successful planning process, which was the sole reason for this sub-sector's exceptional increase.

The quarry had a 2020 year-end value of £4.4m and an annual income of £542,500.

In terms of the other elements of the sub-sector; the solar farm's capital value increased by 8.8% over the last year, while the value of the telecoms mast, commercial shoot and fishing rights all remained stable.

Residential: 4.0%

The residential element of the estate had a 4.0% increase in capital value over the year. All 7 properties which comprise the portfolio remained occupied with rental levels holding firm. This positive trend is in line with the national picture, which has seen demand strengthen for good quality, well located residential property, with

good internet connection remaining a key driver. This strengthening in demand is forecast to continue after restrictions have been lifted from the C-19 pandemic, as flexible working, combined with improved quality of life, will remain key factors in the decision to relocate.

In-hand farms: 1.3%

The in-hand element of the estate saw values rise by 1.3% in 2020, slightly above the 1.1% recorded in the previous year. The increase was entirely due to the performance of the Manor House and the one farmhouse included within this sub-sector. The value of the arable land remained stable, although pasture land values fell by just over 3% over the last 12 months.

In contrast to previous years, the value of the Manor House materially improved the performance of the in-hand farms in 2020, with a return of 1.3% when included, and no change being recorded when excluded. This demonstrates the strengthening in demand and values of the national country house market, as an increasing number of people consider relocating to more rural locations for an improvement in quality of life, due to the impact of the global pandemic and the consequent change in working patterns.

The hot, dry weather in the spring

significantly reduced harvest yields in 2020. However, commodity prices witnessed a notable increase as a result of Brexit, and have continued to remain high offsetting, in part, the impact of a low yielding harvest. The downward tapering of the Basic Payment Scheme has continued to squeeze farm income across the board, placing pressure to diversify, find alternative income streams, and reduce costs.

Commercial: 0.0%

The commercial element of the estate remained fully occupied and values held stable over the last year. In light of the pandemic, this is a very positive outcome, with all tenants remaining able to pay full rent, despite the increasingly difficult economic conditions.

Letting activity has proved restrained across the major UK cities relative to previous years, although not at the catastrophic levels which were feared at the beginning of the pandemic. Good quality space in rural locations with good internet connections continue to be in demand, with rental increase forecast for the remainder of 2021.

Let farms: -1.4%

The let farms portfolio was the only

element of the estate which recorded a decline in values in 2020. However, this drop was due to a reduction in area of 25 acres, as a result of the quarry being opened up and subsequently being taken out of agricultural production.

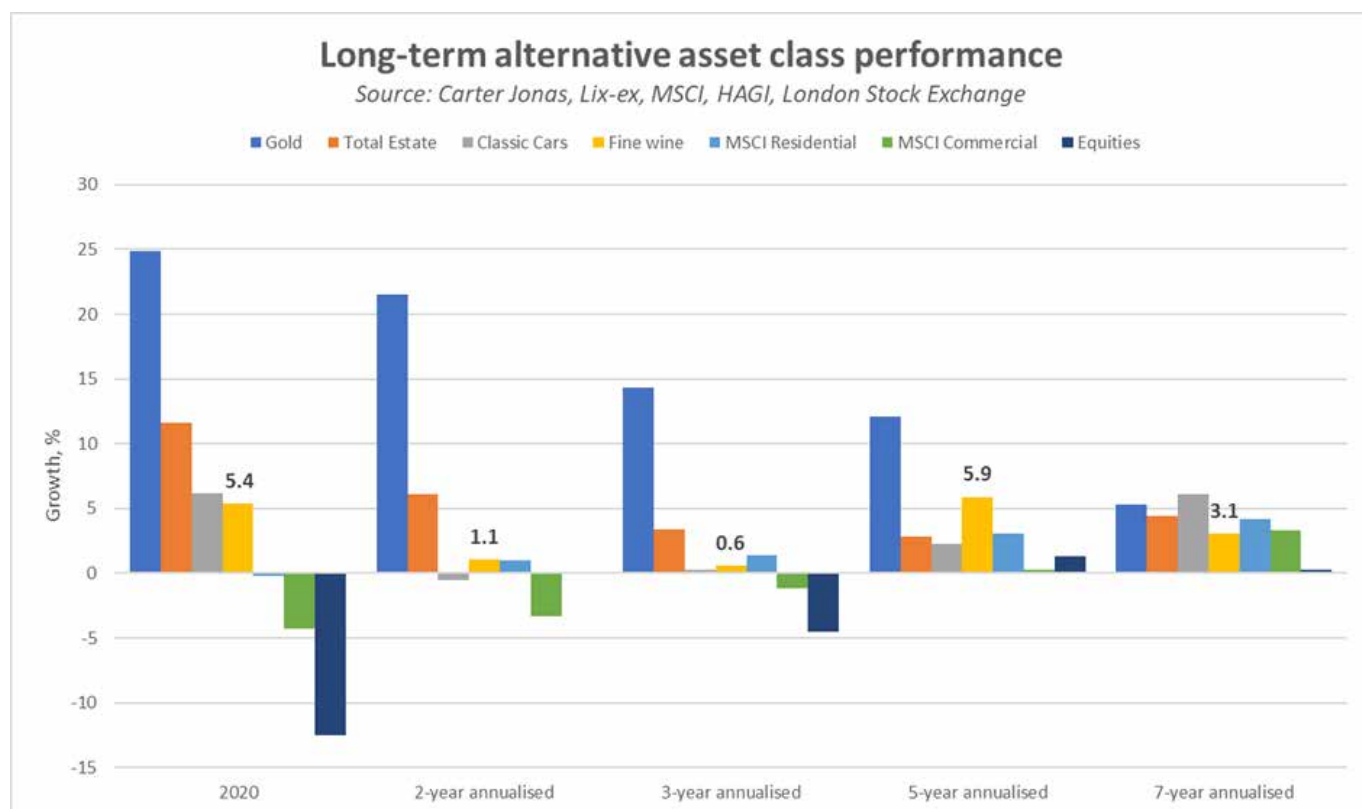
The value of the residential element of the let farms increased by just over 3% in the last 12 months, with arable land values holding stable, in contrast to pasture land values declining by 3.3%.

Model estate versus alternative asset classes

The improved performance of 2020, as highlighted in the component performance section, has resulted in the model estate taking second place in this year's alternative asset class rankings. Over a 2- and 3-year annualised period, the estate also ranked second. However, over the longer term, performance has been slower. Over a 5-year annualised period, the estate's value increased by 2.8% p.a., ranking fourth, and grew by 4.4% when annualised over the last 7 years.

Gold: 24.9%

The price of gold, in US Dollar terms, increased by almost 25% during 2020 and proved the best performing asset of the year. This price increase was driven



by a combination of factors, including low interest rates and strong investor demand. The C-19 pandemic and uncertainties surrounding the result of the US presidential election did not deter demand or growth. Looking across the longer term, annualised growth of gold remained the top performer over a 2-, 3- and 5-year period.

Classic cars: 6.2%

The classic cars market bounced back in 2020, with the HAGI Top Index (Historic Automobile Group International) increasing by 6.2%. This took the asset into third place in the rankings, up from the -6.7% growth and last place ranking in 2019. This rise may surprise many, although it has come from a relatively low base at the start of 2020. The index did rise during the first 6 months of the year - a shock, given the lockdowns in places across many major global markets - before dipping slightly, and then once again increasing during the final 3 months of 2020. Despite the market in Europe effectively closing in the spring months, many consumers and car enthusiasts were still active online; but without being able to view or test drive, activity was not necessarily translated into sales until much later in the year.

Fine wine: 5.4%

Despite the headwinds faced by the market in 2020, the Liv-ex 100 index ended the year up by 5.4%, placing fourth in this year's alternative asset class rankings. The index fell throughout the first half of the year, but did increase significantly in the autumn and winter months, ending the year in a strong position. The price and volume of wines were sold at strong prices in November and December, providing a strong indication that demand continues to be healthy. While 2020 ended on a high, 2021 will be a telling year for the market, as both Brexit-related and US imposed tariffs came into force in January. Over the longer term, growth has remained robust, increasing by 5.9% and 3.1% p.a. over a 5- and 7-year time period, respectively.

MSCI Residential: -0.2%

The UK's residential property market held up remarkably well throughout 2020,

due to the rapid easing of restrictions in the sector and the stamp duty holiday, which was set up to encourage buyers to return to the market and resulted in strong demand. This was after the market experienced one of its lowest points ever during the second quarter of 2020, when the national lockdown was in place. The impact of the pandemic on consumer earnings hit pricing levels, and as the result, the value of the Morgan Stanley Capital International (MSCI) Residential index fell by 0.2% throughout the year. However, the changing priorities and preferences of consumers due to the lockdown also led to a surge in sales activity and price growth during the second half of the year, although the latter tapered off towards the end of the year.

MSCI Commercial: -4.3%

The commercial property market in the UK has been a big casualty of the pandemic. The 4.3% decline in capital values throughout 2020 was primarily led by the retail sector, whose struggles over the last few years were amplified by the effects of the pandemic, when national lockdowns required all non-essential shops to close their doors, with many unsure whether they would reopen. This, together with a collapse of major national brands including the Arcadia Group and Debenhams, has seen retail property values reach all-time lows. The shift to online retailing surged during 2020, as was to be expected while physical retail stores remained closed, and, as a result, demand for distribution warehouses has continued to grow, offsetting some of the declines of the retail sector. In the office market, the working from home revolution of 2020 has seen capital values reduce. The full effect of this is likely to be realised in 2021. Many firms will be making decisions on whether employees will be returning to the office full time, and whether office footprints can be reduced, as working from home patterns are made permanent.

Equities: -12.5%

The FTSE All Share Index suffered one of its biggest annual losses in 2020, down by 12.5% throughout the year (based on month end figures). The stock market saw the fastest crash in history in the 4 weeks

to the end of March, although a rebound was seen through the middle and latter months of the year. However, given the nature of investors for equities, it is more pertinent to look at medium to longer term trends. The annualised growth of the FTSE All Share index increased by 1.3% p.a. over a 5-year period, and by 0.3% over 7 years.



Graeme has worked as a rural policy campaigner at CPRE national charity in London since 2006, majoring on food and farming since 2013, and as agricultural lead since 2019. He represents CPRE on Defra's Rural Development Programme for England monitoring committee, and Environmental Land Management Scheme stakeholder group, and in partnership working with a wide body of food, farming and conservation bodies. He previously worked at PriceWaterhouse Coopers and as a senior lecturer/tutor at Anglia Ruskin and Essex universities. He completed a Masters in Environment, Science and Society at Essex in 2004. He grew up in Cheshire, working frequently on family farms.

COUNTY FARMS

Graeme Willis GraemeW@cpre.org.uk

Graeme first outlined CPRE's research into the importance of county farms in 2020 Spring Terrier. This article is an update on progress, including working towards the Vision for county farms.

Background

Shared Assets, New Economics Foundation and CPRE, the countryside charity, have been partners since February 2020 in a project to research and develop a new vision for the future of council farms: to set out a positive future for their role in bringing new entrants into the sector and to deliver more and a wider range of public goods. We will promote this vision with key policy and decision makers.

This article is an update on progress since our first workshop with ACES' rural members reported in 2020 Autumn Terrier. It presents some of our findings on the key issues faced by council farms, a short narrative overview of the Vision and sets out our next steps in the project to the end of 2021.

The project has been made possible by generous funding from the Farming the Future programme of A Team and Roddick Foundations, (www.farmingthefuture.uk) and the Esmée Fairbairn Foundation (<https://esmeefairbairn.org.uk/>).

Introduction and wider context

Anyone working in depth on farming issues will be keenly aware we are at the start of a decisive decade for the sector. Andersons have recently forecast that by 2030 the UK will have lost 20% of current farming businesses – down from 54,000 in 2020 to 42,300[1]. The UK-Australia trade deal is fresh in the

minds and ire of many. The government is consulting on a Lump Sum Exit Scheme to free up land by aiding retirement. It is clear that a shake up and shake out of farming is in train. The government calls it an Agricultural Transition and has a plan and a plethora of programmes [2]. These are slowly emerging in greater detail and will affect the sector to a lesser or greater degree. These include: the progressive phase down of direct payments to 2027 (reaching 50% cuts by 2024); Environmental Land Management and piloting of the Sustainable Farming Incentive (SFI) plus the rollout of some of the SFI standards early in 2022; the New Entrants scheme in development, and a Farm Resilience programme already under way to support business planning.

