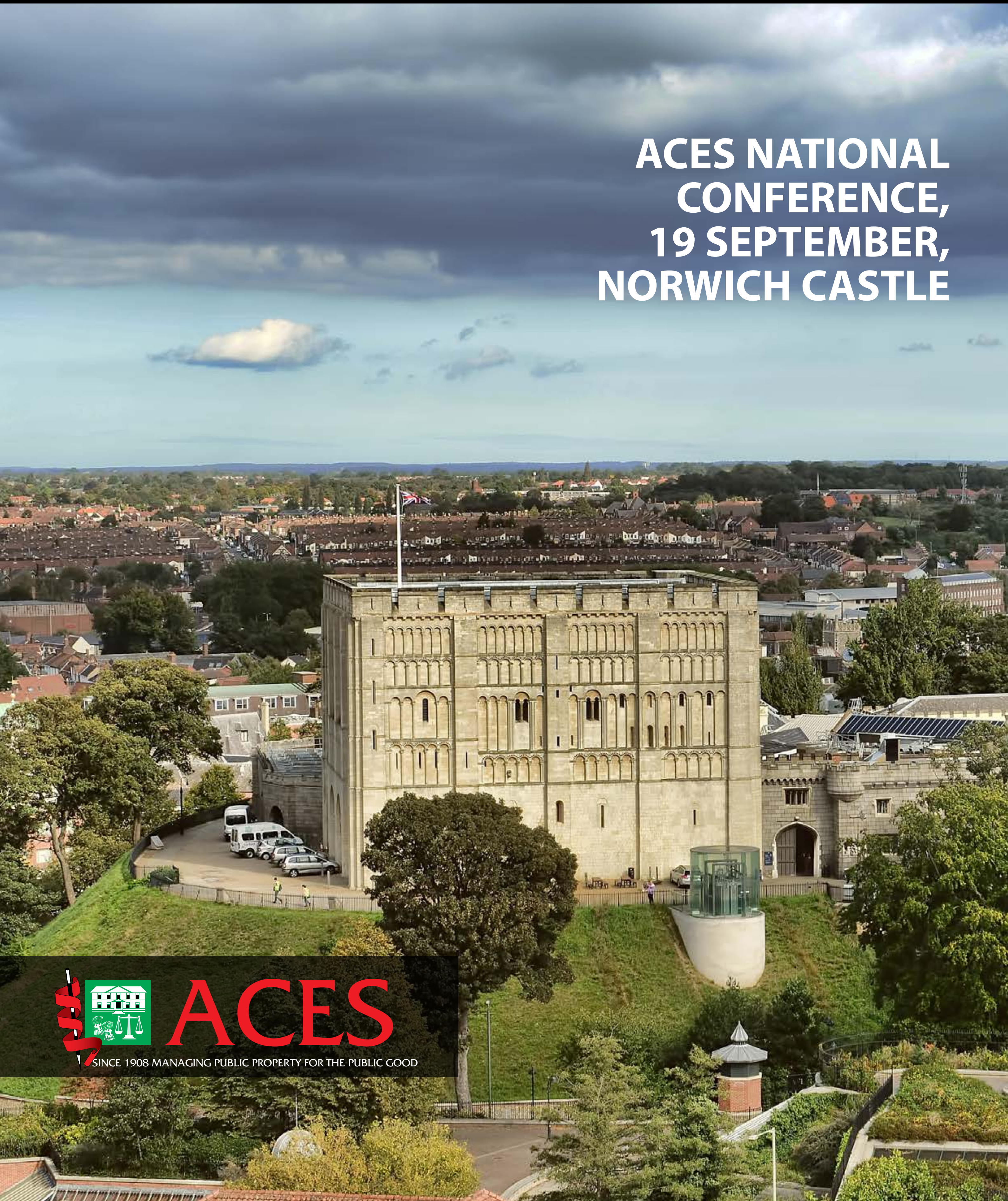
ACES TERRIER

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

VOLUME 29 ISSUE 2 SUMMER 2024

ACES NATIONAL CONFERENCE, 19 SEPTEMBER, NORWICH CASTLE



ACES

SINCE 1908 MANAGING PUBLIC PROPERTY FOR THE PUBLIC GOOD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VOLUME 29 - ISSUE 2 - Summer 2024

ACES TERRIER

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

EDITORIAL

Betty Albon editor@aces.org.uk

Welcome to the 2024 Summer Terrier. Did someone mention summer?

I've reached a milestone. I keep a list of authors and articles/topics which I set up when I became Editor in Spring 2012. This is to ensure that all willing authors do not slip through my fingers…. When I added those for the last issue, I topped the 1,000 mark. Some are repeat authors; it doesn't include Secretary reports of council meetings, nor branch reports. But I see this as an achievement, so thanks to all authors who have supported ACES and its professional journal over this 'more than' decade.

This issue contains a series of articles where ACES is heavily involved in national initiatives, working in partnership with other organisations, namely the Offices for Good series of webinars, and the Public Sector Forum "Working in Partnership" Guide. Both initiatives are ongoing.

Other hot (literally) topics include articles on net zero and biodiversity net gain, both of which impact on our work and environment, and statutory topics covering CPOs, high-rise building safety, residential retrofit and the Agricultural Code of Practice. And lots more.

And for APC candidates and their counsellors, see Jen Lemen's article about the new APC requirements of the Intent to Submit form and its strict deadline dates.

Sara Cameron continues her #PresidentOnTour in her campervan. She is well under way in her commitment to meet as many members and colleagues during the year, as well as attending virtual and in-person conferences and seminars.

Finally, please block out your diaries for the ACES National Conference on 19 September at Norwich Castle. See further information inside.

Eastern Branch Chair Alan Richards is spearheading a group to take part in the Yorkshire Three Peaks Public Sector Challenge. The team is fundraising for Cancer Research UK. Please support the fundraising efforts if you can https://fundraise.cancerresearchuk.org/page/aces-public-sector-challenge-team-2024 .

Please share ACES' Terrier with colleagues - in hard copy and online www.aces.org.uk/library/.

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.

CONTENTS

Cover photo: Norwich Castle, courtesy of Norfolk County Council's Museums Service

NATIONAL COUNCIL

Notes of ACES Council Meeting held on 26 April 2024

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

This was a hybrid meeting and the face-to-face element was held at The GPA Offices, Birmingham. Twenty one members attended the meeting in person or remotely, making the meeting quorate.

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

Before the meeting commenced, a period of silence was observed following the sad passing of ACES members David Mitchell and Tom Fleming, Past President.

Matters arising

None arising.

President's report

The President, Sara Cameron, reported on her activities since the last meeting. It had been a busy time since the last meeting, with various events and meetings involving RICS, GovProp, Women in Property Scotland, Local Authority Property & Estates Conference and others.

The President advised that she is working on fitting in all her branch visits over the course of the next few months, along with other events planned for the year. Planning the conference is high on her "to do" list and more on this later [Ed – see President on Tour report in this issue of ACES' Terrier].

Secretary's report

The Secretary, Trevor Bishop, reported on matters arising during the period since the last Council meeting. He provided the latest statistics on membership which showed a continuing increase in membership numbers.

On subscriptions, the Secretary confirmed that at the time of reporting, over 61% of invoices sent out in December 2023 had been paid. This was slightly better than the same time last year and the Secretary put this partly down to members being quicker in providing purchase orders and the greater acceptance of online payment.

Discussion took place on improving the message to members about the value of ACES subscription, particularly CPD, in an effort to encourage speedier payment. It was commented that some analysis of the "themes" of non-payment might help inform targeted efforts. Keith Jewsbury offered to help with analysis of "themes" over the last few years. The Secretary, in response to a suggestion of "withholding services" to encourage payment, confirmed that this was in place where the website system locks out non-payers. Maybe the branches had a role in helping out, naming and shaming etc.

The Secretary also noted that the Treasurer and he had had further detailed discussions recently on the acquisition of a new invoicing system with a view to making things less time consuming for the Secretary, and this would be reported for approval at a later date, preferably before the next bulk invoicing in December.

The Secretary reported on work he had done in progressing support in the form of an Assistant Secretary. He tabled his report which set out in detail the various and extended roles and duties of the National Secretary, with ideas as to how this could be put out to potential support officers. Discussion took place on the options for an appointment in terms of allocating work and level of support, method of advertising the opportunity, and remuneration. The general feeling was for an assistant secretary covering all roles would be beneficial for resilience and succession planning, and the Secretary undertook to make progress with the required job description and advertising proposals and this was approved by Council.

Financial matters

The Treasurer, Chris Hewitt, presented his report on the financial position of the Association.

He tabled an updated management accounts document which showed a Statement of receipts and payments over the last nine months, together with a Statement of financial position. He talked through the single page format, which looked at the last nine months so far this financial year. As previously reported, the overall picture was healthy with a good mix of income and expenditure, strong financial reserves, and a good net surplus from operations.

The key headline coming out of the report in this format was that the income from subscriptions, Corporate Membership and the SAM Diploma exceeded the operating and other costs, albeit that some expenditure items were outstanding. It was noted again that nearly a third of the Association's total income was derived from the SAM Diploma course.

Questions were raised from the floor on payment of the branch subscriptions to branches as some relied heavily on the income. The Treasurer undertook to deal with this in the next four weeks or so.

The Treasurer also made reference to the insurance that had now been arranged to provide cover for the association and its officers and volunteers. Details to be placed on the website and relevant members informed in more detail.

Report of Head of Engagement

The Head of Engagement, Neil Webster, talked through his report on matters arising during the period since the last meeting.

He noted that the President and himself would be attending the UKREiiF event in May and was pleased to see that the "invite only" delegate list included a good number of chief executives, heads of regeneration, etc., which was really good for networking and exposure of ACES.

Neil mentioned the Public Sector Forum in May and asked all Council members to make an effort to attend or find out who in their organisation is, as it was a good demonstration of what ACES was doing in partnership with others [Ed – see article in this issue of ACES' Terrier].

In discussion around the table, it was proposed and agreed that a brochure for potential Corporate Members could be progressed. The Editor advised that Marcus Macaulay would be able to convert supplied text into a suitable document.

Consultations

The Senior Vice President (SVP), Dan Meek, reported on 8 consultations since the last meeting. He particularly thanked Chris Brain for his quick and helpful response to a recent CIPFA consultation on LA financial accounting in the UK. He noted that responses had been provided on a number of RICS consultations and, where appropriate, documents emerging from the results of consultations were posted on the ACES website.

ACES' Terrier

The Editor, Betty Albon, presented her report on a request for an increase in advertising rates for ACES' Terrier. These had not been increased for a number of years and a modest increase was now necessary to maintain the aim of covering the production costs of the journal. The increase is also necessary as a good number of recent Terriers have extended to 100 pages, which increases the printing and binding costs. There are nine advertisers in total, most of which had placed adverts in the journal for many years and are likely to continue for some time.

It was suggested from the meeting that the rates should be reviewed every three years. It was also commented that we should continue to ensure advertisers get added value from the digital edition of ACES' Terrier as well as the printed copy. There was consideration given to scope for more advertising in the Terrier beyond the typical surveying firms. The Editor referred to a long list of potential advertisers that was maintained and reviewed periodically and this could be looked at again, with a view to putting a specific task to a volunteer - or indeed grouping this work with exploring means of making the website more valuable for sponsors and advertisers - perhaps part of the new Assistant Secretary role.

The proposed new advertising rates were approved.

Core Management Team

The Secretary reported that the Core Management Team (CMT) had met from time to time to discuss items to bring forward to Council for notification or for approval as necessary.

The following actions and decisions had taken place requiring endorsement or approval of Council:

- Approval of financial support for attendance at MiPiM by one of our FACES colleagues. Members will note a detailed article in the Spring Terrier submitted by the attendee
- Approval of tax payment for 2022/23 financial year
- Endorsement of funding for the Public Sector Challenge event in September to enable ACES to be a supporting partner of the event and gain valuable exposure to other like bodies and to potential new members
- Approval of basic insurance cover for the association and officers for Public and Products Liability, Employers' Liability, Trustees' and Directors' Indemnity. CMT will also give consideration to the benefits of adding cyber cover to the association's insurance
- Approval of increase in the cost of website maintenance from July 2024.

Council endorsed and approved the actions taken by CMT and approved the revised Terms of Reference with some minor amendments to the text.

Corporate membership

The Secretary referred to the comprehensive report on corporate membership (CM) now tabled. that had been prompted by the detailed discussions at the last ACES Council. This comprised a review of the packages available to current and prospective CMs, details of payments made to date, and the benefits of taking up the CM packages, and a breakdown of the proposed allocation of funds to support the key priorities of the Association.

A number of recommendations for approval by Council were presented, particularly with regard to resourcing the future management of CM and other supporters of the association, and the production of packages for CMs for the next three years.

It was re-affirmed that further ACES Officer support was required to pick this matter up, working with the Head of Engagement and the Secretary. The Secretary was tasked with refreshing the job description for the Sponsorship Officer (or such other title as agreed) as a job in its own right and bringing this forward for approval and advertising, probably at the same time as the Assistant Secretary. This would run alongside the forward strategy to be picked up by the President.

Council approved the recommendations in the report.

ACES constitution – proposed changes

The Immediate Past President (IPP), Helen Stubbs, advised on progress being made with the proposed changes to the Constitution. She asked for some discussion on the mechanism for approving changes to the Constitution. The Constitution would have to be amended to accommodate a shift from special meetings that involved all members of the Association having the ability to make changes (the current position), to special meetings of Council members only having the ability. It was agreed that, notwithstanding the above, full Council should have a standing agenda item to discuss proposed changes.

IPP considered that there was a limit to some of the changes she should make without wider involvement and knowledge, and indeed a review of the whole document rather than specific elements. It was agreed a proper review of the Constitution should be of the whole document from start to finish, and that an experienced and knowledgeable team now needs to be assembled to pick up the task. There was also some consensus that an outside expert (company secretary or solicitor) should be considered to perhaps give a final overall review of the changes proposed by a task team.

It was also agreed that the constitutional changes need to run alongside the review of membership (see below), in order to avoid any changes in one review not being compatible with the other, with an aim for joint approval at the 2024 AGM.

The Treasurer raised the possibility that some changes to the Constitution were time critical, such as our bank's interpretation of governance, and may need a special meeting before the 2024 AGM. It was agreed that these need to be addressed urgently.

The IPP reported on progress made to date with developing a Terms of Reference (ToR) for the review of membership, which was tabled at the meeting. She proposed to chair a review panel which would comprise a diverse selection of the membership (ideally UK wide but not including the CMT) to thoroughly review the issues in the ToR and report to Council.

Annual Conference 2024

The President advised that the conference is to be held on 19 September at Norwich Castle, and that the formal dinner on the evening before be held at the Sainsbury Centre for Visual Arts in Norwich.

The theme was focussing on Strategic Asset Management through a Net Zero Lens. Discussions were also in hand with the Eastern Branch in terms of support and making presentations on their ACES Awards for Excellence successes in 2023. The presentations and panel sessions will offer 6 hours CPD.

It was noted that a financial plan needed to be brought forward very soon, together with proposed fees for the conference day (including early bird discounts) and formal dinner, so that members could understand the financial impact. This would also enable early "hold the date" communications.

The President confirmed that her next main action would be to make arrangements for hotel accommodation, as well as any necessary transport to venues, which had been assisted by very helpful pre-visits to Norwich by Marcus Perry. The preference would be to select one or two hotels and arrange pre-bookings. A small number of defined hotels would also assist delegate networking.

The President also advised that it was her intention to use Eventbrite for the delegate bookings process as this had been used extensively in Eastern Branch and would take some pressure off the Secretary!

Marcus Perry provided brief details of the Social Programme, with an informal meal planned for the Thursday evening. The President appreciated his assistance.

More details of the event are contained in the President's Conference report on the website. [Ed – also see the flyer in this issue of ACES Terrier].

AGM 2024

The Senior Vice President (SVP), Dan Meek, reported on progress made with the arrangement for the national AGM this year, and gave huge thanks to Neil Webster for his assistance in locating a venue at reasonable cost, likely to be fieldfisher's Offices in London.

ACES' Awards for Excellence 2024

The SVP reported on progress. He noted that this had now been formally launched and an additional Award had been added to the 2023 collection. Dan thanked the Editor for her help in bringing forward some examples from ACES' Terrier and it was intended that communications and encouragement to submit nominations would be regular in the monthly E-briefings, LinkedIn, Branch Meetings etc.

Asset management in the public sector

In the absence of Malcolm Williams, the Secretary updated members on the SAM diploma, which continued to go very well, with the help of the ACES members carrying out the presentations in a professional manner. The President advised that she took the course earlier in the year and affirmed that it was excellent.

Council confirmed approval to the modest increase in the course fee from Autumn 2024 [Ed – see flyer about the Diploma on the back page of this Terrier].

RACES/Homes for older people

The Secretary reported that, regrettably, little progress had been made in securing a volunteer from the membership to pick up this initiative. It was noted that the proposal remains to establish a task team to take this on rather than an individual. It was considered by the President that someone from FACES could assist with some research on iHOPE.

Co-ordinators, branches and external working groups

Liaison Officer and Branch reports were received, and these have been published on the ACES website for the information of all members. Once again, thanks went to the Liaison Officers for their efforts in producing detailed and topical reports which are appreciated by members.

The Secretary referred to the helpful reports submitted by Gill Boyle on Regeneration/Housing, and Sam Partridge on RICS Liaison.

A number of Branch updates on key matters were provided at the meeting and late entries were added to the main report, which is published on the ACES website. The status of missing reports did indicate that some branches needed more help than others, and Marcus Perry was on the case.

Dan Meek gave a verbal update on Rural Branch matters and the various meetings that he had attended during the year. Dan was pleased to have the opportunity to welcome the President and Marcus Perry to the meeting at Stoneleigh in May. Neil Webster provided an update on matters taking place at the London Branch since the last Council meeting.

Branches were thanked for their reports and verbal updates as appropriate, which always gave interesting insights into things going on in the regions.

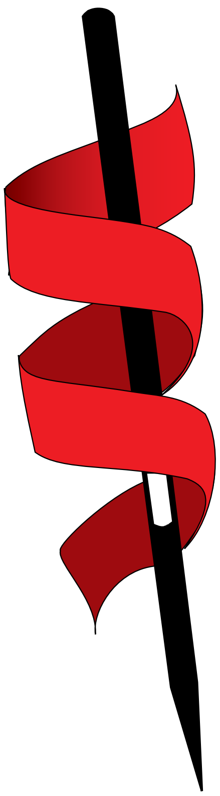
Future meetings

ACES Council	12 July 2024	Preston
Annual Conference	19 Sept 2024	Norwich
ACES Council	16 Oct 2024	Online
Annual Meeting	15 Nov 2024	London

Any other business

The President referred to the RICS Matrix Surveyor of the Year awards and asked members to consider nominations, particularly for any of our FACES cohort.

Alan Richards requested continuing marketing of the Public Sector Challenge in September via branch meetings and other means.



ACES MEMBERSHIP

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

I list below the changes in membership between 1 April 2024 and 30 June 2024.

New members approved

There were 11 new applications approved during the period:

First Name	Surname	Organisation	Branch Ref
Katharine	Swan	ACES Associate Member	S
Mark	McGee	Angus Council	S
Sam	Hoida	Dorset Council	SW
Laura	Lodge-Metcalfe	Durham County Council	NE
Karen	Mitchell	Durham County Council	NE
Rob	Harrison	East Devon District Council	SW
Emma	Stewart	East Renfrewshire Council	S
James	Higgins	Forestry and Land Scotland	S
Mary	Lindsay	Forestry and Land Scotland	S
Mark	Wilcock	Forestry and Land Scotland	S
Ian	Hodgson	Liverpool City Council	NW

Members transferred to past membership

None.

Resignations

The following 4 members resigned during the period :

First Name	Surname	Organisation	Branch Ref
Nick	Corrigan		W
John	Gahagan	Aberdeenshire Council	S
Douglas	Henderson	Angus Council	S
Kamay	Toor	Bracknell Forest Council	SE

I also have sadly to report the passing of ACES members Tom Fleming (Past President) and Graham Colborne during this period. Obituaries for Tom and Graham appear elsewhere in this edition.

Membership

Summary of current membership at 30 June 2024:

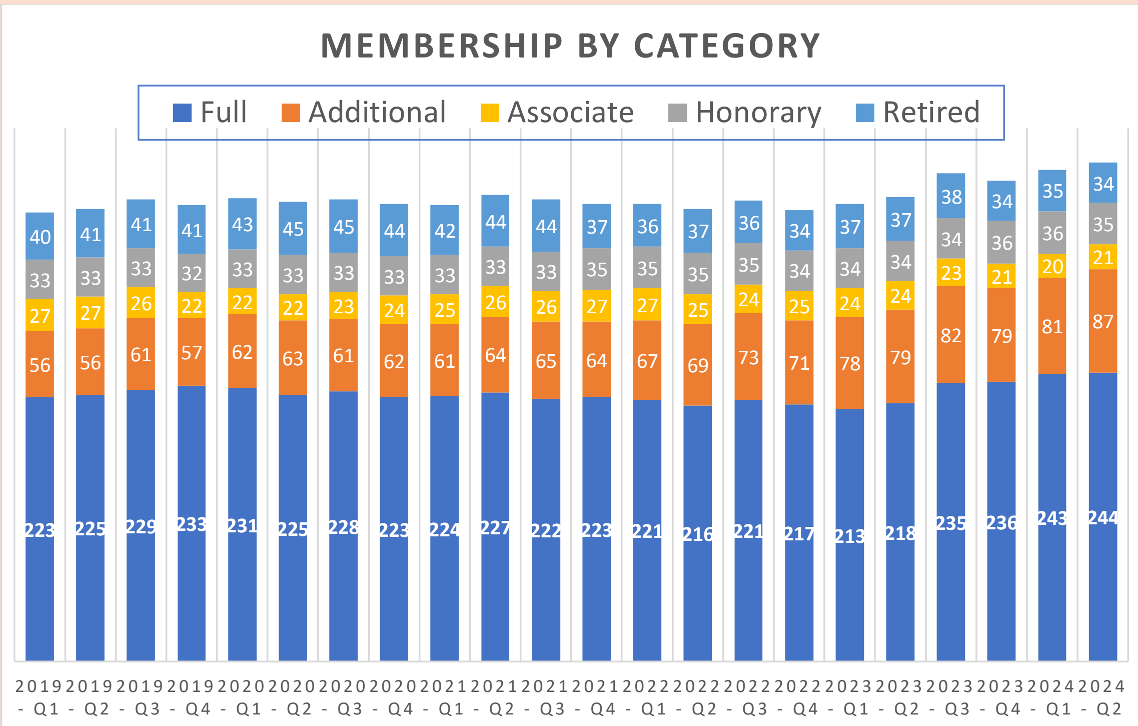
Total Membership	
Full	244
Additional	87
Honorary	35
Associate	21
Retired	34
Total	**421**

Trends

This quarter sees a continuation of the healthy upward trend in membership numbers that has been apparent for the last year and a half.

As previously noted, the current level is in the context of a number of members who have still not paid their subscription and who may have to be expelled from the association in the absence of action to address arrears.

The table and histogram provide a summary of the change in total membership numbers and membership categories since January 2019:



ACES

National Conference 2024

Strategic Asset Management through the Net Zero Lens

Venue: **Norwich Castle Museum and Art Gallery**

Conference Date: **Thursday 19th Sept 2024** (one day event)

Pre-Conference Networking Meal: **Wednesday 18th Sept** (evening)

Social Programme: **Thursday 19th Sept** (Friday AM optional)

For further information on speakers, agenda and how to book, see https://aces.org.uk/national-presidential-conference-2024**/**

The Conference

The ACES flagship event of the year will be an in-person event in September 2024 with the usual line up of excellent speakers and great networking opportunities for ACES members and others working in or for the public sector at exceptional value for money.

Taking a deeper dive around some of the issues around delivering a net zero estate and sustainable places, including decarbonisation, adaptation, risk management as well as looking at the changing skills we now need to employ in our roles as public sector property professionals.

Our lineup of speakers will set out how we can work together to achieve common goals, efficiencies & costs savings, deliver new facilities, contribute to regeneration schemes and achieve best practice in the property profession, all with the ultimate aim of ensuring we improve climate resilience in our estates and for our communities. We will also be featuring case studies demonstrating excellence in the East.

Delivering 6 hours formal CPD with four themed sessions covering: Decarbonising the Public Estate, Sustainable Placemaking and Regeneration, the future profession discussion and Excellence in the East.

A drinks reception in the Castle Museum will immediately follow the conference.

Cost – ACES Members - £100 (early bird) otherwise it's £125; Non-members - £175

The networking and social elements

Pre-Conference Networking Meal

Held at the stunning Sainsbury Centre for Visual Arts, on the University of East Anglia campus, we will enjoy a drinks reception on the Terrace of the Norman Foster designed building. Followed by a 3-course meal on Wednesday evening with fellow conference attendees and guests. A chance to socialise and network prior to the main conference event.

Cost - £75

Social Programme and Post Conference Meal

For those who prefer the social side of the conference, a fantastic social programme has been arranged by Marcus Perry. The main programme will take place on Thursday with an optional informal meal on the Thursday evening.

Cost - £75 (social programme Thursday; **£50** meal at Benoli Italian Restaurant on Thursday evening); **£5** optional guided tour of Norwich Cathedral on Friday

For further information and how to book, see https://aces.org.uk/national-presidential-conference-2023-social-programme/

AVISON YOUNG Carter Jonas Lambert Smith Hampton norse CONSULTING

OBITUARY THOMAS FLEMING FRICS

This obituary is taken from Tom's eulogy, delivered by his son Craig on 4 May. Longer than usual, Craig gives a flavour of the man many ACES' colleagues knew. Thanks Craig. Former President Paul Over, expresses a view from the Association.