It is a complex mix, but with two overarching goals to support the profitability and economic sustainability of farming without subsidy, and the delivery of a range of environmental goals. Sitting behind all this are the spectres of the climate and nature crises and the urgent need to reverse both, but also that of HM Treasury no doubt keen to revert to fiscal rectitude and squeeze budgets to repair national finances post-Covid. In sum, the land-based sector faces the challenge of producing wholesome food sustainably and profitably with falling greenhouse gas emissions, while restoring nature, and yet with more volatile weather and finances and more competitive markets. So, while this may well be a time of agricultural transition, the extent of adaptation required suggest

this may become a transformation of farming, and more revolution than evolution.

This extraordinary moment does raise questions for our project, particularly of what role councils and their farms, if any, can and should, play in responding to this conjuncture of events and policy changes. As a result, although our Vision is targeted firmly at what the picture might look like in 2040, our thinking has to be rooted strongly in answering these questions. There are many aspects to this, but I'll mention two by way of introduction. One I alluded to in my previous article for 2020 Autumn Terrier: C-19 has amplified the importance of the role of government as a back stop and essentially investor in strategic sectors of the economy. Change requires innovation and forms of investment and frameworks to foster it. Farming is, we hope most would agree - despite the odd voice claiming we could import all our food - a strategic sector par excellence. So government at all levels should be supporting it to innovate and adapt to make an opportunity of the need for great change.

Secondly, this government has made clear its priority of 'levelling up'. Although the concept remains a bit nebulous - more a political slogan than a political programme - this will no doubt change. Levelling up might apply for now to left behind urban areas in the north and on the coast, but it should apply to rural areas and rural populations too. So, if it hasn't yet been talked about with reference to the land-based sector, it should be. If it is to be about building equality of opportunity, then the farming and growing sectors are a perfect case of where barriers to entry are high and linked to background, experience, and access to capital, but also structural issues around ownership and tenure of land. It is clear to us that council farms and farmland have the potential and a role to play in making the levelling up agenda a reality.

Project progress and development of the Vision

As ever we have worked under lockdown and with the constraints of zoom and Teams. The project has moved forward since September 2020. We have:

- Organised 2 virtual exploratory

workshops with council tenant farmers and prospective farmers, helped by the Tenant Farmers Association and The Land Workers Alliance. The Defra New Entrants team also joined these

- Worked with local groups in Enfield, Brighton and Hove and Wiltshire on thinking around the future of their local council farmland
- Identified key issues and challenges facing council farms from the perspectives of councils, the land-based sectors, including council tenants and prospective tenants and local people and communities. These are based on earlier research with councils in the 'Reviving county farms' report [3], on the workshops and further desk research. They are summarised below. The Vision itself has been written to address these and to suggest changes to policy that can start to tackle these challenges
- Drafted a set of Vision statements and backing analysis and checked these with our expert advisory panel and presented them in summary to the ACES Rural Brach meeting in April with Defra also in attendance for early feedback
- Revised and reworked a Vision document after feedback with analysis in appendices.

Key issues identified

Our Vision will be structured along the lines of how council farms can work better for councils, farming/growing as a sector, for new entrants and existing tenants, and for local people. We've structured the issues in the same way and present them here very much in brief:

For councils

- continued austerity and budget pressures driving farm sales - the past decade has been an unparalleled period of reduction in spending powers, with councils selling assets and cutting services to balance the books
- political short-termism - land holdings may be poorly understood by the local public and councillors alike; despite having been held for generations, they can be rapidly disposed of following a shift in political attitude and control

- lack of a coherent up-to-date purpose nationally - council farms have been acquired for various reasons and under legislation going back from 1890s to 1970; along with inherent differences in the estates this can present a confusing picture; the 2020 Agriculture Act also failed to update their role to fit the challenges of the 21st century
- conflict between managing for finance and other purposes - council farm estates clearly must be managed professionally to make decent returns but, in the absence of suitable indicators of wider public value, managing them for best value risks being equated to financial returns from them, seen only as a property asset; this undersells what they do and could achieve for the area
- the complexity of integrating land use with other policies - the role of land in delivering critical ecosystem services such as water quality, flood protection or carbon storage is only just beginning to be properly embedded in public policy; this multifunctional perspective is still not well integrated into national policy for land; there is a lag in recognition for council farms of their potential to deliver multiple objectives and benefits and to integrate this into policy and metrics and indicators of their value.

For the land-based sector

Council farms have long been important to enable people to go into farming who lack the family connections and land to do so. The issues below link to the changing characteristics of council farms and their ongoing ability to support the land-based industries:

- high barriers to entry - farming is a high capital sector with low returns; in the early 2010s it was recognised that rising land prices, lack of tenancies and consolidation of farming would make it impossible for all but a few wanting to start their own business to go into the sector
- ageing of farmers and impact on the sector - this is a long standing issue, which has worsened since 2000; it raises questions about the ability of the sector to adapt in a time of rapid transition

- barriers to attracting the right talent/ lack of diversity in farming – better recognition of the needs of the left behind and minorities for fairer opportunities raises broader questions around who gets to farm and work the land, the disconnect between wider society and farming, growing and the wider countryside; what might a more diverse farming sector achieve?
- who benefits from council farmland? – with a falling number of council farms, there are growing challenges around who the land should benefit and how to balance helping new entrants and sitting tenants wanting to develop their business and have the stability to do so; it doesn't help that the term 'new entrants' remains ill-defined and we lack the public data on who new tenants to council farms are or their backgrounds – are they mainly from farming families or outside? Do they support those from farming backgrounds or people from other experience and background? Lastly, as farming needs to shift towards net zero and sustainable approaches, will these shifts be supported on council farm estates, and are tenants equipped and enabled to adapt? Can they diversify or adopt regenerative management practices, and do they have the flexibility, stability of tenure and resources to make these changes and make them work?

For communities

- transparency and accountability – the landscape of councils (county, unitary, district) and their land holdings are hard to understand, and the latter remain largely under the radar of the public; in this context it's hard for there to be good understanding or effective public scrutiny of how these assets are used
- making sense of the value of public assets – land plays a vital role in delivering multiple critical public benefits from clean air, to water supply, to regulating climate, as well as producing food, but this understanding needs to translate to the local level; otherwise, with the public largely disconnected from the land, councils need to make a strong case on these wider grounds for

maintaining land holdings against very challenging demands to deliver other non-discretionary public services such as care, education or social housing

- intergenerational equity – this may be abstract but we feel it is important – what is our responsibility to previous generations who made sacrifices (from a much lower economic base) to acquire farmland for public good, and to future generations when land may become a vital asset for local food security, health and well-being, or carbon capture. Land is difficult to replace and reacquire in certain locations, so when considering the options for its management and retention or disposal, we should look wider and longer than short term financial issues
- delivering public goods - ownership of land by public institutions (as against private) confers control on its uses and what it can deliver, and which can be determined in part by policy and not private gain. There is currently no guarantee that new Environmental Land Management schemes will be taken up as they are voluntary; but local authorities with land can lead on this and lock in delivering public benefits for the long term in partnership with their tenants.

An extract from the draft Vision

The main body of the Vision will take the form of statements about how in 2040, council farms will work better for councils, farmers and growers (or in shorthand, the land-based sector) and for local people, but it includes a short narrative overview. We present that overview here to give an early taster of the tone and content of the Vision.

"In 2040, council farms are valued by local people and are secured and managed for the benefit of the whole community including prospective, new and existing tenants and others making a living from the land."

"In 2040, council-owned farmland is secured by a strong national narrative of the holistic best-value approach to assets owned by councils. It is managed in the public interest to deliver important global, national and local objectives, decided democratically. Councils are no longer under budgetary pressure to sell land. After

20 years of sustained investment most farm estates are stable or expanding. Council farmland hosts a new generation of tenants working in partnership with their council to be local beacons of sustainable, net zero, nature friendly farming.

"Councils are making the most of the potential of their farmland to provide opportunities for people from all backgrounds to work the land in their own right, supporting them to develop sustainable businesses and livelihoods which benefit the wider local community. This has helped revitalise the land-based sector, bringing in new, diverse, innovative farmers and growers who are equipped to farm sustainably, in tune with nature and helping achieve net zero."

"Council farmland is secured for the benefit of the whole community both now and in the future. Local people are meaningfully engaged as key stakeholders directly and through a range of community groups in developing management plans, in understanding and valuing the benefits that council farmland provides and engaging with the opportunities it provides. Council farmland is seen to be special for giving citizens a stake and a sense of connection with their local farmed countryside and those working and stewarding the land."

Next steps for the project

With the draft Vision, we feel, in good shape, the team plans to share it more widely in the next month or two for comment with key people and organisations across the farming, food, environmental non-profit organisation and local authority sector. We hope to build up support for the Vision to increase its reach and impact. We also want to put together case studies of good policies and practice by councils supporting new entrants and of tenants farming adopting progressive practices and adapting. Once finalised, we plan to launch the Vision at a parliamentary roundtable. We'll also work to secure media coverage to bring the issues to a wider audience. Lastly, and C-19 restrictions dependent, we plan to hold 2 national 3D (non-zoom) workshops to raise the profile of the work with councils, councillors, estate managers and other groups interested in the future of council farmland.

Conclusion

It's legitimate to ask where this will take

us. All campaigning is a sustained exercise of hope to achieve positive change and a better future. The Vision for council farms is meant to be precisely that. We will present it to politicians this autumn and seek to raise awareness across the political and policy spectrum, as well as with the public about the value and potential of council farms. There will be more in the Vision with recommendations to start a conversation about the policy changes needed to make this happen. As we await details of the new New Entrants scheme from Defra, a quick win would be to secure a serious level of sustained investment for this scheme beyond the 2-3 years announced for the life of this Parliament.

But more and much will need to be done. If we are genuinely to 'level up' opportunity and broaden access to

farming and growing, to help bring in new ideas and revitalise the sector, invest to equip it to transform to face extreme challenges, and make all this relevant to the public, there can be no quick fixes. In turbulent times, we hope that the Vision for council farms will set a direction for a positive future. Then we'll just need to figure out how to get there.

Postscript

The project is work in progress and we welcome feedback on any of the content of this article, as well as engagement with our analysis and the Vision itself. Please do get in touch with me with any comments to improve our thinking or to discuss any aspect of the project.

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4) County farms were set up under 3 Acts: the Smallholdings Act 1892 and the Smallholdings and Allotments Acts 1908 and 1926



Andrew is a chartered town planner and Senior Planning Manager with the Welsh Government. He has 15 years' planning experience, ranging from drafting national planning policy and technical advice on a range of issues including housing, renewable energy, climate change, noise, minerals; leading a review of the enforcement system in Wales to inform the Planning (Wales) Act 2015. Also, determining nationally significant planning

COMPULSORY PURCHASE Welsh Government compulsory purchase reforms

Andrew Ward, BA (Hons), MA, MRTPI andrew.ward@gov.wales

Andrew kindly agreed to write this article about plans to reform compulsory purchase, having spoken at a meeting of the Welsh Branch. "The Welsh Government is also committed to dispelling myths on the CPO making process to encourage local authorities to use their compulsory purchase powers to support the economic recovery from the impacts of the C-19 pandemic." My thanks to Gerry Devine for coordinating it.

Barriers to using CPO

Since the devolution of law-making powers over compulsory purchase were transferred to the Welsh Ministers in 2018, the Welsh Government has committed to reforming the compulsory purchase process, to remove barriers to the use of compulsory purchase powers. Such barriers have been identified as a lack of local authority expertise, confidence, and knowledge of how to use CPOs

to promote placemaking principles to deliver public policy benefits, for example, the development of public land for social housing and the reuse of vacant properties in town centres. The Welsh Government is also committed to dispelling myths on the CPO making process to encourage local authorities to use their compulsory purchase powers to support the economic recovery from the impacts of the C-19 pandemic.

applications, appeals and CPOs on behalf of the Welsh Ministers, involving major residential schemes, opencast coal mines, wind farms, solar farms, and town centre regeneration schemes.

Over the last 3 years he has specialised in taking forward reforms to the compulsory purchase process in Wales, including leading the review of policy, guidance and legislation. He is also leading the development of policy to establish compulsory acquisition and wayleave provisions in a new Welsh Infrastructure Consenting process.

Reforming the process

The Welsh Government's approach to reforming the compulsory purchase process has been to support the 'up-skilling' of local authorities through:

- a strengthened national planning policy on the use of compulsory purchase powers Planning Policy Wales (PPW) (Edition 11)
- updated high-level Circular guidance on compulsory purchase legislation and procedures Circular 003/2019: Compulsory Purchase in Wales and 'The Crichef Down Rules (Wales Version 2020)'; and
- providing a streamlined and consistent approach to the CPO making process through a Compulsory Purchase Order (CPO) Manual resource which provides:
 - a. technical, detailed step-by-step guidance and best practice on:
 - project management including an "end to end" overview of the CPO process
 - how to make a CPO including step-by-step advice
 - engaging and negotiating with affected parties, and
 - making compensation payments
 - b. case studies on the successful use of compulsory purchase powers; and
 - c. a suite of standard templates and examples of CPO documents.

The Welsh Government has also recently completed a public consultation on proposals to streamline and modernise primary and secondary legislation underpinning the compulsory purchase process in Wales. The Welsh Government's response to the consultation confirms various amendments will be made to the:

- Acquisition of Land Act 1981
- Housing Act 1985
- Compulsory Purchase (Inquiries Procedure) (Wales) Rules 2010, and
- Compulsory Purchase of Land (Written Representations Procedure) (National Assembly for Wales) Regulations 2004.

Amendments include the increased use of electronic communications and sources, changes to site notice and publication requirements, the ability to consider CPOs by a combination of procedures, and the introduction of statutory timescales for the issuing of certain CPO decisions. The consultation, and the Welsh Government's response <https://gov.wales/reforms-compulsory-purchase-process>.

Other proposals planned for reforming the compulsory purchase regime in Wales include:

- publishing an online register of CPO decisions on the Welsh Government's website
- establishing the Welsh Government's pre-checking technical service of draft CPOs, and
- undertaking a review of compulsory purchase costs to develop options for reducing the costs associated with undertaking a CPO.

If anyone would like further information or to discuss the Welsh Government's compulsory purchase reform proposals, please get in touch with Andrew.



STRATEGIC ASSET MANAGEMENT DIPLOMA

In conversation with a participant

Malcolm Williams and Karen Lister



Malcolm Williams is an Honorary Member of ACES, the Coordinator for the ACES/CIPFA Diploma in Strategic Asset Management in the Public Sector, and a member of ACES Council.

Karen is Head of Estates and Strategy at Oxfordshire County Council.

Here, Malcolm talks to Karen about the first roll out of the joint initiative between ACES and CIPFA. For details of the course and its first roll out, see Malc's article in 2020 Summer Terrier and David Pethin's in 2020 Winter Terrier. The second iteration of the course is well under way and plans are in place for the third course later in the year.

Malcolm - Karen, thank you for taking the time out to chat with me regarding your participation in the roll out of the first iteration of ACES/CIPFA Diploma in Strategic Asset Management in the Public Sector.

Karen - Happy to give my considered feedback on the course.

Malcolm - How did you become aware of the course?

Karen - I picked it up from the advertising flyers put out by both ACES and CIPFA.

Malcolm - Did you find that the advertising material gave you a realistic overview on what the course's 7 modules were trying to impart to attendees on the course.

Karen - Yes, very much so and I decided to take all 7 modules.

Malcolm - Why was that?

Karen - I was part of an outsourced operation at Oxfordshire CC, having returned in-house in 2017. Although I was familiar with the proposed content of some of the modules, I felt that an overview and better understanding of all 7 modules would be beneficial to me and my organisation going forward.

Malcolm - The course had to be delivered virtually because of Covid restrictions, so how do you think the ACES and CIPFA presenters – and the attendees – coped?

Karen - I can only comment for myself but I found the presenters were friendly, efficient and knowledgeable and the format worked. I especially liked the

sessions which included considerable group interaction.

Malcolm - Are there any suggestions/ observations you would like to make to me?

Karen - Personally I would like opportunities to network more with colleagues who took the course and think contact details for each cohort should be readily available. Also, the CPD hours come in a glut, especially when you have to complete your assignment to achieve your Diploma. It would be beneficial if you could spread some of the hours over 2 CPD accounting periods.

Malcolm - Good points. ACES will use its contacts with the RICS to see if there is the possibility of spreading accumulated CPD hours over 2 accounting periods.

Malcolm - On reflection, do you think the Diploma course offered was good value for money and strengthened your working knowledge base going forward?

Karen - In my view the course was good value for money, and I understand that Oxfordshire CC will be sending appropriate officers (service managers) on later iterations of the course.

Malcolm - Karen thank you for taking the time out from your busy diary to talk to me, which is much appreciated. We will try to incorporate your suggestions into future iterations of the course.

June 2021



STUDENT POSTER ENTRIES

North East Branch helps Sheffield Hallam University find a winner for the Development Practice module

Chris Gill chris@jcgill.co.uk

Introduction

ACES North East Branch sponsors a Development Practice final year module on the BSc Real Estate course at Sheffield Hallam University (SHU).

By final year, students should have developed a good theoretical understanding of the real estate sector. The final year of study is focused upon the application of the knowledge gained on the course and through experience gained on work placement.

The module objectives for Development Practice are to:

- *Develop a sound understanding of the key site assembly issues impacting upon the development process*

- *Demonstrate and evaluate the linkages between the timing of the development process and the viability of a development project*
- *Create a detailed development appraisal using industry developer software and demonstrate a critical appreciation of the appraisal outputs and scenario testing of development options.*

The poster exhibition focuses upon the first of these objectives in semester 1 of their final year studies. The students are then individually interviewed on the content as part of the module assessment by SHU.

The poster entries are shortlisted by SHU and then ACES NE is invited to review the shortlist and select the winning poster.

The shortlist

All 3 posters are reproduced here. This year's shortlist comprised:

Group 6 - Listed Buildings

Group 7 - Easements

Group 8 - Adverse Possession.

Which would you choose?

For a bit of fun we would invite readers to let us know which of the shortlisted posters they would choose as the winner?

We will confirm which poster we select as the winning entry in a future edition of ACES' Terrier.

ADVERTISING IN ACES TERRIER

The Terrier is a good way to get your company known to public sector surveyors. ACES represents the chief estates officers and their staff, who are the property, strategic asset management and valuation professionals in public sector organisations throughout the UK. Membership includes the range of local authorities, the Government Office, fire, police and health authorities and the Valuation Office Agency.



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Advertising rates for 2021/22 to remain the same

EXPLORING THE WORLD OF LISTED BUILDINGS

Principles of Listed
Buildings

"Listing marks a building's special architectural and historic interest and brings it under the consideration of the planning system so that it can be protected for future generations." (Historic England, 2020)

"The older a building is, and the fewer the surviving examples of its kind, the more likely it is to be listed." (Historic England, 2020)

All buildings built before 1700 that are for the most part in their original condition are probably listed, this also applies for buildings built between 1700 and 1850. For buildings constructed after 1945 more consideration is required and any buildings less than 30 years old are not usually listed as they are not old enough to stand the test of time. (Historic England, 2020)

"How does the listing process
work?"

-Anyone can nominate a building to be listed -Historic England for listing priorities have their own strategic programme Historic England make a recommendation based on the Principles of selection for listed buildings. Then the Secretary of State for Digital, Culture, Media and Sport (DCMS) make the final decision as to whether the site should be listed or not. (Historic England, 2020)

"How are listed buildings
graded?"

Grade I: Buildings are of exceptional national, architectural or historical importance, only 2.5% of listed buildings are grade I. Examples of Grade I are Buckingham Palace, The Houses of Parliament and Tower Bridge.

Grade II listed buildings are split into two categories, Grade II and Grade II*.

Grade II*: Buildings are particularly important more than special interest, only 5.8% of listed buildings are grade II*.

Grade II: Buildings are of special interest. 91.7% of all listed buildings are in this class and it is the most likely grade of listing for a homeowner.

There are an estimated 500,000 listed buildings on National Heritage list for England.. (Historic England, 2020)

"How will listing affect me, and
what can I do with my listed
building?"

A listed building means that consent is needed in order to make any changes to the property which might affect the special interest it has.

Listed buildings can be altered, extended, and sometimes demolished within government planning guidance. The local authority uses listed building consent to make decisions that balance the site's historic significance against other issues such as its function, condition or viability. Grade II listed buildings are the easiest buildings to get planning consent to alter, with Grade I listed buildings being the most difficult. (Historic England, 2020)

"What happens if I alter a listed
building without listed building
consent?"

Carrying out alterations on a listed building can be highly illegal without appropriate consent from the local planning authority. If your council finds out that unauthorised building works have been carried out without listed building consent and planning permission, they may issue you with a listed building enforcement notice under the Listing Building and Conservation Area Act 1990. If found guilty by the Magistrates' Court, you can expect a fine up to £20,000 and/or a maximum 6 months imprisonment. If you're found to be guilty in the Crown Court, there is an unlimited fine and/or a maximum 2 years imprisonment. Not knowing the building was listed is not a defence against prosecution (Urbanist Architecture, 2019)



(Freeconomics, 2011)

Pros and Cons of Listed Building
development

Pros

- Potentially reduced building costs
- Increased Value
- Community Benefit
- Attractive to investors

Cons

- Limitation to the development
- Increased planning application time & Cost
- Public Outrage
- Potentially exponential costs

"What is Local Listing?"

Local listing is a concept that is in place to ensure that the historic and architectural interest of buildings that are of local importance but not nationally listed are considered during the planning phase. Historic England has developed a guide called Local Heritage Listing. It includes information regarding good practice for local listing from around the country. (Costello, 2013)



The guide provides advice for local authorities and communities to help implement a local list to their area or change an existing list. (Historic England, 2020b)

Local lists have an essential role in constructing and reinforcing the local character in the historic environment. These lists can identify significant local heritage assets to support the development of Local Plans. (Historic England, 2020b)

"What is Heritage?"

Heritage is a term used when describing conservation and the historic built environment. Historic England (previously English Heritage) gave this definition in 2008: "All inherited resources which people value for reasons beyond mere utility."

The National Planning Policy Framework (NPPF) defines a heritage asset as: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing)."

In summary Heritage refers to a protected site that requires permission from the local planning authority if anyone wishes to build on it or landscape it.

Restrictions on permitted
development rights

There are a number of permitted development rights that do not apply to listed buildings and which will require express planning permission from the local planning authority. An example is the erection of a building, enclosure (i.e. fencing), pool or container within the curtilage of a listed building.



(designingbuildings, 2017)

"What is a conservation area?"

Conservation areas were created to protect and maintain areas with special architectural and historic interest. All local authorities in England have one or more conservation area with approximately 10,000 in England. (Historic England, 2020g)

"What is your favorite listed
building?"

Our 3 editors, Harry Gelder, Benjamin Chandler, and Charlie Kirker have all given detail on their favourite listed buildings.

Harry - My favourite listed building is 1 Lime Street, commonly known as the Lloyds of London building. It is located on the former site of East India House in Lime Street, in London's main financial district. The building was constructed in 1986 and is Grade I listed, making it the youngest Grade I listed property in the UK. The building includes part of the 1925 building's facade on the Northwest corner, the Lutine Bell recovered from the ship St Jean (1979) in the Underwriting Room, and parts of the original Committee Room on the 11th floor, among many other historical features. Whilst the interior of the building is historically famous among those in the insurance and financial world, the exterior is the buildings stand out feature.