Photo courtesy of Colin Bradford

Thomas Fleming was born on 18 May 1962 in Aberdeen. He lived above a pub. At the age of 4, the family moved from Aberdeen down to where he would live for the rest of his days, a lovely little mill town – Johnstone.

At the age of 16, Thomas started a trade and became the youngest journeyman joiner in Scotland, before moving on to become, at only 21, the youngest lecturer at what is now West College Scotland in Paisley. He then went on to start his career in surveying, becoming a surveying technician for local authorities.

Thomas was proud to have served in the TA, doing 6 years in the Royal Engineers, travelling across Europe and driving heavy machinery. It was something he was so proud of, that he had served his country in some way.

At the age of 27, Thomas married Sandra. This was the greatest day, as at Hampden, Aberdeen had just won the Scottish Cup against Celtic.

Thomas obtained a degree in surveying, all the while working during the day, helping raise a young family of a daughter and a son, and studying in the evening. Upon graduating from the University of Reading in 1999, he became a chartered surveyor, working for several local authorities, where he would do some of his best work.

In his professional career Thomas was known as "the oracle". Having worked his way up from the very bottom, he knew all there was to know at his game, becoming very reputable. He would go on to work in the city chambers for Glasgow City Council, often being the go-to man for people across all departments, including councilors and politicians, for whenever a question was too tough the line was – "go to the oracle, Tom Fleming".

Thomas ended up as the head of asset management for the council's land and property division, overseeing such projects as the commonwealth games – even featuring in the opening ceremony – and the building of the velodrome.

Throughout Thomas' career, he was a member of ACES, as well as a Fellow of the RICS. He was ACES' President 2012-13; this came with a great ceremony, along with the gold medallion laden with names of past presidents along the neck piece. I remember this well, as he got to keep it for a year – and I even remember trying it on as a young teenager – I do apologise to any ACES members if that wasn't allowed.

My dad was the kindest, most caring and loveable man you'd ever meet, with a wicked sense of humour and an ability to make anyone's day brighter. Extremely well thought of in both personal and professional circles, he was one of a kind.

Thomas loved travelling - including going to Australia, Canada and America - and aviation. He was over the moon when I got into the industry at the age of 19 and he was even more delighted when a few weeks before his passing, I was able to take him up in a helicopter to Inverness and back.

In 2020, Thomas was diagnosed with cancer. In October 2023 he was given a terminal diagnosis and told that no more chemo would work. Throughout his treatment he was supported excellently by the Beatson cancer hospital in Glasgow; they went above and beyond to ensure his treatment went as smoothly as possible.

"My dad was the greatest man to ever do it – I may be slightly biased in saying that. However from hearing all the stories that everyone has to tell and in all the years we've all known him, we've never known a bad word to be said about him. He was caring; compassionate; funny. We could never have asked for a better man to call dad."

Thomas died at home on 22 April at the young age of only 61.

Contribution from Paul Over, President of ACES 2010-11

When I received notice from our Secretary in May that Tom had passed it was to me, as I'm sure to many ACES members, a profound shock. Tom was our President from 2012-2013. However, prior to taking over the Presidential role, he was my Junior Vice President in 2010-2011 and Heather MacManus' Senior Vice President in 2011-2012 (all three featured in the photograph taken at the Chichester National Conference in September 2011). During that time, I and all of ACES will remember

Tom for his quick wit, professional integrity and knowledge, but above all for his loyalty in the roles he performed with such pride and dignity.

On behalf of ACES I thank you Tom for your valued support, both to me personally and to the Association over many years. Your spirit will live on and will always have a cherished place in our hearts.

The family has asked for donations to be sent to St Vincent's Hospice in Howwood, Paisley, which is where Tom spent time Donate - St Vincents Hospice .

OBITUARY GRAHAM COLBOURNE FRICS

My thanks to Tim Stirgess, former Valuation and Estates Manager, 2003-06 at Dorset CC's office in Dorchester, who kindly wrote Graham's obituary.

Graham entered the surveying profession in 1963 and after spells in private practice and the Valuation Office, in 1972 he joined Dorset County Council. He became Deputy County Valuer and Estates Officer in 1987. He retired in 2003 after 6 years as Head of Valuation & Estates for Dorset County Council.

We first met in August 1974 when Graham was Senior Valuer in the Dorchester office at a time when the Valuation and Estates service had offices in both Bournemouth and Dorchester. I joined him in Dorchester in January 1975 and found him to be a really excellent mentor and colleague. He was always approachable and helpful, as well as impressing everyone in the office with his encyclopaedic recall and extensive, accurate, memory of established statute and caselaw - an invaluable resource for the whole department. He also displayed a wonderful accuracy, clarity and sensitivity in the use of the English language. An absolute master.

His real forte, though, was his love of creating scenarios for Continuing Professional Development (CPD) for chartered surveyors and other property professionals. These were always based on real locations, but with imaginary (but entirely believable) scenarios. Initially these programmes were just intended for Dorchester County Council colleagues, but quickly were expanded in scope to offer training for both local authority and private practice professionals. These CPD events culminated in a very successful 'Roadshow' that went around the country involving a local independent commercial FRICS as well as a former President of the Lands Tribunal.

Underpinning his approach to life was his love of village cricket. He wisely built a bungalow in Wimborne between Wimborne Cricket Ground and that for Colehill – where he played for many years. The need for subtlety, a tactical approach, and excellent execution mirrored his approach professionally.

Graham died in hospital on 27 April 2024 after a short illness, aged 81. A truly delightful man who will be much missed.

Editor - Graham contacted me after reading John Read's article about the ordered process of filming Dad's Army, featured in 2016 Spring Terrier. At that time, Graham said: *"Looking back forty years I am amazed how amateurish we were in dealing with the BBC and the filming company. Clearly John Read had the situation much more under control."* Graham went on to write an amusing account about filming at Piddlehinton Camp (2016 Autumn Terrier).

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

ACES

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PRESIDENT ON TOUR

Sara Cameron President@aces.org.uk

My Google Maps timeline is bursting with data! My road trip has now taken in Wrexham, Beddgelert, Anglesey, Haydock Racecourse, Frodsham, Bala, Brecon, Cardigan Bay, St Davids, Kidwelly, the Gower, Swansea, Mumbles, Stoneleigh, Trowbridge, Keynsham, Baltic Wharf Bristol, Charmouth, the New Forest and several farm stops in Norfolk before my current location on the Norfolk Coast at West Runton near Cromer.

Being a roving President, #PresidentOnTour, has its ups and downs. Not just the hills or potholes, but the stories and challenges members are sharing with me as I get around branches. We share an awful lot in common in terms of day to day or strategic challenges and I am seeing the power of the ACES network in giving a safe space to check and challenge the issues being faced. I am ever mindful that sometimes we need to step back and reflect and give ourselves time to think as workloads tend to grow, together with the strain on our time and energy, so I do hope that the conversations I have been having with members as I tour our branches help in a small way to create some headspace by talking openly about our working experiences.


Northern lights in Bala

As I said last time, having this break from work has given me time and space to think, but as I am hurtling towards the ACES National Conference in Norwich in September, and my final few branch visits before the AGM and handover to Dan Meek, I am increasingly thinking about what next, what the challenges are, and where I can be purposeful. While I am super grateful for the thinking space van-life has giving me, I am keen to get back to doing; the 'what' is still to be explored.

The North West Branch CPD day at Haydock Racecourse was a packed event in terms of numbers attending and content. Topics including retrofit and decarbonising challenges for housing stock, biodiversity net gain and an update on the initiatives of the high street taskforce.

Ready for Keynsham Recycling Centre

The Welsh Branch meeting was held in Swansea's Civic Offices and with a view of the bay just outside the window. The national context was provided with updates from Welsh Government and RICS. It was great to take part in the facilitated discussions (thanks Chris Brain) about the challenges facing our members and their teams.

It was good to meet Rural Branch at Stoneleigh Park. While I graduated with a degree in Land Management, all of my working experience has been in commercial real estate. But that's the joy of public sector property - we cross all property and land sectors, and every day is a learning day! There are so many commonalities across the surveying profession and our rural colleagues are doing a fantastic job demonstrating the value of County Farms for food security, biodiversity net gain and climate resilience.

Mid May and nearly 13,000 people descended on the Leeds docks for UK REiFF. It was a full on 3 days of planned and incidental conversations and networking. ACES was delighted to be involved with two launches on the second day of the event, which were both well attended and well received. The first was the roundtable discussions launching Offices for Good with Local Partnerships. The second was the launch of the guide for public:private collaboration 'Working in Partnership' - an incredible topical 12-point guide for improving collaboration to get regeneration projects moving. Led by Jackie Sadek and supported by EG Public Sector Forum, colleagues including Local Partnerships, ACES representatives, chief executives and senior leaders in growth and inward investment, the guide will help align local leaders and potential investors.

EG Workplace event at King's Place, London was a great afternoon discussing what we've all been considering as the pandemic escalated organisational shifts to working remotely. Much of the conversations resonate with those we've had through the Offices for Good programme of webinars, but EG brought a global and entrepreneurial perspective which puts this transition period of the workplace into a new creative space. Like the high street, the office has to become a multi purpose destination, not just banks of desks and meeting rooms.

South West Branch held its meeting at the regional RICS Award winning Keynsham Recycling Centre near Bristol. It was great to see a strong contingent of our future leaders holding a FACES networking event at the same time. Despite a branch committee reshuffle, the energy and passion for growing numbers and supporting one of their own when Dan is President next year was inspiring. Sadly, van-life meant I was travelling sans PPE so I didn't get to tour the facility, but the feedback from the group was excellent.

My diary is pretty full for these last few months of my term as President. I will shortly be attending the North East Branch CPD Day in Darlington; taking part in a roundtable discussion at CIPFA's PF Live event in Manchester, attending the RICS Summer Reception in Westminster - all in the same week as national Council in Preston.

I've also planned a return trip to Scotland to meet Scottish Branch, a visit to Yorkshire to support the ACES Public Sector Challenge Yorkshire Three Peaks Team [The team is fundraising for Cancer Research UK - please support the fundraising efforts if you can https://fundraise.cancerresearchuk.org/page/aces-public-sector-challenge-team-2024], a visit to South East Branch in Ashford, Kent, and an invitation to RICS Lionheart's 125th celebration event in Westminster, to fit in with no small matter of hosting the ACES National Conference in Norwich. Plus, I still need to visit Heart of England and London branches.

Ticket sales are now open for the ACES National Conference to be held at the Norwich Castle Museum and Art Galleries on 19 September. It is a one-day conference supported by our corporate members and will dive deeper into the issues around strategic asset management through the net zero lens. Providing six hours of CPD across four themed sessions, together with the opportunities to network at our pre-conference dinner at the Sainsbury Centre for Visual Arts on the evening of 18 September and immediately after the conference with a drinks reception at the Castle Museum and Art Galleries. More information can be found on the ACES website and the flyer in this issue of ACES' Terrier. My thanks go to Marcus Perry for supporting the conference with an excellent social programme for those not needing the CPD!

[Ed – there are separate articles on many of the events mentioned by Sara, who has also supplied accompanying photos to these articles].

Three Peaks Challenge

Jackie is Chair of the EG Public Sector Forum, working with investors and local authority/other public sector partners to encourage private sector investment into places. She is also an Honorary Fellow of ACES.

Sara is President of ACES; Neil is Head of Engagement for ACES.

WORKING IN PARTNERSHIP

EG Public Sector Forum guide to positive and effective public/private sector collaboration

Jackie Sadek jackie.sadek@urban-strategy.co.uk , Sara Cameron and Neil Webster

Appropriately, this is a team effort to commend public/private sector collaboration. Introduced by Jackie, there follows a note of the launch of this new guidance at UKREiiF, and a question/answer session from two leading ACES' members.

Introduction

The new government has declared a target of economic growth at 2.5% p.a. So I don't need to tell ACES members that inward investment into our localities has become ever more important - nay crucial - to our local economies and therefore to the national interest. Put simply, the need to align potential investors with local leaders and form on-the-ground partnerships is greater than it has ever been. And if you were at UKREiiF, you will have seen the local authority sector desperately trying to get stuff going, any which way. The energy was palpable; if you could have bottled it up, you could have made a mint.

Sir Keir Starmer, knowing all this acutely, is leaning hard into the last time we had good economic growth. And we are to witness a Whitehall shake-up that'll see new "mission boards" established to drive government aims, not least that the Treasury will be tasked with focusing more on "attracting investment and driving growth", alongside its traditional fiscal functions.

Local authorities need to grab this with both hands. We have no option.

In the midst of all the frantic activity at UKREiiF, we launched the EG Public Sector Forum guide to "Working In Partnership". This is the work of a group of local authority leaders, networkers and facilitators, to think afresh about how we can work with investors more productively - and ACES was front and centre to this thinking. The result is the go-to Guide as to how to approach forming positive and effective public/private sector partnerships. We worked closely with the EG Investors Forum. And it chimes with Lord Harrington's comprehensive Review into Foreign Direct Investment, launched at the end of 2023.