The building is often described as an example of radical 'Bauhaus' architecture where the services for the building are located on the exterior to maximise space within the interior. 25 years after the completion of the building, in 2011 it received Grade I listing and is described by Historic England to be "universally recognised as one of the key buildings of the modern epoch". (Crook, 2020) (Wikipedia contributors, 2020)



1 Lime Street - Lloyds of London (Wikipedia contributors, 2020)

Charlie - My favourite listed property is the Sheffield General Cemetery Catacombs. It is not well known, but beneath Sheffield General Cemetery, there are two tiers of Catacombs. They were designed by Samuel WORTH, the architect to the General Cemetery Company, and they were built in 1836 and enlarged in 1935. More than 87,000 people were buried across the cemetery between 1836 and 1978, and the Catacombs play an important part of Sheffield's history. The entrances to the Catacombs are all currently blocked up for safety reasons and they are Grade II listed. (Historic England, 2020a)



Sheffield General Cemetery (Fulcher, 2020)

Benjamin - My favourite listed building is a three storey plus attics Gothic Revival Style property with a plaque on the first floor exterior wall to Sir James Barrie who worked there in 1883-84. It is situated on Pelham Street in Nottingham's city centre, it was formerly the offices of the Nottingham Journal and now is used for shops and office space. This list entry was subject to a Minor Amendment on 19/09/2017. This building is listed under the Listed Buildings and Conservation Areas Act 1990 as amended for special architectural or historic interest. Grade II Date first listed-12 July 1972 Journal Chambers, 28 and 30 Pelham Street (Historic England, 2020b)



Journal Chambers (Prosser, 2011)



1 Lime Street - Lloyds of London (Crook, 2020)

Development in conservation
areas

When dealing with conservation areas for planning applications the local planning authority must take into account the desirability of preserving or improving the appearance of that area.

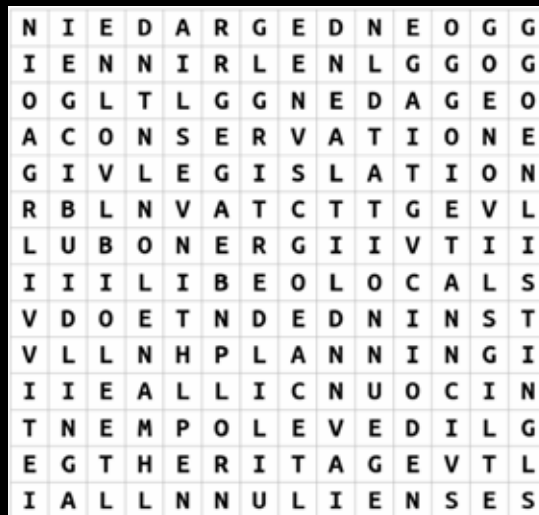
The House of Lords in the South Lakeland case decided that the "statutorily desirable object of preserving the character of appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved."

The policies within the National Planning Policy Framework seek positive improvement in conservation areas. Paragraphs 185 and 192 require that local planning authorities should consider "the desirability of new developments making a positive contribution to local character and distinctiveness". Policies on design of a development reinforce the importance of enhancing the area's local distinctiveness. To conclude from paragraph 130 "Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area..."



Crook (2020)

Heritage Word Search



Building, Development, Council, Legislation, Conservation, Listing, Heritage, Grade, Local, Planning

You are a squatter searching for a property to adversely possess. Follow the track to your conclusion:

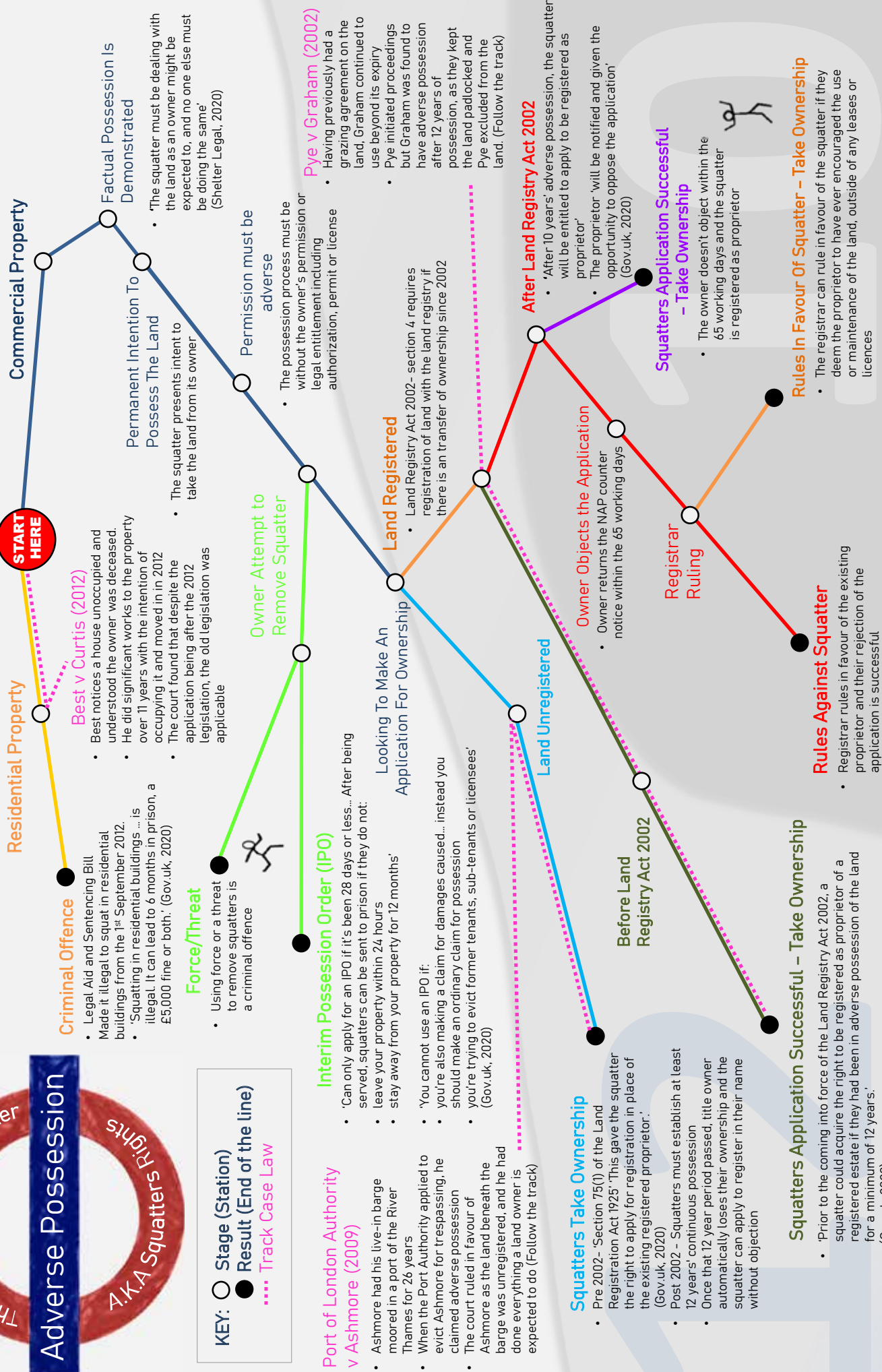
The Journey of the Squatter

Adverse Possession

A.K.A Squatters Rights

KEY:

- Stage (Station)
- Result (End of the line)
- Track Case Law



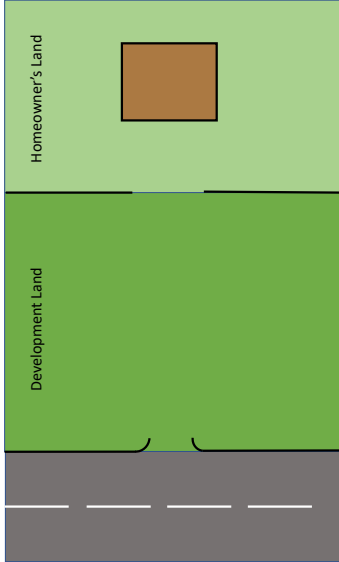


Figure 1 – Aerial View of Land

Mr. Smith has purchased this development land pictured above with the intention of developing several residential dwellings – he wants to maximize profits and keep expenditure to a minimum. Adjacent to his development plot is a landlocked house owned by Mrs. Williams which is only only accessible through the development land. For 10 years, Mrs. Williams has been driving through the development land to access her property with no issues.

This is Mr. Smith's first solo development. At the time of the purchase, Mr. Smith had not taken the precautionary steps before acquiring the land and is unaware of an existing easement placed on his land that allows Mrs. Williams a right of way across his land.

An easement is the right to use, or restrict the use, of the land of another person in some way. It must involve two separate pieces of land owned or occupied by different people. The owner of the land who is entitled to the right is called the dominant owner and will reap any benefits afforded by the right. The servient owner receives the burden of another owner having a right on their land. (Laughton, 2020)

A positive easement, such as a right of way, involves a landowner going onto or making use of something in or on a neighbour's land.

A negative easement is essentially a right to receive something, such as light or support, from the land of another without obstruction or interference. (Laughton, 2020)

Whenever a piece of land is sold, any existing easements are automatically transferred with it. (Laughton, 2020)

Figure 5 – Land Registry (Google Images, 2020)

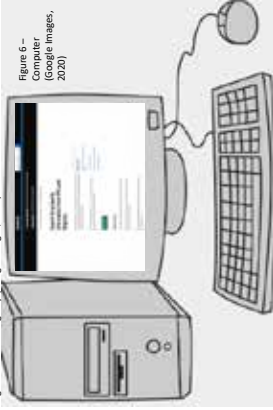


Figure 7 – Stressed Photo (Google Images, 2020)



Consequences of infringing an easement:

- Abatement
- The dominant owner must not use force and cause injury to anyone
 - There must be no danger of a breach of the peace
- Court Claim
- Injunction
 - Damages
 - Declaration – the judge will provide clarity upon the subject
- (Laughton, 2020)

Substantial interference with an easement which acts to increase the burden on the servient land is actionable. In **Lea v Ward (2007)**, a developer was successfully sued after interfering with a right of way blocking Mr. Lea's access with fencing. Even though the interference was temporary & alternative route had been provided. A developer faced with an easement will therefore need to consider what alternatives might be available before interfering with the right.

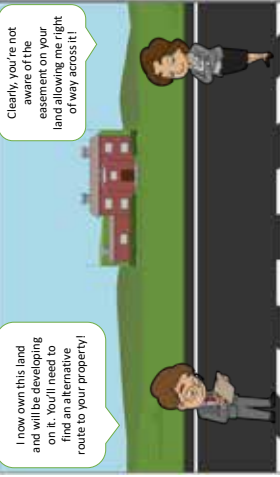


Figure 2 – Initial Conversation (Storyboard That, 2020)

Upon getting each other, Mr. Smith made a comment stating Mrs. Williams will have to find an alternative route to access her property as he doesn't want her crossing his development site as he is hoping to start his construction soon. Mrs. Williams responds by suggesting there is an easement granting her access across the land. When Mr. Smith assumed Mrs. Smith was causing her any issues, Mrs. Williams threatens to talk to her lawyer and get an injunction to stop the development.

Mrs. Williams Lawyer suggests she has a solid case as seen in **Lea v Ward (2007)** whereby a developer was sued for interfering with a right of way.

Injunction Proceedings

An Injunction can prevent the proposed development from happening. This could cause considerable delay and additional cost, all of which a developer would not want. An Injunction may be granted if the developer has acted in a high-handed manner or where damages are not considered an adequate remedy. (Mempia, 2018)



Figure 3 – Stop building sign (Google Images, 2020)

Key Characteristics required for an easement: **Re Ellenborough Park 1956 Ch131**

- There must be 'dominant' and 'servient' land. The dominant land has the right.
 - The Servient land restricts the right.
 - The Easement must accommodate the dominant tenant.
 - The dominant and servient tenements must be owned or occupied by different persons as you cannot have an easement over your own land. A tenant can have an easement over landlord's land as different people own and occupy it.
 - The easement must be capable of forming the subject matter of a grant and there must be a capable grantor and a capable grantee
- (Laughton, 2020)

Ways of creating Easements:

- The servient owner granting a right over their servient land for the benefit of the dominant owner – perhaps in return for a payment.
- On a sale of part of the dominant land, where the dominant owner reserves to themselves a right for the benefit of that part of the dominant land that they retain.
- By way of a deed – needs to indicate that it is a deed and also needs to be signed by the servient and dominant landowner in the presence of witnesses.
- Act of parliament
- Through a will



Figure 8 – Sold House (Google Images, 2020)

After an arbitration meeting, Mrs. Williams comes to the agreement to sell her property to Mr. Smith. This result is positive result for both parties.

As the two pieces of land are now owned by Mr. Smith, the easement has come to an end through unity of seisin.



Figure 10 – Land Certificate (Google Images, 2020)

Ways of bringing an Easement to an end:

- Unity of seisin
 - The dominant and the servient tenements become owned by the same person
 - Can be expensive and relies on person selling land to you
- Express release
 - Person gives up their right to that easement most likely in return for compensation documented by way of a deed
- Implied release
 - Escaped – a party promises to release an easement and then goes back on their word – court may prevent them
 - Abandonment – where dominant owner hasn't used the easement for a period of time
 - After expiry of time limit that easement was granted for (Laughton, 2020)

Creation of Easements

Impliedly created under S.62 Law & Property Act 1925

- A right is impliedly created with land at the time of sale/lease
- Applies unless the conveyance states otherwise
- As seen in **International Tea Stores v Hobbs (1903) 2 Ch 165**

Expressly

- By way of a deed s.1 Law of Property (Miscellaneous Provisions) Act 1989
- The agreement between the dominant & servient tenement must comply with the requirements set out in s.1 Law of Property Act 1989
- The document must indicate on its face it's a deed.
- (Laughton, 2020)

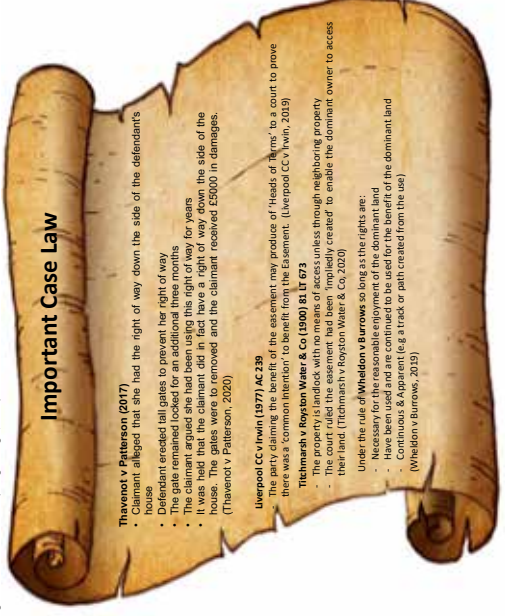
- Prescription** - The dominant land owner/occupier has used the servient land:
- In a way which could be recognized as an easement without force/accepy/permission
 - There is a competent grantor & guarantee in place
 - If the easement can be expressly created, it would have been lawful.
 - **Hollins v Vemey (1884) 13 QBD 304;**

Figure 4 – How Easements are Created (Google Images, 2020)

After a dispute between Mr. Smith and Mrs. Williams, the developer was refusing to let Mrs. Williams use his land to access her property despite Mrs. Williams claiming that the easement was 'impliedly' created as her property is completely landlocked & has no means of access via a highway except over a neighboring land. **'Titchmarsh v Royston Water & Co (1900) 81 LT 763**

Mr. Smith continued with his development and threatened to put a gate in the way to stop Mrs. (Thavenot v Patterson 2017 - See final book). Mrs. Williams seeks legal advice and threatens to take Mr. Smith to court as well as getting an injunction after confirming she is in the right.

Figure 12 – Case Law Scroll (Google Images, 2020)



Avoid the creation of easements by:
Expressly setting out the agreed easements that are to be granted/reserved in the sale/lease documentation as appropriate in that documentation, expressly state that:
- s.62 LPA 1925 will not apply to the transaction
• The only easements which are to be created are those that are expressly set out in the sale/lease documentation as appropriate (Laughton, 2020)



WORK LIFE BALANCE

Working life or a life spent working? The future of work

Jen Lemen BSc FRICS jen@property-elite.co.uk
and Michelle Parkes BSc (Hons) MRICS michelle_parkes@hotmail.com



Jen is a chartered surveyor and co-founder of Property Elite, providing training and support to RICS APC, AssocRICS and FRICS candidates.

Michelle is a chartered surveyor at Network Rail.

Jen believes that the work life balance has shifted irrevocably, illustrated by Michelle's experiences of home working and thoughts about a return to the office. "Neurodiversity and inclusivity will be built into the design of the new office, with smart data allowing decisions to be based on the needs of those using the space."

Introduction

2020 and 2021 have dramatically changed the landscape of both our professional and personal lives. The line between work and home has been blurred irrevocably, but with the future of what the workplace looks like still being unclear.

As restrictions on daily life continue to ease over the next 6 months, the decisions that businesses make will shape our working lives for years to come. Will we see a continuation of flexible working, both in terms of hours and location? Or will we see a return to the old 'normal', as we seek refuge in the familiarity of traditional offices?

In this article, we consider the industry research by Knight Frank, in '(Y)OUR SPACE Discover Your New World of Work'. We then take a look at the personal experience of a chartered surveyor working through the C-19 pandemic, Michelle Parkes BSc (Hons) MRICS of Network Rail. These views will aim to provide a balanced view of what our work life balance might look like in 2021 and beyond.

Knight Frank's research findings

Knight Frank surveyed circa 400 global occupiers for the research article, '(Y)OUR SPACE Discover Your New World

of Work'. They summarise the Four S's which respondents stated were most important in the future of the workplace (see graphic).

The next 3 years are considered an important time horizon for the transformation of the workplace. This will merge economic, social and environment aspects, in a drive to focus on more than just 'bums on seats'. Employees and employers alike have been forced at pace to consider the sustainability of our working environments, which now includes our homes, offices and operational or under construction sites.

This is being managed on the backdrop of seeking to achieve cost savings, however, given the adverse economic impact of C-19 on many businesses. This means that space requirements have changed as staff levels have fluctuated. Future requirements are still uncertain.

There has been, and will continue to be, a clear impact on the office market as requirements change, with many employers seeking to rationalise their corporate portfolios. More relaxed planning requirements may promote change of use for surplus space, while offices can also be used differently to provide for new ways of working.

While the home office has been essential for many businesses during C-19, the return to the office is already happening. This will differ between each

Strategic

- Real estate and the office will continue to be an important strategic tool for businesses. However, the 'form, function, quality and quantity will be significantly transformed'

Sustainable

- With the UK target of being carbon neutral by 2050 and real estate accounting for 40% of global carbon emissions, sustainability will continue to be an important consideration in all real estate and workplace decisions

individual business, although it is clear that some form of formal workplace will always be a requirement. Whether it is for central operations, visiting clients or team collaboration, these requirements will differ massively from the traditional office.

Some of the ways that the workplace is adapting are through hot desking, desk sharing, flexible spaces, improved amenity provision, and relocation of offices. However, these new spaces need to be smart, sustainable and safe in order to remain strategic, while balancing cost implications and employee needs.

No longer do employees need to be desk bound. The modern office in its many different configurations and forms will promote collaboration, innovation, diversity and inclusion. It will allow teams to work together, individuals to work alone, and for networks and relationships to be built between employees from a much wider pool. Neurodiversity and inclusivity will be built into the design of the new office, with smart data allowing decisions to be based on the needs of those using the space.

Shift in work life balance

The increase in working from home during C-19 has brought about an inherent shift in our work life balance. We have been accustomed to our work becoming intertwined with our personal lives. Emails are received out of hours, phone calls come at inopportune moments, and our physical workspace may intrude in our home environment.

It is highly unlikely that many businesses will continue without any formal workplace. However, the flexibility

Safe

- The workplace will need to be safe and secure, highlighting the importance of wellbeing and comfort in design, operation and use

Smart

- 'What gets measured, gets managed' is a mantra key to the future of the workplace. This will enable it to be adaptable, flexible and remain fit for purpose

afforded by working from home, even on a reduced basis, has provided a massive boost to the work life balance of many employees. The benefits in terms of wellbeing and productivity have been felt by many employees and this in itself perhaps proves that the traditional workplace is a thing of the past.

Michelle, a chartered surveyor at Network Rail, has found homeworking really suits her. In the beginning she, along with many of her colleagues, found homeworking really challenging. IT was not set up for the vast number of employees remote connecting into the system, which created difficulties with being able to work efficiently. When everyone was sent home in March 2020, nobody knew how long this was going to go on for. Many were making do with being perched on the sofa or at the dining table [Ed – I've seen an ironing board being used].

Once the ability for everyone to connect remotely was sorted and employees were able to purchase desks, chairs and other equipment, Michelle found it became a lot easier to work from home and she started to really enjoy it.

The next challenge was the use of Microsoft Teams meetings. Everyone was used to having meetings in person and being free to bounce ideas off each other. It took a long while to learn how to use Microsoft Teams, including screen sharing. Some 14 months later, we can all identify with the phrases; "You're on mute" and "You're breaking up, we can't hear you".

Learning what the different coloured dots next to individuals' names meant further enhanced Michelle's working from home experience. Being able to identify when colleagues were showing as available, and being able to message to ask if they were free for 10 minutes, helped reduce feelings of isolation and increased collaborative working.

Michelle has some physical disabilities and found the previous 5 days a week in the office tough going, which impacted her health. Since working from home, she has found it much easier to manage her health. She also feels that she is far more productive not having to spend energy getting ready and travelling into the office every day.

Being able to get up in the morning, get ready, and be at her desk at home within half an hour has made a massive difference. Michelle has concerns about how that will change when she returns to the office, even 2 days a week, and how her physical health and level of fatigue



will be affected. She knows she won't be alone, though, due to the support from her employer and liaising with other employees in similar situations.

A return to the office?

Michelle and her colleagues are thinking about the return to the office; some are questioning whether it is best to wait until social distancing and the requirement to wear masks have gone. Additionally, there will be limited number of people allowed in the office kitchen at any one time, which further removes the social aspect of going for a cup of tea together.

Others, in contrast, want a return to some sense of normality and are eager to return to the office.

There is no doubt that many colleagues are asking what their return to the office will look like and what it means for them. For Michelle, she finds having honest conversations with her line manager and her team is helping to alleviate anxieties about returning to the office.

There will be many challenges to get our offices ready for the mass return from home. In Michelle's office, a hybrid model

of working is being adopted on the basis of 3 days in the office/2 days at home. This new, agile working environment will provide flexibility and opportunity, but with reasonable adjustments made where fixed desks or special equipment are required.

This will bring about a cultural shift away from the traditional expectation of working at a desk from 9-5. However, this cultural shift will need effective communication and support from the top level, to ensure that employees feel able and supported to work in a continued, flexible manner.

Employees will need to be educated on using their time effectively in a variety of workspaces, whether this be prioritising tasks or the use of appropriate communication methods. For example, using video calls in open plan offices is unlikely to be effective. IT systems also need to cope with the growing importance of online communication, in addition to allowing smart management of shared desks or workplaces.

Finally, and a key issue affecting our work life balance, is how employers deal with the return to the office. Are

employees consulted around the changes? Are their needs heard and catered for? How is the message to return to the office communicated and how are employees' individual needs met?

Conclusions

In conclusion, our work life balance has been shifted irreversibly during 2020 and 2021. However, the future of what this looks like remains unclear, although it is safe to say that the pace of change has been accelerated. It is also clear that the modern workplace will be increasingly flexible, adaptable and tailored to the needs of those who use it. This will focus on the need for workplaces to be smart, sustainable and safe.

Employees need to communicate their needs to employers, and employers need to be open to listen and continue to adapt their strategy over the coming years. This will ensure that wellbeing is a priority, increasing productivity and rebalancing our professional and personal lives once again.



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ESTATES GAZETTES OF YESTERYEAR

Betty Albon, ACES Editor

In 2018 Summer Terrier I featured some interesting extracts from Estate Gazettes of yesteryear. I inherited from my mentor volumes of bound 1960s through to 1980s Estates Gazettes. One of the outcomes of lockdown has been the opportunity to dust down a few more volumes, to find some more pieces worth sharing.