I commend "Working in Partnership" to you. Hopefully we have produced something that is fresh and original, that is of value, and will be of use. Most of all, we are seeking support in this work from the incoming government. To get private investment flowing, government needs to work with us to move quickly and be prepared to take and manage risk. We need to be comfortable with investors making money, and we need to know how to take a pragmatic view of state aid and procurement processes to strike sensible commercial deals. Most of all, we need expertise. Folk who really know how to contract with the private sector. And that means having people in post with relevant experience, both in local authorities and in Whitehall. The work of ACES becomes more important than ever. We look forward to talking about this more at ACES Conference in Norwich in September.

https://edition.pagesuite-professional.co.uk/html5/reader/production/default.aspx?pubname=&edid=d11b2b8a-97a6-45f8-a274-6f0d00347aa5

UKREiiF

ACES President, Sara, and Head of Engagement, Neil, were delighted to be at the launch of the Working in Partnership document at UKREiiF on 22nd May. Having contributed to the document, it was great to see it out of the gate. The inimitable Jackie Sadek chaired a panel of Adele Gritton and Ingrid Hooley (both Local Partnerships), Lord Harrington, Andy Martin (chair of the Estates Gazette's Investors Forum) and Tom Stannard, CEO of Salford Council. It was well received by the audience and the next day Neil was approached by an officer of Birmingham Council asking for more detail!

Interview piece

Sara and Neil have a discussion session…….

NW: Tell me a little about the members of the Public Sector Forum.
SC: ACES has been working with the Estates Gazette and Local Partnerships, together with chief executives and senior leaders in growth and inward investment, from Peterborough, Salford, Pendle, Waltham Forest, Birmingham, Lincolnshire, Huntingdonshire and Gloucester, alongside the established EG Investors Forum and Municipal Journal, chaired by ACES Fellow, Jackie Sadek. The EG Public Sector Forum has brought together this group of leaders and changemakers to create an environment where public/private collaboration delivers for place, people and planet.

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NW: What was it like working with this team?
SC: As you would expect from a group of changemakers seeking to improve partnership working between the public and private sectors, it was collegiate collaboration. Through regular meetings and continued off-line dialogue, we were all able to bring our best to the table and learn from each other, against an ambitious timetable to launch the guide at UKREiFF. It was particularly useful to have the influence of the EG as well as the Municipal Journal, together with Jackie Sadek and Ingrid Hooley taking our collective thoughts and experiences and shaping it into an incredibly useful go-to guide for local leadership and investors alike.

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NW: What are the key takeaways from the Working in Partnership paper?
SC: It is an incredibly punchy and practical guide for local leaders, their teams and investors. The case studies are invaluable for showcasing the principles of partnership working and steering stakeholders through the partnership lifecycle.

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NW: What action would you suggest members take?
SC: Read the guide! Share it with your teams and local leaders and use it to talk to stakeholders and investors. It is not the complete story, but it is a positive start to reframing partnership working at an unprecedented time of fiscal challenge and change. The guide and the continuing conversations that are following it are vital to ensuring that sustainable growth for our places, people and planet are top of the agenda with the new government.

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NW: What opportunities might there be to work on other things?
SC: Now we have an established forum, we're looking forward to working together as the conversations continue. We've already seen energy and enthusiasm for the practical guidance, and it is meant to be a living document to be updated as new forum members and case studies are shared.

Beyond this guide, it is clear that a new government keeping economic growth, investment and regeneration at the top of the agenda is vital and aligns to other programmes we are working on, such as tackling the skills gap, to ensure that we have a pipeline of the right skills and experience to tackle delivery of all the projects direct investment is going to unlock.

I am also delighted that Jackie and Ingrid are bringing the continuation of our conversations in the forum to the ACES National Conference in Norwich on 19 September [Ed – see ACES' website https://aces.org.uk/ and flyer in this issue of ACES' Terrier].

OFFICES FOR GOOD

Introduction to the Offices for Good programme

Martin Forbes martin.forbes@localpartnerships.gov.uk
and Neil Webster neil.webster@aces.org.uk

The first half of 2024 has seen ACES engage with Local Partnerships (https://localpartnerships.gov.uk/) on a programme, involving four webinars and a roundtable event at UKREiiF in Leeds, to consider the implications of our post-pandemic working styles on the demand and functionality of local government office space.

Martin is a Senior Strategy Director in our Place team at Local Partnerships, with a long history of supporting councils and other public sector bodies on various aspects of their capital programmes. A Chartered Accountant with a Masters degree in Urban Regeneration, the first half of his career was in Big 4 consulting and corporate finance advising on major regeneration partnerships. During his time at Local Partnerships, he has led a unique regional collaboration of local authorities, seeking to drive efficiencies and capital from their operational estates, and advised on alternative financing structures for major infrastructure investment, as well as business cases and commercial strategies for a range of property led initiatives.

Neil is Head of Engagement for ACES.

Context

The move to home working has raised fundamental questions for organisations to address around the nature and extent of office space that they require. The data that is available is showing that average office occupancy across the public and private sectors is stagnating at around 30%, half of what it was pre-pandemic.

Many organisations are either pursuing or considering downsizing their office estate, but are uncertain as to what physical presence they need and what work settings to create. For local authorities, the situation is critical, as many are facing a funding crisis and:

- They cannot afford to be holding and maintaining surplus space
- They have a key Place leadership role which mothballing or closing civic and community buildings runs counter to
- They need to reduce their carbon footprint and ensure their buildings are as energy efficient as possible
- Sharing space to save money or generate income brings additional layers of risk and complexity to manage.

Alongside these points are the facts that council offices have historically played a key role in anchoring major regenerative investment across many towns and city centres, and that the office environment has always had a fundamental influence on workplace culture, wellbeing and productivity.

Webinar series

We sought to cover all these issues in our webinar series, bringing in expert speakers to join us in conversations that considered:

- The impact of council offices on the vitality of our towns and city centres
- The operational efficiency implications of council offices, both from a financial and carbon perspective
- The impact of council offices on the cultural, wellbeing and productivity of organisations
- The data and information required to make evidence based changes to the office estate.

Webinar one - the impact of council offices on the vitality of our towns and city centres

Jackie Sadek joined us for our first webinar. She reflected on the seeming demise of the conventional office market and described us being at an inflexion point, with a need for councils to be creative and inventive in their response. She also noted the paradox of having too much space and not enough space – too much retail and offices, not enough life sciences, innovation start up and follow-on space. We discussed the challenges posed by our heritage assets and she was clear that these need to be kept and 'shined up', that they are key to our emotional wellbeing and connection to a place, and quite often represent an under-exploited commercial opportunity.

A final discussion area was around how our town and city centres are perceived, and the potential move towards the creation of community campuses, bringing in more footfall through the presence of education and health diagnostic facilities to sustain other more traditional sectors such as retail and hospitality.

See webinar at https://vimeo.com/917927965

Webinar two – the operational efficiency implications of council offices, both from a financial and carbon perspective

For our second webinar, we had Alice Stacey, Head of Estates for the Department for Levelling Up, Communities and Housing alongside the current ACES president, Sara Cameron, to talk around the operational pressures attached to the office estate and approaches for reducing those.

There were three main points that emerged from the session. Firstly, that at a time when spending money to enhance the office environment can be financially and reputationally difficult, the value for money case needs to capture the wider anticipated benefits of investment. It should be considering the relationship between improved morale, job satisfaction and productivity that results from having an environment that supports people to work more effectively and feel valued. Secondly, that an arguably under-estimated benefit of collaboration and being a tenant of another public sector owned building is that it can bring more flexibility and opportunities to implement some of the higher impact, low cost changes that can enhance the working environment for staff. Third, in the debate about pursuing new build over retaining existing buildings, it was acknowledged that there will always be a place for the former, but the option to retrofit existing offices should be rigorously appraised, given the advances in technology and the embodied carbon differential between each approach.

See webinar at https://vimeo.com/925895149?share=copy

Webinar three – the impact of council offices on the cultural, wellbeing and productivity of organisations

In our third webinar, we explored the relationship between the office working environment and the organisational culture, productivity and employee wellbeing that prevails. We were joined by Maxine O'Mahoney and Ralph Burton, the Chief Executive and Assistant Director for Property and Infrastructure at Breckland Council, who talked us through the remodelling of their offices around a people centric approach.

We also had the benefit of a Public Services People Managers Association perspective from Gordon McFarlane and Steve Davies, in looking at how working environments impact employee morale, sense of satisfaction, workplace happiness and productivity, but highlighting also that our current measures of productivity are uncertain, with conflicting study results into the benefits of working in the office versus working at home.

See webinar at https://vimeo.com/936705333

Webinar four - data and information required to make evidence based changes to the office estate

Our final webinar brought a lot of the points raised in webinar two and three together and reinforced the value and criticality of data in informing strategies for moving forward. We were grateful to be joined by experts from Leesman and Remit Consulting, who shared their data insight to many of the issues we had discussed over the previous webinars.

Remit talked through their analysis on the back of their 'Return to work' surveys, showing the extent to which workers were back in the office in different parts of the country. They also built upon the discussions that there had been previously around measures of productivity. This linked well into Leesman's overview of what a minimum viable office needs to feature in terms of design and functionality, based on their global research, to incentivise attendance and support productive working.

Both firms demonstrated the power of data in helping understand the extent and nature of the challenge being faced and what the responses should involve.

See webinar at https://vimeo.com/944458094 [Ed - see separate article from Remit Consulting on this analysis in this issue of ACES' Terrier].

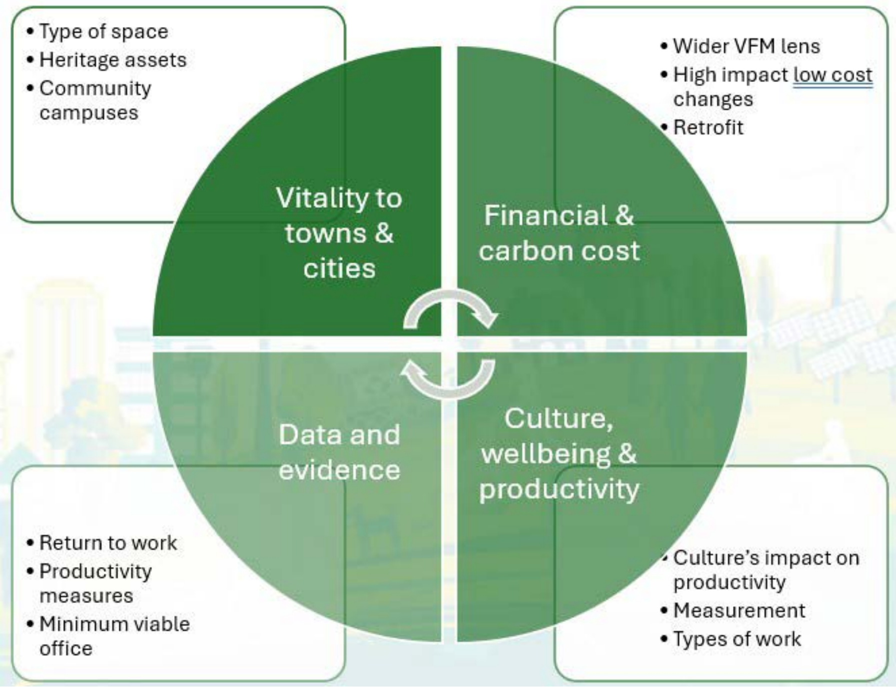
The graphic on page 20 illustrates the contents and findings of the webinar series.

Roundtable at UKREiiF

We took these observations, as summarised in the graphic, into our roundtable in Leeds and discussed them with chief executives and directors from around the UK. Discussion points included:

Uncertainty around the benefit case

With regards to getting people back into offices to support the local town and city centre economies, there was recognition that this may be to the detriment of the localities in which people live and commute from. There was a recurring question around what makes people want to come



into the office, and some felt that the eco-systems of our towns and cities, as well as working space, needs to change to attract people back in, but that it is not yet clear what that entails.

Office market 'hotspots'

Although there was no denying that local government and wider public sector office space is now significantly under-utilised, some areas reported burgeoning private sector demand for office space where the economic attributes of their place, such as accessible housing, were more attractive to the demographic that firms were seeking to recruit from i.e. younger workers and university graduates.

Need for pro-active tenancy management

Councils have had to be imaginative and proactive to secure new activity and tenancies where surplus space exists. This has included moving corporate reception space up a level, to open up ground floor use to customer facing services and community organisations, as well as offering shorter and more flexible occupancy terms for local public sector partners, and undertaking internal make overs to support new uses.

Changing financial parameters and constraints

Unsurprisingly with the state of local government finance, many agreed that reconfiguring the office estate has to be predicated on getting out of existing buildings and reducing net revenue spend. The cost and availability of capital is impacting what councils can do with their estate and they are having to be selective. The private sector is mobilising in response to these circumstances, with councils reporting offers to retrofit and let buildings that they know will have strong appeal to corporates with ESG targets seeking Grade A space.