EG 2 December 1967

The review of Oliver Marriott's book 'The Property Boom': Perhaps the most astonishing statistic is that a mere handful of entrepreneurs created a total worth (largely for themselves) of some £700m. The energy and nerve of these individuals make a striking contrast with the muddle, stupidity and dilatory behaviour of public bodies, who consistently failed to secure for the public the benefit of rising values.

20 April 1968

The Prime Minister...has referred to the result of our most recent application to join the Common Market as a "minor setback". In a year of understatement this must surely be one of the most notable. Twice in late years our hopes of being admitted to the EEC have been dashed, and on both occasions in terms that verged on humiliation.....as every day goes by the gap between Britain and the Six widens. In economic terms we are dropping behind, and unless there is some dramatic reversal of our fortunes we shall soon be of doubtful value to the Common Market countries....and yet further application seems pointless and would probably result in another rebuff.

11 May 1968

There were 3,000 supermarkets in this country at the end of 1967..... this number will increase to 7,500 by 1977.....The growth in the number of supermarkets...will...mean the demise of nearly 1 out of every 2 counter service grocers, butchers and greengrocers. Many people hold the view that we might follow the American shopping pattern – a trend towards once-a-week outings by car to out-of-town shopping centres. At present the average number of shopping expeditions per household is 3 or 4 a week....The British housewife is,

however, unlikely to be willing to forego much pleasure derived from shopping as a social outing and an excuse for getting out of the home.

25 May 1968

"Tenants like living in the sky" (Leader of the GLC). Four days later, some tenants in one particular high block were saying that they would not live up in the sky even rent-free. How far people will rebel against living in tall blocks after the partial collapse of Ronan Point remains to be seen, but if other kinds of disaster are a guide the shock reaction does not last for long.

29 June 1968

It is undoubtedly wishful thinking to believe that Acts of Parliament can ever be lucid, readable documents.

27 July 1968

The primary aim of many an aspiring young executive have been to acquire three important status symbols – his own office, a carpet, and a personal secretary. These status symbols no longer mean so much. In many modern office blocks the typists' room has wall-to-wall carpeting; even the most high-powered bosses often share a secretary, or else make extensive use of dictating machines, from which letters are typed by people the bosses never see. Now there is a trend towards communal offices where everyone from the chief executive to the office junior work in one big room and are separated only by rubber plants and filing cabinets.....A great deal of thought is now going into the arrangement of staff within an office, the décor and the working conditions – heating ventilation, lighting and the control of noise, for example.

3 August 1968

Seven years hence Britain will be completely converted to the metric system of weights and measures.....Mr Wedgewood Benn has decided that there can be no question of compensation for losses arising from the changeover.

Summer 1968

The idea that when property is needed for official purposes the best course would sometimes be that a site should be developed by the government in partnership with private enterprise is one which has been urged from many quarters (Estimates Committee of the House of Commons).

5 October 1968

A survey conducted by the Institute of Economic Affairs has shown that around 50% of tenants would prefer to buy their houses, while only between 1 and 6% of house owners with mortgages would rather rent.....Government should re-examine its massive programme of Council housing.

5 October 1968

"...tree planting is a gift to future generations which is talked about by many but practiced by few" (James Gorst, West Sussex County Planning Officer).

9 November 1968

AGM of ALAVES. President, Mr H.H.Moore made the following points in his address:

- "shocked" by views expressed in some quarters that experience in local government didn't equip 'a young man' for a career in surveying
- Local authorities can within their teams give young trainees a wealth

of professional experience in many ways unequalled in other sectors

- Local government valuers had become more versatile and more skilled, and were handling on behalf of local authorities many millions of pounds. Their word and advice were accepted by their local authorities
- There is a resentment that government required confirmation from Inland Revenue valuers for many land transactions. Obtaining certification from District Valuers was required, even where a local authority was self-financing a scheme, with no government aid.

7 December 1968

Dunlop...is investigating the practicalities of a passenger conveyor system which could be built overhead along congested routes such as Oxford Street. The novel part of this system is the "integrator", a Swiss invention, which enables passengers to be accelerated from walking speed to the speed of the main conveyor – about 10mph, though there is no reason why higher speeds could not be achieved.

18 January 1969

A forecast that 1969 will see the advent of an effective 10% long-term interest rate for gilt-edged and first class debentures is made by.....

1 February 1969

Dr L's main thesis was that crucial irreversible planning decisions are never made on rational grounds but always on the basis of emotional hunches.

17 May 1969

The first OS maps to be based completely on metric measurements are to be published in the autumn. The changeover will be gradual.....including the six-inch-to-the-mile series.

19 July 1969

"Spectacular and expensive" conversions of 100-year old artisans' dwellings have been carried out in the Royal Borough of Kensington and Chelsea....Many were situated in what was once looked upon as one of the worst slums in London. They could have been bought for £250 or less 20 years ago. After conversion they were selling for anything up to £21,000.

23 August 1969

Public bodies are the least efficient and the least cost-conscious landowners in the country. Through their own processes they have become the owners of more derelict land than anyone else.

6 September 1969

On Circular 69/69 Housing design: "There is a pressing need to establish some common basis which will limit the range of plans used by local authorities, while satisfying their local needs, and so to reduce the proliferation of individual solutions which is wasteful of the nation's productive resources." [Ed – smacks of supporting the rigid house types of our national housebuilders].

22 November 1969

On a 'Which?' survey of housewives: less than one shopper in 3 had a phone (the national average), but few of those who had one used it regularly for ordering.

22 November 1969

A letter referring to the ALAVES AGM:

I have been employed as a valuer in the public service for some 21 years, for the last four of which I have held the post of valuer and estates surveyor in local government service, without being eligible for membership of the Association, which is only open to heads of departments.

This seems to me to be a great pity, since there is an ever-increasing need for a democratically constituted body equipped to speak on behalf of all local authority valuers and estate surveyors.....

What a golden opportunity for the rules to be brought up to date so as to admit to membership all local authority valuers of whatever rank. I am sure such a move would be to the benefit of all such officers and afford additional strength and new life-blood to this highly respected, but select, body of public servants, at a time when a strong association such as this has so important a role to fulfil.

Ed – An interesting one to finish the decade with. I don't recall how many years it took ACES to broaden membership to associates, but we got there eventually!

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HEATHER HOSKING, LONDON BRANCH

Meeting on 26 March 2021

The meeting was held on-line. 17 members and guests attended. Chris welcomed everyone and introduced Jan Taranczuk, a guest to give a presentation on fire safety.

Presentation on fire safety by Jan Taranczuk CIHCM

Jan gave a talk on fire safety issues in domestic dwellings. He has more than 40 years' experience spanning local authorities, housing associations, and the private sector. He is now working with a group of experienced housing and technical professionals to assist housing organisations improve their services.

Jan covered the recent history of fire disasters, leading up to the Grenfell fire in 2017. He outlined the various recommendations that had been made following major fires. He also touched on the Fire Safety Bill and the Building Safety Bill which are currently passing through Parliament. Notes on his presentation, with helpful links to guidance, are below.

Covid-19 update

The main focus of Covid related work continues to be establishing vaccination centres, in partnership with the NHS, across Greater London. There was discussion on how colleagues had handled requests for rent concessions and the effect on the income from commercial property portfolios of the pandemic. The responses were varied, including support to tenants; some tenants had continued to pay their rent in accordance with their leases; some had simply stopped paying and ignored all demands and subsequent chasing; charities had been given a 3-month holiday, and agreed deferral of rent to the end of the financial year with others.

CPD

Neil reported that there will be 2 CPD presentations at the May meeting – on High street recovery and on fibre. He

also advised that 3 health and care sessions are being planned before the national conference. He requested suggestions for future CPD topics, and the following suggestions were made – decarbonisation; wellbeing; NHS capital funding regime after Estates and Technology Transformation Fund; restructuring leases to reflect turnover rents; and legal update.

Exchange of information

- One county council has been awarded £25m to invest in carbon reduction. This has to be spent by 30 September 2021
- One authority is progressing proposals for town centre schemes and is seeking to form partnerships with social landlords. The member asked if anyone had experience of taking action against a utility provider who had failed to disclose the location of underground equipment, causing delay and added cost to a scheme. Another member advised that his authority had experienced a month's delay to the construction of a school because of a cable strike. A decision has not yet been made on whether compensation will be claimed
- An authority is seeking sites for housing development, and is on track to achieve its target of securing sites for 1,000 residential units. Additionally, the council's arms-length housing management company is being taken back in-house
- A council is revitalising its approach to the corporate landlord function. It also has a focus on decarbonisation, with £13m funding available and 45 corporate properties identified for inclusion in the programme
- School sites in one authority are being identified for use by other community services as a result of falling rolls in many primary schools

- An authority is adapting some space to be used as a health hub, to provide an innovation hub
- A council is consulting on its voluntary community strategy, which sets out its proposed approach to the use and occupation of council property by the charity sector
- Neil Webster explained that examples of policies relating to the acquisition, management and disposal of commercial properties had been requested to assist in developing guidance on a recommended process. It had proved difficult to find examples of properties that had been purchased, managed and subsequently sold during the life of one policy, as property income investments are usually made with the intention of providing a long-term investment. He asked anyone with examples to contact him.

Fire Safety – note from Jan Taranczuk

I'm not a fire expert, just a housing professional with 51 years of experience and keen to share good practice in housing management that can assist in preventing and reducing death and injury caused by fire in domestic properties.

Significant dates:

16 May 1968 Ronan Point
18 November 1987 Kings Cross
11 June 1999 Irvine, Ayrshire
<https://publications.parliament.uk/pa/cm199900/cmselect/cmenvtra/109/10907.htm>
2 February 2005 Harrow Court, Stevenage
3 July 2009 Lakanal House
6 April 2010 Shirley Towers
29 March 2012 Derbyshire hoarder fire
11 May 2017 Shepherds court
14 June 2017 Grenfell Tower
Lakanal House coroner Jan-March 2013:
Rule 43 (of coroner's rules 1984) letters to LFB, Southwark Council, Fire Sector

Federation, Minister <https://www.lambeth.gov.uk/elections-and-council/lakanal-house-coroner-inquest>

31 December 2017 Multi storey car park in Liverpool <https://www.merseyfire.gov.uk/media/1592/kings-dock-car-park-fire-sir.pdf>

There is a danger of being overwhelmed by the fire safety changes that are on the way:

- The Building Safety Bill
- The Fire Safety Bill
- The recommendations from Phase 1 of the Grenfell Inquiry

While all these changes will take effect over the coming years and will obviously need to be carefully implemented and monitored, I consider that this is a good time to consider how to best target scarce resources at fire prevention and suppression.

Every year, over half of accidental domestic fires in the UK are caused by electricity. Most of these are caused by electrical products, either through misuse or faults. Over half of these electrical fires start in the kitchen, with cooking appliances and white goods the main cause.

While the majority of fires start in the kitchen, fires in the living or bedroom are more likely to cause death, when the occupier is unable to escape because of physical or other impairment. Last year the Building Research Establishment published research that looked at 126 fire fatalities in Scotland for the period 2013-2017. The final report was published recently <https://www.bregroup.com/insights/final-fire-fatalities-scotland/>

It is also interesting to note that the English Housing Survey found that during 2016-17 fire services only attended 25% of the 332,000 fires during that period <https://www.gov.uk/government/statistics/english-housing-survey-2016-to-2017-fire-and-fire-safety>

Hopefully, the following suggestions may be of value:

- Ensure that there is an evacuation plan in place for every high risk block (tower, sheltered, care home) The London Councils' 'How to respond to a local Housing Emergency' is an excellent reference point <https://www.londoncouncils.gov.uk/our-key-themes/housing-and-planning/housing-and-planning-reports/how-respond-local-housing-emergency>

[gov.uk/our-key-themes/housing-and-planning/housing-and-planning-reports/how-respond-local-housing-emergency](https://www.londoncouncils.gov.uk/our-key-themes/housing-and-planning/housing-and-planning-reports/how-respond-local-housing-emergency)

- Ensure that there is a Premises Information Box (in the high risk blocks, as a minimum) containing building plans and details of mobility restricted residents (with their permission of course). In addition, it should also contain the details of the nearest community centre that can act as a temporary refuge in the event of an evacuation, together with details of keyholders
- Ensure there is a programme of Person-Centred Risk Assessments (PCFRAs) in place identifying those most at risk of fire. This can be a continuation of the work your teams have been undertaking during the pandemic
- Consider installing a water misting system into those properties occupied by residents identified following a PCFRA who might have difficulty escaping from their home if a fire occurs
- Consider installing an aerosol suppression system into every electrical intake cupboard or plant room not normally frequented by the public. This would mean a fire that starts as a result of a communal electrical or other technical fault in those areas would be extinguished without the use of water
- Consider providing able-bodied residents with small fire extinguishers that can be used in any fire (unlike the complicated ones seen in offices and other public places) and/or smoke hoods
- Ensure that there is an ongoing programme of fire safety awareness training for staff and contractors in the same way that you considered safeguarding to be a corporate issue
- Regularly review information about all fires and subsequent recommendations with your local FRS or Primary Authority Service.