Value of more satellite provision

Some councils are looking beyond their office estate to create more hybrid working in non-office buildings, with a desire to have people working more locally in places so that they are more tuned into what is going on in the communities they are serving.

Loss of corporate identity

There was a general sense, in some cases supported by the results of staff surveys, of people becoming less connected to their organisation as a result of either working more from home or working in more multi-tenanted offices.

Relationship between the workplace and productivity

A tongue in cheek but great question, was asked as to why people feel they can work better at home on a Monday and Friday but be better at work Tuesday, Wednesday, and Thursday. Our webinar on culture, wellbeing and productivity had started to unpick that and highlight the complexity of it. It was also

a great segue into the question of data and evidence based decision making.

<u>Pragmatism over symbolism</u>

There was definite agreement that staff training and development is not something that can be effectively done online, and that their politicians are keen to have visibility over their officers and know what they're doing and where they are, albeit that it is not an issue being pushed by residents. Ultimately, as the electorate and consumer of services, they are demonstrating themselves to be relatively apathetic about whether council staff are in the office or not, many themselves recognising and appreciating the benefits of home working.

<u>Need for quality data sets</u>

All agreed that the lack of quality and availability of data is proving a hindrance in being able to progress any form of strategy with confidence. There was a general admission that councils are flying blind at the moment, in terms of their response to the office workplace challenge. A general sense of uncertainty prevails as to the right solution, but also a pressure and fear around the consequences of doing nothing.

There has always been a challenge around the sufficiency and quality of data which has historically been in relation to utilisation and occupancy. However, it is now more complex, with the need to capture the wellbeing and productivity impacts of changing workstyles, and understand how those are affected by certain interventions.

Next steps for the programme

In recognition of the points raised in this article, and also the interest prompted by the various examples shared during the webinars and roundtable, both Local Partnerships and ACES have committed to a second stage of the programme which will seek to:

- Work with the sector and industry on building a data set that can be used to support evidence based changes to office workplace environments and policies
- Pull together a directory of indexed examples from councils that can act as a reference and learning source for other councils developing responses to the topics and issues discussed; and
- Deliver a series of update events to help scale the programme and keep people informed of progress, as well as provide access to a network of support that can help with business cases, analytical tools and reliable signposting, to advice on specialist issues.

It is the intention to provide further details on this next stage later this summer, but we would very much welcome any thoughts or feedback on this or indeed the content generated to date, as summarised in this article

OFFICES FOR GOOD

Offices for Good
- Is the office dead?

Elijah Lewis Elijah.Lewis@remitconsulting.com and
Lorna Landells lorna.landells@remitconsulting.com

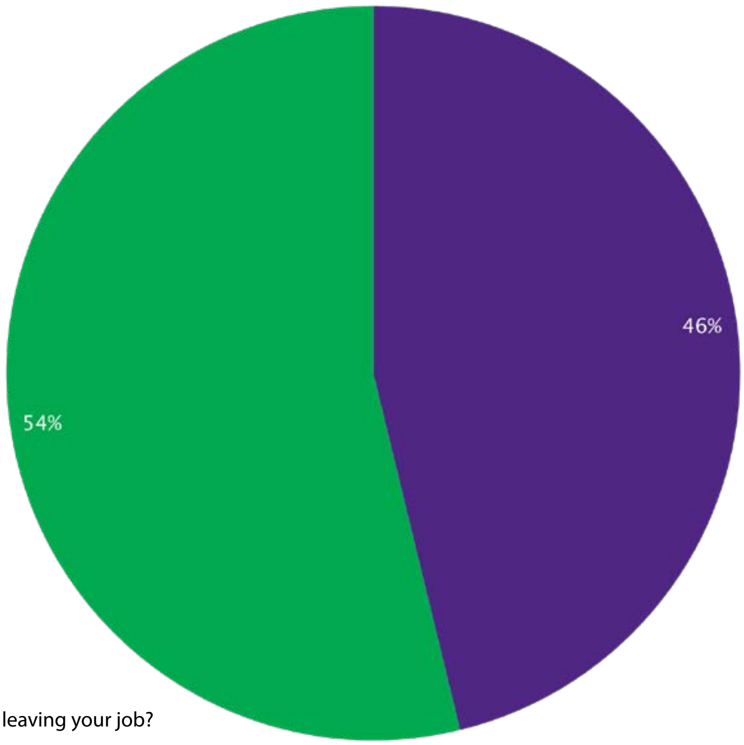
Lorna and Elijah shared the fourth webinar in the Offices for Good series, featured in the previous article. Here some interesting facts emerge from Remit Consulting's data analysis.

As part of its ongoing research, Remit Consulting recently polled office workers across the UK about their attitudes to hybrid working in, and post-pandemic, the workplace. In one particular question, the participants were asked, "If your employer said you need to come back to the office full time, would you consider leaving your job?". In our updated survey, almost 55% said, under such circumstances, they would look to find a new job. This jumps to 69% for those respondents who are not based in London.

It would seem that hybrid working patterns are here to stay, and not a fleeting fad, as some had predicted and, as the world adjusts to the post-Covid era, the importance of traditional office spaces has come under scrutiny. The economic landscape has shifted, highlighting the need for businesses to re-evaluate their property strategies, and Remit Consulting's research highlights the value of using data at every level of decision making, especially in managing the costs associated with staffing and property.

Elijah is a research consultant and is responsible for research and data at Remit Consulting. He heads up two benchmarking services, runs several industry surveys, and works closely with property managers to help predict and assess market changes, and recommend KPIs to clients.

Lorna is a partner at Remit Consulting. Coming from the world of corporate real estate, Lorna has previously been the principal property advisor to a host of household names. As a chartered surveyor, she brings a deep understanding of this specialist field and lends that knowledge to the research and insights Remit Consulting provides to the industry.



Would you consider leaving your job?

This begs the question, is the office dead?

Data-driven decisions for a changing landscape

On 9 May 2024, Remit Consulting's Lorna Landells and Elijah Lewis contributed an insightful presentation during the "Offices for Good" webinar, focusing on the evolving landscape of office occupancy and productivity in the current economic climate [Ed – see previous article]. With staffing and property costs at the forefront of organisational expenses, their analysis sheds light on how data-driven decisions can enhance workplace efficiency and strategic planning. Their key message? Data is king.

"In today's economic climate, leveraging accurate data is essential for making informed decisions that optimise both staffing and property costs," stated Landells.

Project ReTurn: Understanding office occupancy rates

One of the cornerstone projects discussed was the firm's ReTurn study, which has been recording and examining office occupancy rates across the UK for over three years, since the easing of lockdown restrictions in May 2021. The weekly study tracks the return of workers to major offices in nine major UK cities. The data about staff occupancy in the buildings is collected daily and submitted weekly. As the data is aggregated and non-identifiable, participants are reassured that all building data remains anonymous.

The data shows that, three years on from the easing of lockdown restrictions, the volume of office staff returning to the workplace each day is still significantly lower than before the pandemic.

There are diverse views in the property sector regarding what constitutes maximum occupancy for offices, with some industry commentators suggesting that, due to holidays, external meetings, staff sickness and other operational issues, offices were only ever 60-80% 'full' before the pandemic. Previous research from the British Council of Offices suggested a figure of 60%, while other market practitioners suggest a figure of between 70% and 80% at peak times in the calendar, although this will have varied widely according to individual buildings and businesses.

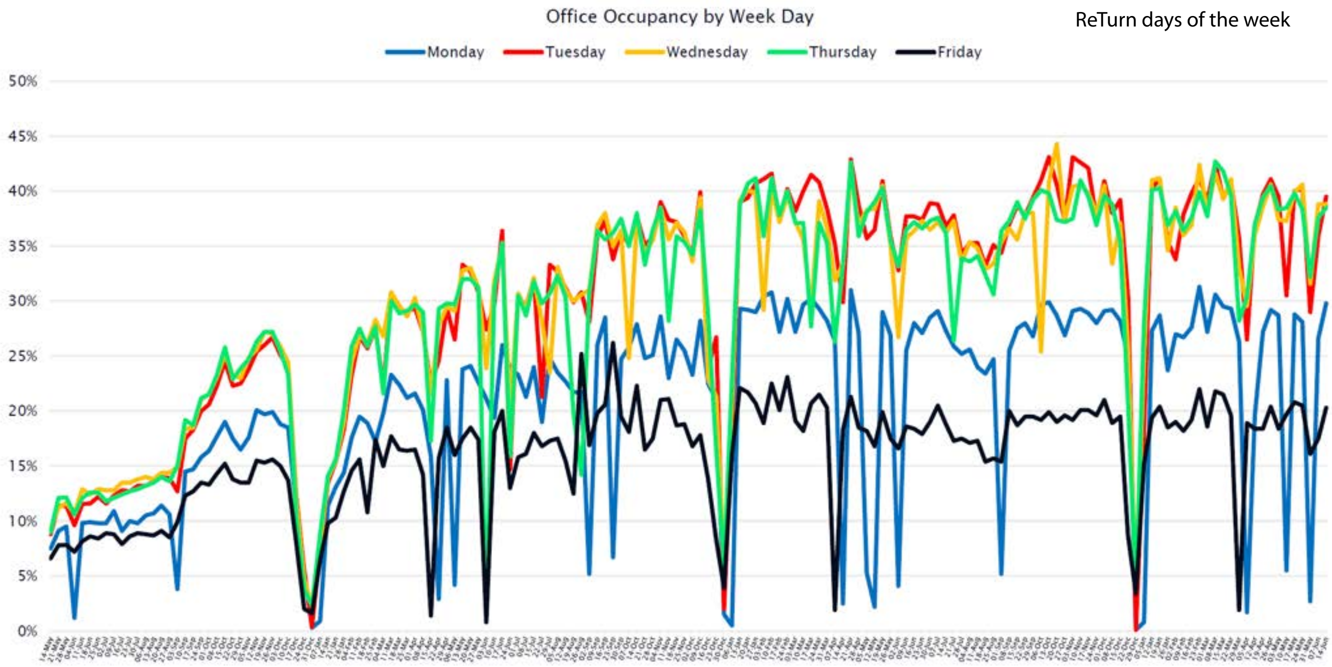
Whitehall's office attendance, in stark contrast to our findings in the private sector, have recently had an attendance averaging around 78%, but civil servants in many locations were told to ignore rules about attending an office at least three days a week, due to lack of desk space. This shows the importance of using data when considering your office strategy.

Not only must one consider the nature of the job (and therefore how likely or necessary office utilisation is), but also the location. From the report, we can see that Cardiff and Leeds regularly have higher office occupancy rates than many other cities. At the other end of the spectrum, Glasgow and Newcastle both have low attendance figures.

As many have discussed, there has been a trend towards working in the office two or three days a week, and particularly Tuesday to Thursday, while working from home on Mondays and Fridays. Breaking down the ReTurn data by day of the week, we see evidence to support this observation, with occupancy rates for Tuesday-Thursday around 39%, whereas Friday occupancy rates are a significantly lower 20%.

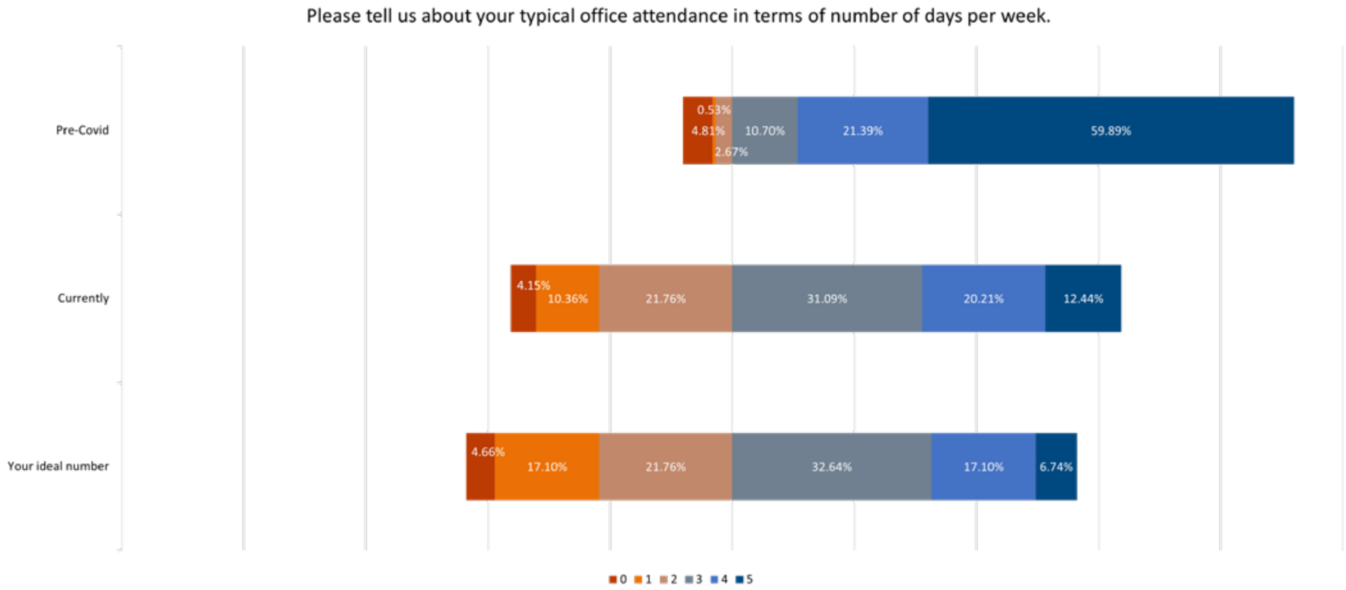
Office Worker Survey: What brings people to an office?

The hard data showing many more people are going into an office Tuesday to Thursday is further evidenced by Remit Consulting's Office Worker Survey, which collected around 200 responses to 14 questions, looking at attractors and repellers of office attendance. One takeaway from the survey was that over 50% of respondents currently work in an office 2-3 days a week. What is even more interesting is that a very similar amount say that 2-3 days a week in an office is their ideal number of days, and only 4% of respondents say they want to work from home permanently. This demonstrates that offices are not dead, while the role of them may change significantly. If 96% of your workforce wants an office to be able to work from, that is an important aspect to consider when deciding on your accommodation strategy.



ReTurn days of the week

Days of the week in the office

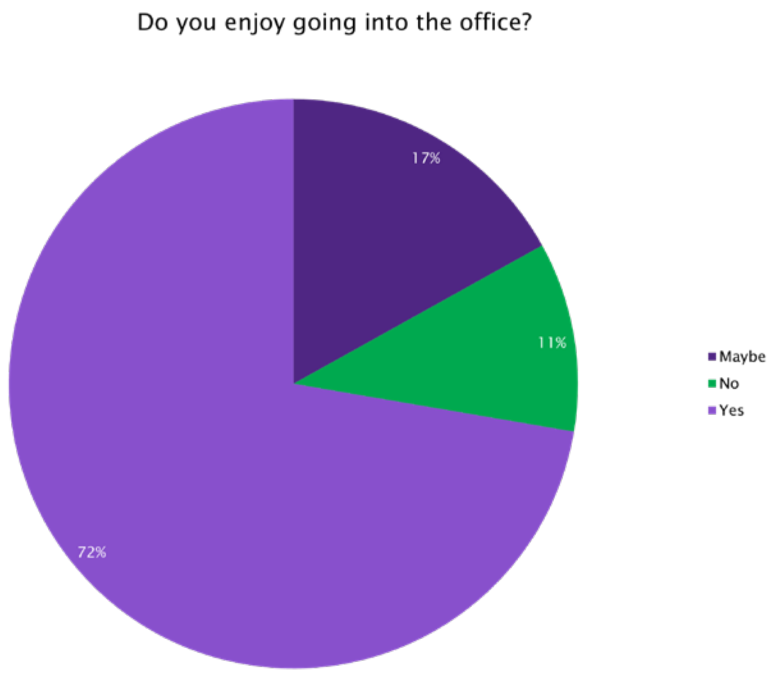


Other interesting results from the survey were that 11% of people do not enjoy going to the office, for a variety of reasons, but an overwhelming message from the survey responses was that the cost and time of the commute must be worth the benefit of being in – whether that be for face-to-face meetings, training, or the ability to focus better. Things like socialising and a change of environment act as secondary benefits but are rarely the main draw to the office – and with only 5.3% of respondents putting inadequate workspace at home as a top 5 reason for going into an office, it's clear that most have adequate setups at home that the office now has to compete with. This is re-emphasised in the answers surrounding necessary amenities: good IT facilities, collaboration spaces, private and quiet workspaces and air and light quality come out as the most important.

72% of people said they enjoyed going into the office,17% said maybe, and 11% said they do not enjoy going into the office. When breaking this down by role, there are noticeable patterns where juniors (who are often starting out and have need of training) enjoy the office environment, as do c-suite, whose jobs largely revolve around face-to-face meetings and decision-making. On the flip side, support staff and senior support staff tend to have a more ambivalent outlook on the office environment, with 27% saying they do not particularly enjoy going into the office.

"Talent attraction and retention is the number one factor in choosing location for a lot of companies in the UK, but the actual office environment must be considered too if they want to keep the talent.

"If 96% of people want some form of office, the office itself needs to be a suitable, productive and enjoyable place to work" says Lewis.



Productivity: Is it worth having an office at all?

Determining whether your office is a productive place to be is a tricky business. In light of Covid, many papers and surveys have been published on productivity. The results varied greatly, from some showing a 7% increase in productivity when working from home, while others showed a 20% decrease! There is no clear consensus or consistency on where or how office workers are more productive. Remit Consulting's research paper, sponsored by the IPF, examined these contradictory findings.

Behind staff costs, property is the biggest outlay for a company. But if you don't know how productive your workforce is, how are you to know whether you are getting good value from both your property and your staff? If your strategy is to rent the best quality space, you would want to know what impact that has on your worker productivity; and to measure that, you need to know what their productivity is beforehand.

There are various pieces of research showing how a company can increase its workforce productivity. These include quality of space and available technology. The technology factor can be further divided into the people, the building, and AI. For example, dual monitors increased productivity by up to 50% (Lister, 2011), or increased ability to control the temperature and lighting of a space improved productivity between 0.5-5% (JLL, 2016).

So not only must a company's accommodation strategy consider the workforce's wants, but also the impact the office will have on their productivity. If spending the extra money on an award-winning building increases worker productivity sufficiently, it may be beneficial to the company. But to determine whether it is beneficial or not, there is a requirement for measurement and analysis; there is a requirement for good data.

If the office is not dead, what is it?

These pieces of research, carried out by Remit Consulting, show some of the considerations executives must contemplate. How many people are currently going into offices, what factors attract and repel people, and what impact that has on the workforce within those buildings?

The office clearly is not dead. The future role of the office is likely very different from that of even five years ago. It is clear workers want the flexibility; that office designers have to compete with home setups; that employers must consider their employee productivity; and that investors must study people's working patterns when deciding on the future of a particular office. For all this, there is a need for data – to spot changes, to forecast needs, and to measure impact.

Remit Consulting collates office occupancy data as a running benchmark, and we encourage you to take part where possible. Dedicating time to collect, analyse and act on data is essential to making the best possible decisions for your company, and what the future of the office looks like for you.

THE BLUEBIRD PROJECT
The story of a Passivhaus certified homeless shelter

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Danielle is a practicing RIBA Chartered Architect with experience working in a range of sectors, from bespoke residential through to large scale mixed-use developments. As a Project Architect at SKArchitects, Danielle works on projects from the early stages of concept design through to construction, with a passion for creating unique experiences of place. Danielle was the Project Architect for Bluebird, a multi award-winning Passivhaus homeless shelter. Danielle also tutors on both the Masters and Post Graduate courses at the Welsch School of Architecture and enjoys being involved in mentoring the next generation of architects.

Danielle kindly offered to write this article after she and Steven Kearney made a presentation to ACES Eastern Branch. The project has picked up numerous regional and national awards, including from Essex Housing Awards and RIBA.

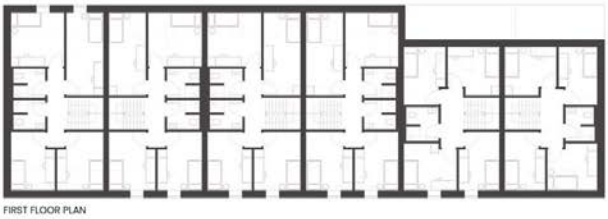
The Bluebird team

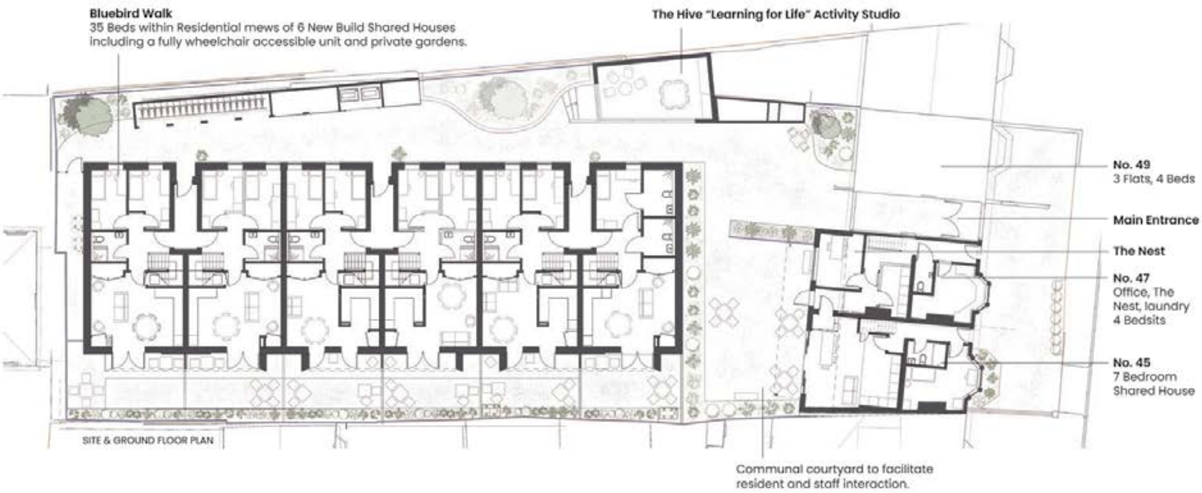
Project: Bluebird
Client: HARP (Homeless Action Resource Project)
Architect: SKArchitects
Contractor: AW Hardy & Co
M&E: Max Fordham
Start: March 2021
Completion: November 2022

The need

Bluebird is one of the first Passivhaus certified homeless shelters in the UK and is the outcome of a 5-year journey to substantially increase and improve accommodation available for people experiencing homelessness in Southend-on-Sea. Completed in November 2022, Bluebird provides an additional 50 bed spaces through a renovated terrace of properties fronting the street and a new build Passivhaus gas free mews-style housing development to the rear of the site, providing 35 of the 50 bed spaces.

The project has been delivered through the drive and determination of Southend-on-Sea based homelessness charity HARP with the assistance of its architects, SKArchitects. HARP has driven the





sustainability credentials of Bluebird with a passion for reducing their carbon footprint, alongside creating a high quality, safe and comfortable environment for their residents, which fully embodies HARP's core philosophies.

What sets Bluebird apart in the homelessness sector is its delivery of truly high-quality and aspirational yet affordable accommodation.

There is a chronic lack of affordable and suitable accommodation for people on lower incomes generally, together with increasing economic difficulties for those in accommodation to maintain and retain their tenancy. This results in many instances of homelessness, and in 2018/19, 245 people were turned away from HARP's services a total of 1,495 times through lack of available accommodation. Bluebird has increased HARP's occupancy by around 15% and has aspired to deliver much needed supported accommodation for HARP's clients to bridge that gap, as well as creating a safe haven for residents to learn and gain confidence in order to rebuild their lives and return to independent living.

The site and development features

Situated on a previously developed garage site to the rear of three existing terraced properties, the building is tucked away from public view. An archway provides access to the site, with a safe and inviting pedestrian street running along the front of the houses, sheltered and framed with new trees and planting. A courtyard sits between the new and existing buildings, providing the opportunity for social engagement. Each house has a private garden with planting and various plant beds incorporated within the communal areas. The overall effect is one of a secluded and safe place for residents, free of the city noise of people and traffic, while featuring sea views.

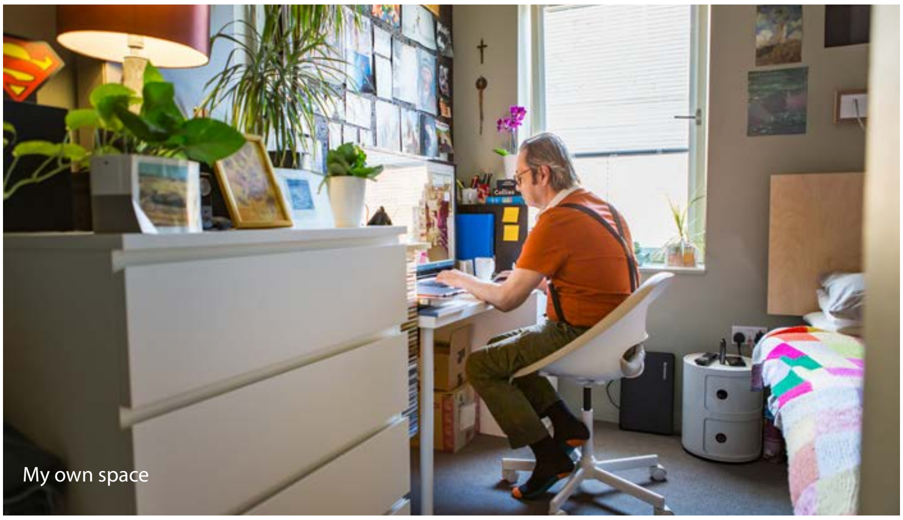
The building itself comes in the form of an intimate terrace of six small scale shared houses clad in clay tiles which utilise a subtle variation of colour to create a sense of rhythm, identity and ownership to each of the houses, with large scale colourful feature dormers.