The fire safety implications of an electric car catching fire next to a domestic property or parked in a communal carpark under domestic properties adds to the

issues raised in the Liverpool fire!

The dangers of emollient creams in the homes of mobility restricted residents is worthy of ongoing publicity! <https://www.shfsg.info/download/emollient-risks-nfcc-presentation/>

Many landlords have installed sprinklers into some blocks in the belief that will create certain safety. The March 2019 report commissioned by the National Fire Chiefs Council indicates that while sprinklers contribute to fire safety, they are NOT 100% effective. https://www.nationalfirechiefs.org.uk/write/MediaUploads/NFCC%20Guidance%20publications/Protection/Efficiency_and_Effectiveness_of_Sprinkler_Systems_in_the_United_Kingdom-Supplementary_Report.pdf

Resident responsibilities

Coming along in the Building Safety Bill, there are 86 duties on residents:

- (1) A resident of an occupied higher-risk building aged 16 or over:
- (a) must keep in repair and proper working order any relevant resident's item
 - (b) must take reasonable care to avoid damaging any relevant safety item.

GERRY DEVINE, WELSH BRANCH

The further benefits of technology (among very many other things)

The Welsh Branch held its summer meeting on 16 June, again virtually, in view of the ongoing restrictions. While virtual meetings may lack the personal interaction of networking in physical meetings, technology does enable more people to attend online, thus avoiding the need to travel, to benefit from the discussions on shared matters of professional interest and also CPD, both formal and informal. Technology not only allowed over 30 people, representing most of the local authorities and public sector organisations in Wales to contribute to, and learn from, the discussions, but also enabled a few more to join us seamlessly for the formal CPD session in the afternoon. This was once again provided by Chris Brain through the arrangements with CLAW. We are grateful that RICS Wales Public Affairs Officer, Sam Rees, again juggled his appointments diary to spare us time to provide us with an update on what the RICS is doing for us, its public sector members, not only in Wales but also in Westminster and beyond.

Branch Chairman Geoff Bacon had committed in the last ACES Council meeting to raising and discussing at branch meetings topics from the ACES Forum pages as these could be of interest to branch members. Some lively discussion ensued, particularly on room and desk booking systems; sale of land for affordable housing (as council housebuilding is now growing in Wales, following the suspension of RTB and risk of loss of assets thereby) with HRAs seeking to use General Fund land assets; and the valuation issues arising from the HRA requests. When the subject of green space land (as a Community Asset Transfer) was raised, it was noted that a skatepark site had become rather high profile when a prominent local businessman filmed himself confronting the young people using it and, perhaps unwisely, posted the video clip online as part of his attempts to have the facility relocated, as he considered it detracted from the views of Swansea Bay from his property. Suffice to say, it was picked

up by local media and rather backfired. Our plans for a Welsh Branch Property Conference were discussed and a decision made to do so as a virtual event on Teams and various formats and topics were suggested for consideration.

Welsh Government

Our guests from Welsh Government (WG) provided updates on WG and Ystadau Cymru (Welsh Estates) projects and initiatives, including further updates on the new system designed to replace e-PIMS, and news that training on its use will be provided. It was said to be more modern and 'easier on the eye' in use. The Land Release Fund had now replaced WG's 'Invest2Save' project funding and £10m is available in the current year to help bring development sites into use, with further funds hopefully available next year. The WG Community Asset Transfer (CAT) research paper had been published on 24 March and is available online to assist and strengthen CATs in Wales.

Ystadau Cymru (YC) is providing a series of 6 Skills and Training webinars, delivered by CIPFA Property, leading up to the YC Conference and Awards at the end of the year. Following a summer break, these will re-commence in September with 'Building Low-Carbon Homes'. The webinars had been made available to around 400 people and initial feedback was positive, despite some technical issues at the start.

WG is also in discussions with local authorities and other public sector organisations in Wales in planning for what will be the 'new normal' and is piloting some shared hubs as part of a regeneration initiative. This also links to a wider public sector property review, including finance from Business Rates and Council Tax.

Government Property Conference

The Government Property Conference in April had been 'attended' by a small number of members who provided some feedback. It was felt to be rather 'high-level' but the huge impact of concrete and steel on the environment was noted, with concrete production alone estimated to be responsible for up to 40% of carbon emissions. Tony Bamford noted that the

construction industry is seeking to use alternative 'green' materials as we 'build back better' as he updated us in his role as ACES' C-19 Officer. Emails had been received from the Mace Group Ltd by attendees of the conference, offering to assist organisations with developing their climate change policies and action plans towards achieving 'net zero' carbon.

Asset management

The discussion moved on to about how different authorities are responding as landlords to requests for rent concessions during the C-19 lockdowns. The general view was that industrial units are not a problem as their use had mainly continued with minimal interruption, but offices and retail are more problematic, especially where lease renewals are now due and retail agents are claiming reductions of up to 50% of the passing rent. Some restaurants and pubs had set up home delivery services and these seem to have boomed; restaurants with take-away/home delivery seem to have adapted well, but pubs seem to have been less adaptable.

As corporate landlords, it was noted that in many local authorities the local politicians are keen to get staff back into offices but WG regulations still require staff to work from home unless it is essential to go into an office. This could be more problematic in some cases, where offices were shared by two, or more, public sector organisations, especially where kitchen and toilet facilities are also shared. Office and desk booking systems such as OccuPeye and GCloud were discussed; it was agreed that the subject of office accommodation systems and use needed further exploration and discussion, so an Accommodation sub-group will meet virtually in July to share experiences and ideas for the future.

This sharing of experiences, ideas and learning from one another is so essential at present that Geoff Bacon and CLAW Leadership Board Chairman, Jonathan Fearn, proposed an additional meeting of the group on 15 September and this was agreed as beneficial for all. Jonathan also said that CLAW's 'Building of the Year' Awards are back again this year after being missed last year.

RICS Wales

Sam Rees, RICS Wales, joined us to provide a presentation on RICS issues and news, including building safety, upon which he has been having regular fortnightly meetings with WG. He has around 130 surveyors in Wales undergoing a fire safety and external wall cladding assessment training programme and RICS has also provided government-backed guidance on valuing properties with cladding issues.

On Sustainability, RICS is providing CPD on optimised retrofit, following the launch of the Low Carbon Homes Consumer Guide. There is a Welsh pilot on two 'green' mortgage schemes, a review of rural valuation guidance to reflect changing rural land use patterns. On high streets, Sam has been exploring the benefits and challenges of the WG's 30% remote working proposals, e.g., the impact on other business properties of empty offices in the centre of Cardiff, how RICS has been supporting the commercial property sector through the Commercial Property Service Charge Code and the Dispute Resolution Service, as well as issuing guidance on the planned reopening of offices.

Sam also provided updates on the 'Defining Our Future' initiative, saying there is a need for improved

communications and messaging, as well as transparency of governance for the future of the profession. Sam has already set up a RICS Wales Housing Group; a High Streets Group is ready to launch; and RICS Rural and RICS Construction & Infrastructure Groups are in the pipeline. Sam also now sends a fortnightly e-mail update to members in Wales.

Sam was disappointed to report that a university with which RICS has been in advanced discussions about providing a land surveying degree course had belatedly decided to undergo a complete reorganisation. However, one RICS board member is an academic at a Welsh university and Sam will seek his advice on a way forward. An RICS Wales members' forum is to be held on 14 July and all members are invited to participate.

Other information

Chris Brain delivered wide-ranging CPD presentations on reports, consultations and announcements from, inter alia, Wales Audit (formerly WAO) on re-evaluating local government; a general power of competence to be conferred on local authorities by the Local Government and Elections (Wales) Act 2021; Public Sector Net Zero Reporting Guide issued by WG; CPO Reforms in Wales [Ed – see article in this issue of ACES' Terrier], local

government finance including remote auditing and 'Mind the Gap': a report on the funding pressure being faced by councils in Wales from 2022-2023; a revised HM Treasury Green Book, with clearer advice on business cases for asset management; insourcing of formerly outsourced local government services as some providers have failed during lockdowns; how our high streets are being re-shaped by the pandemic as online shopping increased dramatically, causing less use of ITZA (zoning); greater use of turnover rents and/or hybrid base rents plus turnover (RICS research into this is urgently needed); future ways of working, as a large majority of professionals expect remote working to become standard practice; hub and spoke networks (though Sam Rees commented that there is a stark contrast between the public and private sectors regarding hub working); the (perhaps unexpected) rise in house prices; the values of parks and public open spaces (notably in regard to mental health and wellbeing); and the need for re-thinking property strategies in changing times, with many PFI schemes now coming to an end, and the expertise of those who dealt with them 20-odd years ago now largely gone.

A very busy, interesting and informative meeting, with lots more to come in the next quarter [Ed – agreed!].

CHARLES COATS, RURAL MANAGER

The Branch's principal focus of attention at the moment is on working closely with senior DEFRA officials designing a New Entrants Scheme as an integral and important strand of its Agricultural Transition Plan. This initiative, part of the government's post-Brexit work, will greatly assist councils managing their council farms estates. It is designed to encourage greater mobility and introduce much needed fresh blood into the farming industry, in particular the tenanted sector. Potentially, although we are not holding our breath, this will bring with it relatively significant grant funding for councils to invest in modernising fixed equipment and buildings and to recruit additional professional staff to help with its implementation. As always with new government schemes, the devil is in the detail, but time well worth spending to

ensure a robust sustainable programme is put in place, which will be of long lasting benefit to farms estate owning councils across England.

It is particularly satisfying that ACES is now recognised as one of DEFRA's key stakeholder bodies. It has taken years of hard graft behind the scenes to get to this point and augurs well for consolidating and building on this positive working relationship into the future. It is hoped the meat of this scheme can be fully unveiled in future editions of ACES' Terrier, once finalised and approved.

Meanwhile, we continue to contribute as members of the Stakeholder Steering Group into the important research work into the future direction for council farms being conducted jointly by the CPRE, New Economics Forum, and Shared Assets [Ed – see article from CPRE in this

issue of ACES' Terrier and reports in 2020 Spring and Autumn Terriers]. An interim report was published last year and the researchers are currently compiling the next edition for publication, hopefully later this year. This, it is hoped, will help inform the ongoing industry debate and increasing awareness of the vitally important role council farms estates can play in the agricultural tenanted sector.

ALISON HEXT, HEART OF ENGLAND BRANCH

Members of the Heart of England Branch were very pleased to welcome Simon Hughes, ACES President, to its meeting on 24 June, which was well attended, and we were also delighted to welcome Terrier Editor Betty Albon to the meeting.

The meeting started with a talk from David Sabine of Cadence Management, who acts the project manager for the development of i54 advanced manufacturing business park, on behalf of the 3 councils, City of Wolverhampton Council, Staffordshire County Council and South Staffordshire Council, cooperating on this. The presentation covered the successes of i54 to date in attracting the likes of the Jaguar Land Rover engine plant and £1bn of private investment which followed the decision by county and city councils to borrow the money

to construct a new motorway junction. Subsequent Enterprise Zone status has enabled the LEPs to reimburse the 2 councils the cost of borrowing through business rates.

Then David focussed on the new JV between the councils to extend the business park outside the EZ by another 100 acres, this time using a rates collaboration agreement with the district council, to pay back the significant cost of providing substantial development platforms and infrastructure through the future business rates generated from the site, in addition to capital receipts and LEP grant funding. Motorway access and the availability of a pool of skilled labour are just as important as the site, if not more so for inward investment. About 50% of all jobs created are held by employees

within a 10-mile radius of the site. David concluded the presentation with a useful summary of lessons learnt.