In collaboration with a local ceramicist and community artist, the facade features 500 bespoke debossed clay tiles which create an opportunity for the residents of Bluebird and other members of the community to explore their creativity and question, "what does home mean to you?" by creating a clay 'roundel' which will


Private garden


Tiles and dormers


Roundels


My own space

be permanently affixed to the façade. Workshops to explore this question and create the bespoke roundels are currently underway, with the resulting tiles displayed prominently for years to come. This will act as a reminder of the support from our community and telling their stories of 'home'.

With consideration of the different residents that will call Bluebird their home, both now and in the future, the design challenges included working within a tight back land development site to offer a variety of bedroom types, in addition to offering houses with differing living spaces. While some houses offer open plan, others provide separate kitchen areas for privacy and separation. This enables HARP to cater for different needs, while also allowing flexibility and choice for residents.

While all of the new build houses feature level thresholds and generous door widths and circulation space, House 1 features a fully accessible ground floor and bedroom suite to cater for the changing needs of HARP's residents.

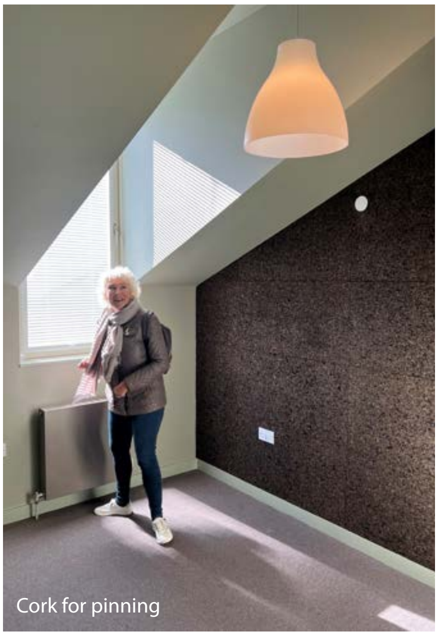
Community spaces

To assist with training, skills building, and wellbeing, Bluebird incorporates The Nest, an intimate space for one-on-one support, and The Hive which is a larger space for meaningful activities including craft, dance, yoga and meditation. The Hive has focussed on natural materials and a soft colour palette featuring an engineered oak floor to create a calm and reflective environment. Externally, The Hive is clad in yellow timber mirroring its roof, which is planned to be home to a hive of bees.

Eco-credentials

The Bluebird project has sought to make sustainable choices wherever possible within the tight budget. This has resulted in a gas-free approach to the new build, with six air source heat pumps that serve the heating and hot water requirements. The main structure of the building is a twin-stud timber frame incorporating Warmcel recycled newspaper insulation. Conscious materials have been used including natural cork boards which allow residents to make the space their own, and cradle to cradle finishing materials including the carpet which is Bronze Certified.

The eco-credentials of Bluebird were driven with a passion and commitment


Cork for pinning


Space for sharing

for reducing HARP's carbon footprint, alongside creating a high quality, safe and comfortable environment. These attributes were sought in both the physical form and layout of the building, as well as the material quality and finishes, and technical principles to achieve excellent indoor air and thermal qualities.

To achieve this to the highest standards, Bluebird is Passivhaus Certified and has therefore adopted a rigorous approach to the overall form, orientation, quantities of glazing and solar shading throughout the design development, including consideration for future climate change. With Passivhaus principles in mind, as well as the planning constraints of working within a tight backland site, the main building form is of a mews style terrace. This allowed the overall building height to be reduced, with dormers introduced to the façade to maintain high quality outlook to the bedrooms.

Bluebird also sought to reduce embodied carbon where possible through considered design decisions, but while also being mindful of the client's budget constraints, and a keen focus on reducing their operational carbon. In doing so, Bluebird has exceeded the RIBA 2030 Climate Challenge carbon targets.

In addition to the new build, the Bluebird project included refurbishing and retrofitting the existing buildings to the front of the site. The retrofit element created additional accommodation through shared houses, bedsits and flats, as well as providing office space for on-site staff and training rooms for residents to receive help and support. The existing buildings were stripped back with new mechanical and electrical services throughout, alongside the fabric being thermally insulated.

From inception, it was important for Bluebird to create a high quality green environment. The biodiversity of the site has been significantly increased from its previous state as a concreted garage site, through the introduction of biodiverse rich planting and new trees.

From previous projects with HARP, SKArchitects was conscious of how important outdoor green space is for residents. Where greenery has been incorporated successfully in previous projects, residents have taken it upon themselves to start gardening clubs and have taken great pride in their environment.

Bluebird has sought to continue this level of quality and introduce greenery throughout. Each house has a private garden and residents are given the freedom to personalise these. Some gardens feature wildflower beds, while others have become mini allotments with herbs, tomatoes and chillies.

Throughout the communal areas, pollinator-friendly and biodiverse-rich planting has been introduced, as well as a sensory herb garden. These areas are used for gardening club and skills building, as part of the offering of The Hive Learning for Life Studio.

Conclusions

Overall, Bluebird offers at any one time comfortable, secure living spaces for up to 50 people who are recovering from homelessness. Such a boost in available supported accommodation will be transformative for the local community, and Bluebird provides a base to HARP's dedicated staff and volunteer teams to carry out their life changing and life saving work, helping local people to turn their lives around and overcome homelessness for good.

HARP is Southend's leading homeless charity, helping local people overcome homelessness. HARP provides housing, advice and support to over 1,000 people each year who are either experiencing homelessness or are at risk of losing their home.

Through tailored programs and one-to-one support, they help people lay foundations to rebuild their lives and end the need for rough sleeping for good.

Mills & Reeve's stewardship team has deep sector knowledge in strategic land, residential-led and mixed use developments, on both greenfield and brownfield sites. Clients include landowners, master-developers, local authorities, landed estates, Oxbridge Colleges, universities, public bodies, and charities, all with varying stewardship objectives. What they have in common is a commitment to ensuring that the developments they are promoting and delivering are high-quality, well-designed and will create sustainable, resilient places Stewardship | Legal advice | Mills & Reeve (mills-reeve.com)

Anna is a real estate lawyer and is part of the team clients have described as "the best...for development work in East Anglia." Her work includes all aspects of development including site assembly, promotion and option agreements, overage provisions, as well as commercial retail and other employment leases. She has a particular focus on patient capital in strategic land.

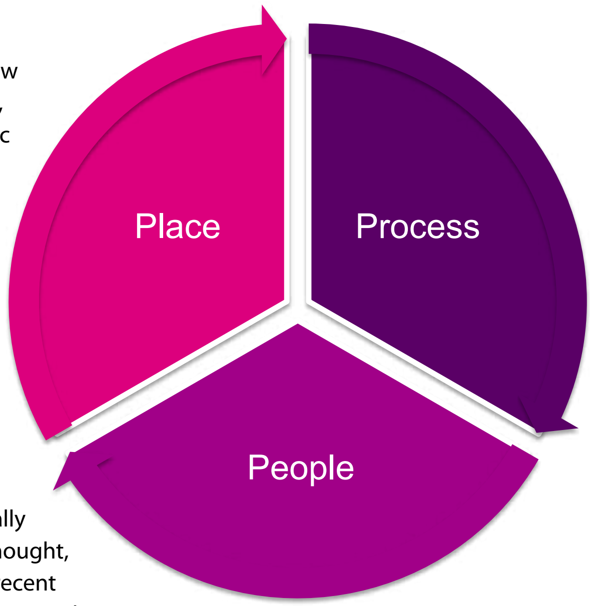
STEWARDSHIP FOR HOUSING

Process, people, place: the role of stewardship in residential development

Anna Aldous anna.aldous@mills-reeve.com

Anna has put together this summary of thoughts from a round table discussion held at Letchworth Garden City Heritage Foundation. It is a very practical approach to the issues around delivering and sustaining high quality new housing.

Context



The need to deliver high quality new housing where people want to live, that supports sustainable economic growth and promotes social value, is now surely beyond political debate. Yet successful delivery and all the good that comes with a thoughtful process of place-making and place-keeping can still too often be elusive. The need for quantity frequently overrides a consideration of quality. The long-term sustainability of a new community - physically, economically and socially – is regularly an afterthought, particularly for an industry whose recent raison d'etre has been to get in, get on and get out. Or, to put it less eloquently (and for want of a better phrase), build out and bog off.

There is, however, an increasing drive to do better. Through the stewardship of the process of development and meaningful engagement with the people who are the heart of the new communities being established, we can see many opportunities to turn spaces into successful, thriving places. And so we have the trinity of stewardship: process, people, place.

Mills & Reeve LLP, together with representatives of Letchworth Garden City Heritage Foundation Trust welcomed a group of expert voices to Letchworth to discuss the role of stewardship in delivering, nurturing and being the custodians of sustainable new communities. And where better to reflect on experiences and thoughts than in one of the places where the garden communities movement began over 100 years ago? Our guests included representatives from Homes England, Urban&Civic, Community Stewardship Solutions, Croudace Homes, K and K Consulting, Settle Group and Savills.

What follows here is a summary of the thoughts from that discussion and some of our reflections following it.

Introduction

We started out framing our discussion by asking the question: what do we mean by stewardship? Rather than (as is so often the experience of many) an afterthought about the ownership and maintenance of assets local government can no longer afford to adopt, we focused upon stewardship being about:

1. Process – a commitment to being a custodian of the whole development programme, and one that takes a long-term view of its design and delivery, from pre-planning to post-occupancy and the in-perpetuity legacy
2. People - the nurturing of an emerging community, to facilitate engagement in the development process from those who live in – and with - its newly created spaces. The key is to ensure delivery of a development that meets those communities' needs and to empower a body to whom the custodian baton can be passed, should the initial steward wish to exit
3. Place - the in-perpetuity sustainable maintenance of public spaces with a governance structure and viable funding model that allows for long-term safe-keeping for the benefit of all residents and local communities.

Process: Master-planning and the master-developer

It was clear that stewardship needs to be at the forefront of master planning new development schemes, not least because a scheme's design ultimately results in the public realm spaces that will need to be maintained in perpetuity. But perhaps more fundamentally, it shapes the lived experience of the residents who call it home: what we will call the livability of place.

It's quite easy to identify the more successful development schemes being those overseen by a master developer. Often this is a:

1. landowner intent on creating a legacy by overseeing the development of its own land; or
2. development partner contracted to work with the landowner to deliver a project over the long term.

These sites often benefit from a greater consistency in design and quality, as well as a comprehensive plan for the delivery and maintenance of open spaces and community facilities. By anchoring these expectations into the site-wide planning consent, as the delivery process progresses to involve numerous housebuilders (as well as commercial occupiers), the spaces emerge to contribute to, not distract from, the creation of a livable space. They also benefit from a considered curation of place that has an aim of fostering development of an emerging community right from the very outset. The benefit of such early investment and oversight can create the spaces so vital in helping a community to thrive.

Large scale consortium sites brought forward in the absence of a master developer can result in many different approaches to community spaces across parcels of land intended to knit together as part of the new development. At its worst, there is no coherent or coordinated thought behind the spaces created across the parcels. Funding can be challenging and maintenance inconsistent and haphazard. Developers and community development voices alike agreed there is demonstrable value that comes from the "controlling mind" of a master-developer as custodian of design and steward of the delivery process.

Our experienced guests bore testament to this value, speaking of sites overseen by a master developer 'in it for the long haul,' where the house builders can achieve sales rates of new homes double that compared to comparable sites nearby, often at increased sales values. For the master developer/legacy landowner, the quality of development achieved on one phase drives value on the next. It's an argument now well-rehearsed, and perhaps most notably highlighted in the Building Better Building Beautiful (BBBB) report.

Upfront investment and a patient approach to the return on capital investment is key to this model. The early investment in – and careful curation of - community spaces made by Urban&Civic at Houlton has been key to creating neighbourhood destinations (a cafe, nursery, visitors centre, supermarket, schools) and has given early life to the emerging community. In such an example, it is easy to see the merit in the role of a custodian who can take a long-term patient approach to a return on its investment, to drive not only quality but ultimately value, too.

What also emerged as a key focus in the process of stewardship was the benefit of greater clarity from local authorities at the planning stage on what they expect to see in terms of stewardship. The important questions they should ask include:

1. What scrutiny can they give to an estate management strategy at the outset and how can that be secured?
2. What sort of management organisation is best suited to the development and how will it be funded?
3. What are the community assets and which, if any, will be adopted?