The following formal meeting agreed to support the Treasurer post with an Honorary as the branch is still looking for a new Treasurer to relieve Richard Allen from his long-running duties, which he has confirmed will formally conclude at the November AGM. Anyone who would be interested in taking up the post please let me know.

The next HoE meeting will be the AGM on 04 November. There will be a CPD presentation, and I take this opportunity to extend an invitation to any ACES member who would like to join HoE for this meeting. Please contact me so I can send a Teams meeting invitation.

Other interest areas

HAPPY MEMORIES

Jill Bungay

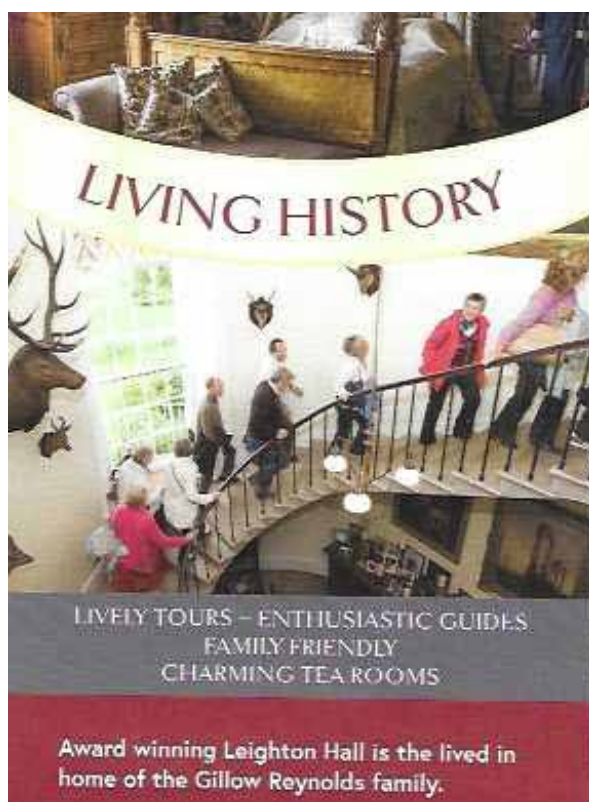
Former ACES President 2001-02, Jill Bungay, sent me this copy of a leaflet she came across, featuring some famous ACES' members. Are there any colleagues you can spot that Jill & I haven't? Answers in an email postcard to editor@aces.org.uk

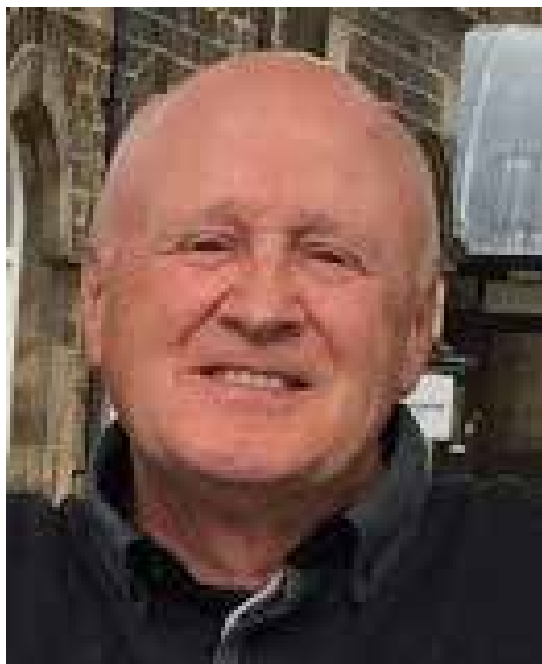
We have just had our first holiday for months - a couple of days in the Lake District. While browsing the leaflets in the hotel, I picked up one from Leighton Hall which I remembered we had visited as a group during the Lancaster national conference in November 2012, held at Lancaster University.

Imagine my surprise when I looked at the leaflet and spotted myself (top of the stairs in pink jumper) along with many other regulars attending the social events.

So far, those identified are Malcolm McAskill, Malc Williams, Martin Howarth, Kath Bradford and Sue Foster [Ed - I'm not sure if the 'Living History' heading refers to the visitors.....?].

Happy memories!





For 50 years until retirement Dave practiced as a surveyor in Lancashire and Cumbria, becoming a Fellow of the RICS and working for the Department of the Environment, Lancashire County Council, South Lakeland District Council and the NPS Group. During that time, he wrote articles on surveying topics and work experiences which allowed him to introduce some controversy, humour and the odd bit of fiction. <https://davidlewispogson.wordpress.com>

HERDWICK TALES

The U-turn

Dave Pogson

Selwyn is Property Services Manager for the fictional Herdwick District Council. From January to June 2001 his daughter Lisa is temporarily working in mainland China. Communication is difficult so he stays in touch by sending her an e-mail once each month. He tells her about his work and the people he encounters during it.

From: dad@user.freemove.co.uk
To: Lisa345@hotmail.com
Date: 12 March 2001 20:43
Subject: Herdwick Tales

Hello Lisa,

Thanks for your e-mail.

The Chinese supplier rejected my complaint so I had to take my PC back to Shepdale Computer Centre and have a new motherboard installed at considerable expense. So now I can return to emailing you from home. Your mother has banned me from studying 'PCs for Idiots' in Ottakers bookshop at lunchtime.

I'm pleased to see that your celebrity status is continuing in China, although I'm alarmed to hear that you have become a public safety hazard. I suppose it's inevitable that people will stop and stare at a tall, blond, white woman walking down the street in a land of short, dark-haired Asian people, but to cause a road accident involving pedestrians, cyclists and cars in the main shopping area is taking things just a bit too far. I suggest that you wear a headscarf, dispense with heels and walk with your knees bent when out in public so that no-one notices you. Or else just go out at night.

Most of the people that I meet relate to work - and a mixed and varied bunch of weirdos they are; none more so than the councillors whom I work for. The problems that I have been experiencing recently with the shortage of maintenance funding in my budget make me recall my experience with Councillor Blunt. Not that he was

a weirdo. However, he had a disability problem that confined him to a wheelchair and that did cause problems.

Councillor Blunt, an ordinary and pleasant enough bloke, had won his seat on the council at a time when the government was altering the ward boundaries. That meant that he could only stand for one year and then have to seek re-election in the altered ward. Nevertheless, his initial election caused us a problem because we had never had a disabled councillor before. We have had plenty of odd-looking ones, some who were obviously lacking a full deck, and even some who gave all the appearance of being dead when sat in committee meetings, but never before had we had one who went everywhere on wheels.

These were not ordinary wheels either, but high-tech, space-age wheels attached to a very nippy but large electric moon buggy. Not the bog-standard wheelchair for Councillor Blunt - oh no - he had to have something that looked like it had been built by NASA. The problem was that the town hall just wasn't designed for disabled access. Apparently there can't have been any disabled people in Victorian times when they built it, or else they were banned by law from taking office. It's all stone steps and changing levels, tight corners and narrow toilets. In fact, it must have been designed by an architect who deliberately hated disabled people and property managers of the future. Anyway, we couldn't get him and his moon buggy into the council chamber for the meetings.

He was quite reasonable about this and could see the sense in not spending



a fortune just for the sake of it, and for a while we relocated the meetings into another large room near the town hall entrance which co-incidentally had a level entry from the street and was near the town hall's disabled toilet. You would think that that was sufficient ... but you would be wrong. The pressure from the do-gooders and the disability lobby, and those council officers responsible for things like 'the environment', and those councillors who thought that council meetings didn't have the same feeling of importance if not held in the council chamber, began to build up a head of steam. They thought that the council chamber must be made to provide the right facilities, regardless of the fact that it was a 'listed building' - meaning that we couldn't alter it much at all because of the planning regulations. To provide everything that was needed would mean just about knocking the place down and starting again. But the pressure won out and we were instructed to find a solution.

I asked one of the architects to investigate it. This gets me back to my budget because there was very little money in the Disability Access Fund (well it didn't crop up much as a subject - he was our first disabled councillor after all) and so, as always happened, I had to find the money out of the maintenance budget. Yes, that same maintenance budget that was about to be cut. So I did, and the architect came up with a reasonably good solution ... up to a point.

The old town hall had a link corridor to the offices in the modern extension block at its rear and we decided that Councillor Blunt could park his car in the 3-storey staff car park behind those offices, mount his moon buggy, and drive through the

automatic doors into the entrance to that modern block. We moved the plumbed-in coffee machine from the entrance lobby to let him drive into the lift, so that he could get out at the first floor and negotiate numerous but level passageways in the modern offices, to reach the link corridor.

The link corridor had 3 steps up to the town hall and a tea trolley lift beside them. It already had an automatic door with remote push button access to allow the tea lady to get the trolley through. We converted the existing tea trolley lift into a moon buggy lift, to avoid those steps and get it into the link corridor and from there he could roll to the council chamber entrance on a level run. On the way he could use the wider staff toilets in the modern offices, where we put grab handles in the Gents to help him get in and out of one of the cubicles.

We ignored that this new route meant him taking a trip of about 100 yards from the carpark, in comparison to the use of the alternative room at the front of the town hall, which only meant a direct drive of about 5 yards from the Sheepfold Lane entrance. We also played down the possibility that he might get fried to a crisp or trampled to death if a fire broke out in either building. What the hell! And so, what if it cost a lump of money to achieve it? Who cares? It was only the taxpayers paying for it. A brilliant solution.....except for one problem. We still couldn't get him through the narrow council chamber entrance from the link corridor because of the combination of a tight 180 degree u-turn and outward opening fire doors.

So we did all the preliminary works to get him to that point anyway and then sent for the fire officer and the planning officer to seek advice on how to overcome the last hurdle. One suggestion was to give the caretakers a mobile phone so that he could ring them in advance and book an appointment to be carried into the council chamber. The flaw in this was obvious. One bad back and the caretakers' eyes would be lighting up like cash tills at the thought of the injury compensation. Another solution was to provide a transfer vehicle like a sedan chair or a wheelchair, but again the lifting element was too risky and god help us if they dropped him. We would have had 2 claims then.

All this took 12 months to resolve and while we were waiting, they held the next election and he was voted off the council by the electorate. So that solved the

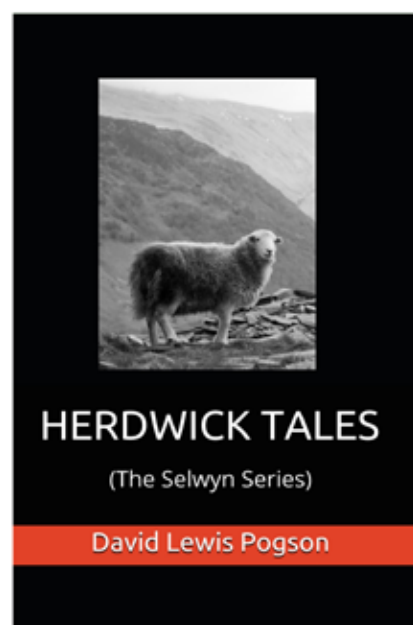
problem of the last obstacle because we never did come up with a solution.

And, finally. The chief exec got back to me today about the proposed maintenance budget. He says that I'll have to live with the cut and should draw up a list of properties to sell to relieve the maintenance burden. The man is so crazy that he'll be wanting to close all the public conveniences next - as if that will ever happen. Thereafter he'll be carrying out a review of the staffing in my group because we'll have less properties to maintain. I sense an early retirement opportunity.....

In your next e-mail you must let me know how you get on at the civic dance. I never realised that ballroom dancing was such a popular pastime in China. Hopefully the collisions on the dance floor will be less severe than the traffic accidents in the main street, even if everyone is looking at you as they waltz past.

Write soon.

Ed - Dave has assembled his collection of short stories in 'Herdwick Tales'. Please contact Dave direct.



If you're impatient to read more episodes in ACES Terrier then enjoy all 26 together now in paperback, Kindle or free on Kindle Unlimited. Just google 'Amazon Books' and type 'Herdwick Tales' into the search bar.

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