By giving clear direction at this early stage of development, a scheme can be designed by reference to a planning strategy that manages the expectations of landowners and developers alike at the delivery stage. Something surely has to change: these aren't new concepts or opinions and yet in spite of previous recommendations, not least from the BBBB report, we still appear to have to fight to push stewardship up the agenda. Doing so as part of the planning obligations will push to the forefront of future disposals to housebuilders the funding implications of managing the legacy estate. This will usually take the form of – among other funding opportunities - commuted sums and/or residents' service charges and gives a much better chance of putting the in-perpetuity legacy on a more viable financial footing. Money doesn't guarantee success, but it certainly provides some protection from failure.

That said, no one expects a scheme to be laid out in finite detail at the outset. To deliver new communities at scale takes time, and over time it's likely the needs of and approaches towards community spaces will change. It's important that the initial design and uses of community spaces allow for a degree of flexibility, so that they can accommodate that change so far as possible.

People: Nurturing the community

Those involved in community engagement and development echoed the need for flexibility when considering stewardship in the context of the nurturing of an emerging community. It was considered essential so that communities with the lived experience of the places being created, and those existing neighbourhoods alongside them, have an opportunity to shape what is delivered.

Part of the custodial role in stewardship of development must, therefore, be to engage and to listen, and to deliver on promises early. It is not to tell people what they want, but rather to create an environment encouraging and enabling conversation for those objectives to be shaped by the community as it emerges. Understanding the local market is key: placemaking isn't merely about the aesthetic appearance of space; it has to be about a curation of space that anticipates and responds to what the community needs and wants to thrive. What is right for one community may not be right for another.

And given that we concluded stewardship should be a key consideration at the master planning stage, those conversations need to start from the outset.

Should our ideas of the sustainability of new development not also be measured, at least in part, against the extent to which it is able to thrive long after the developer has departed? There must be a tangible element of democracy to move us beyond a sense of hope that benevolence and civic responsibility on the part of the master developer will suddenly switch to long-term independence of the community.

Perhaps the true mark of success is in fostering community champions from those who want to participate in the long-term stewardship of a new development, because they come from a community that has been invested in and listened to. Thus the management organisation that takes on the baton of responsibility for maintenance in perpetuity may present itself: the local people. A successful exit strategy (and transition from developer-patriarchy to local democracy) starts in the years beforehand, in the efforts to establish and cultivate governance structures that allow for the custodial hand on the back to be slowly withdrawn from the emerging community, as it gains confidence and stakeholders' willingness to participate and take control emerges.

There will often be a concern around how much the master developer ultimately relies on the capability of its emerging communities in these circumstances. It's no certainty and there are few guarantees if and when the community will be ready to take over 'stewarding the ship.' And if it does, will the timing of this be consistent with a developer's exit strategy?

Place: Ownership and maintenance

And so, what about ownership of these community assets in perpetuity? What is the step between place-making and place-keeping?

The traditional model, in the absence of adoption, is that each homeowner is required to pay an annual service charge and has a share in a management company that owns and maintains the public realm.

Yet in today's current climate, private management company regimes and managing agents appointed to run these, particularly where there is no residents' ownership or consultation, are under increasing scrutiny and they come in for some tough assessment in the Competition and Markets Authority's recent working paper (produced as part of the Housebuilding Market Study) on the private management of public amenities on housing estates. That paper highlights the experience of many who are subject to high charges, poor service, and little communication from the managing agents or company directors.

It must be said there are some examples of this model being done well, with great resident satisfaction. But such is the common experience that the Leasehold and Freehold Reform Bill now going through Parliament seeks to put freehold homeowners on an equal statutory footing with leaseholders in terms of a right to transparency in relation to charges and an ability to seek redress for poor service and/or unreasonable charges.

However, is homeowner ownership of the estate management company either practical and/or necessary? Part of the challenge many developers report is engaging with residents who have neither the time nor inclination to get involved in the responsibilities and liabilities that come with estate management.

Given that the intrinsic value of the remaining development on a large site can be impacted by the early decisions taken in respect of the stewardship of community assets, we suggest it's simply not realistic that the master developer, nor its funders, are likely to relinquish control of the stewardship body to homeowners at the outset. The question is whether it is the right thing to do in the long-term.

The conundrum is identifying the right management organisation model and finding the right people at the right time, assuming that at the end of a development project the developer will want to make a permanent exit. Yet perhaps a more nuanced approach, avoiding absolute control followed by complete handover, is the means of solving the issue. The desired exit can be achieved by ensuring community representation and participation in the management organisation from the start. By constituting the stewardship body with board positions occupied by both key stakeholders and community representatives, or enshrining an obligation for community representation and participation with sub-committees or other representative groups, it's possible to protect a strategic overview for delivery but allow for homeowner participation to shape that strategy and gradually take community ownership.

In addition, there is also merit in considering a diversity of owning entities according to the nature of the community assets. So, for some assets, it may be appropriate to divest these to a community-run entity (such as a community interest company), while others which retain a more strategic importance are kept within the remit of an experienced stewardship body. It's important to think about each separately, as the right solution for the local landscaped areas may be quite different to that for the country park; likewise a local play area to community playing fields, or a data site or heat exchange that forms part of the estate. Who will be using these places and spaces – just the residents paying for them, or the wider local community?

We all agreed there is always a tension between the creation of assets accessible to and used by the wider public, with the burden of funding maintenance borne by a defined group of local residents. But there needs to be an honest realisation and education of communities that without community spaces being used by the wider public, they are unlikely to remain financially viable. Ensuring the stewardship vision can be funded is a key consideration from the very outset, and that can influence the types of management organisations considered to be most appropriate. For example, charitable status brings with it taxation reliefs and access to grants, but often comes with increased oversight and regulation.

Of course, other tensions can emerge and continue to be grappled with. Should tenants of affordable housing or build to rent properties have a right to representation? Should they pay into a service charge? Or do those rights and responsibilities rest with their freeholders?

Conclusion

While there never will - nor should there - be a 'one size fits all' approach to delivering successful new housing projects, it definitely is the case that stewardship ought not to be an afterthought. Nor should the concept of stewardship be confined to management of community spaces in perpetuity. Rather, it should be placed at the forefront of master planning and community development, be in the mindset of the developer and the local planning authority, and be an objective of community engagement. Such an approach is vital to ensuring that the places and new communities are created become truly sustainable in the long term, both in terms of their physical assets and the local residents passionate to maintain them.

As we said at the start, this is a holistic concept of process, people, place.

THE 15-MINUTE CITY
Ideology or reality?

Domenico Baldwin domenicobaldwin@boyerplanning.co.uk

A widely applied principle in Europe, Domenico explains why in the UK outside of London, there has often been controversy concerning this concept. "The 15-minute city shouldn't be a restriction, but a concept for developers and councils to ensure that everyone has access to required facilities, reachable via sustainable transport methods…"

Domenico is an Urban Designer based in Boyer's London office, where he works on a wide range of masterplans for new neighbourhoods. Primarily trained in architecture, he received his BA (Hons) Architecture degree from the University of Liverpool before moving on to completing his Masters in Urban Design from Liverpool John Moores University.

Domenico also brings with him practical experience of working with local authorities. He holds a strong understanding of building design and how this plays its part in the masterplanning of developments of varying scale. He is a member of the Urban Design Group, a forum for architectural, design, and urban planning firms to address urban design issues.

Introduction

The 15-minute city has existed since the start of modern civilisation. The concept is that all basic amenities such as doctors' surgeries, shops, schools and workplaces should be located in a concentrated area, to create a harmonious community or place that promotes sustainable living. The 15-minute city concept found boosted popularity during the 2020 re-election campaign for Paris mayor Anne Hidalgo, with her advisor Carlos Moreno, citing the model proposed in Jane Jacob's "The Death and Life of Great American Cities".

With the ongoing climate crisis and effects of the global Covid pandemic, the concept of the 15-minute city proposes a solution for 'designing out the car' and promoting sustainable healthy lifestyles. However, many believe that the 15-minute city is no more than a concept, an ideology, an unrealistic reality for modern day requirements. Modern life has become interwoven with car use due to a lack of sufficient public transport infrastructure and underfunded local buses and community transport services.

Success

The 15-minute city concept has found unprecedented success in cities across the world, with the most notable being Paris. Modern cities were originally structured to have a working centre for men, and a suburban living area for woman and children, from which the men would drive into the city, leading to a car-dominant design that allows for segmented districts such as financial and cultural districts (Canary Wharf and the West End in London for example), and the suburbs. Carlos Moreno has begun to deconstruct this concept with his 15-minute city plan for Paris, creating a distribution of amenities and wealth across a variety of new neighbourhoods.

Change is rarely fully supported, and implementing such a concept within an existing place can bring secondary issues and potential destruction or devaluation of desirable areas. The 15-minute city concept is one that lends itself more to new developments and improving unfinished and ever-growing towns and villages. The concept can still be implemented in major cities, but with a focus on suburban extensions, ensuring that these additional developments are encompassed in the larger settlement efficiently and sustainably through infrastructure.

Community resentment towards the concept stems from a lack of forward-thinking infrastructure that should always accompany housing growth. The lack of this paints a perception of greedy developers who are seeking maximum profits with a lack of care for the consequences. A strategic infrastructure plan for our towns can help to promote future growth with developers investing in post occupation integration, helping to create natural 15-minute neighbourhoods and happier places for modern living.

Infrastructure

For the 15-minute city concept to work, all residents must be able to reach all necessary amenities within 15 minutes, whether that be by walking, cycling or public transport. This is only achievable through infrastructure investment. Investment into cycle lanes and public transport routes is an unavoidable cost for success; without these, people will turn to the car for a quicker and easier option.

Across many European cities, particularly in the Netherlands, cycling infrastructure is firmly rooted in urban design. Within the city of Utrecht, due to its comprehensive cycling infrastructure, 100% of residents live within a 15-minute cycle of all city necessities, with 94% of those living within a 10-minute cycle. Walking and cycling infrastructure improvements promote healthy lifestyles, safer streets and a harmonious neighbourhood built on sustainability.

Mindset

Providing the infrastructure, however, must work in tandem with a change of mindset. While there may be a cycle route to your destination that takes 15 minutes, why should you choose that over a 5-minute car journey? Becoming more environmentally aware and reducing our carbon footprints is an individual responsibility we all have, but there are ways developers and councils can encourage and promote these responsibilities.

There are numerous ways to reduce car use through careful design and planning, from out-of-town parking areas, more accessible public transport, and/or taxes and regulations such as congestion charges. Councils can implement joint strategies, such as London's effective use of congestion charges funding Transport for London. In the last 20 years, London has seen unprecedented growth in public transport and cycle lanes, resulting in 90% of Londoners living within 10 minutes of their high street (as of October 2023). London is quietly proving the reality of 15-minute cities. Many who move to London are aware of the fantastic public transport network and the difficulties of owning and driving a car. A citywide mindset has developed over the last 20 years, which in most cases is automatically adopted by any new residents.

Ideology

How well does the concept truly work though? The implementation of a successful 15-minute city relies on the capability of facilities. In particularly dense areas, facilitates may be easily located within 15 minutes, but if the facilities are not capable of handling the population within a 15-minute reach, then the concept becomes unsuccessful, as people will end up travelling further to use less busy facilities.

The concept can also be hindered by the inaccessible nature of all proposed routes. For many disabled people, improved walking and cycling routes are not beneficial. Therefore, public transport options must be as accessible as possible for members of the public, with direct routes and a bus stop or train station within a close proximity for those with disabilities.

Many argue that the concept of the 15-minute city is unnecessarily coercive, penning residents into a small community and limiting social movements. Providing options for residents is key to a successful 15-minute city, ensuring wider connections for those who wish to travel further, while still promoting sustainable travel.

It can be argued that the 15-minute city doesn't suit modern life and can limit people's growth. However, this point of view comes from a misunderstanding of the concept, an assumption that you must only live within those 15 minutes. Efficient infrastructure is required to connect residents to a wider network to avoid car use for those that want to travel further afield. While the main facilities may be within 15 minutes, not all modern needs will be captured in this snapshot area. The 15-minute city shouldn't be a restriction, but a concept for developers and councils to ensure that everyone has access to required facilities, reachable via sustainable transport methods, helping to promote healthy living, active travel and encouraging people to be climate aware.

When new developments come forward, required facilities should be implemented to support the additional residents, improving the sustainability of the 15-minute city they live within. However, this can eat heavily into the profit of the landowner and will potentially lead to fewer developments in the future. The 15-minute city concept should be supported by the council, with relevant policies to ensure that developments continue to be promoted. Where a development is required to implement infrastructure, the council will need to support the developer and have regulations in place to ensure these facilities are provided. The 15-minute city concept must be perfected through regulations, to reduce the potential of negative economic effects and limiting national growth, resulting in more densely populated areas adding strain to existing facilities.

Summary

The 15-minute city is a concept that divides opinion, but will always be relevant. The concept in its rawest form poses issues and questions from different schools of thought and therefore it is often dismissed. However, those who truly understand the concept, and its benefits, will see that the 15-minute city isn't a strict set of rules, but a desire for sufficient infrastructure and facilities to meet the needs of all members of the local community.

Simon BSc (Hons) MRICS, is a seasoned expert in public sector management, currently serving as the National Director for Public Sector. His career spans 25 years at Watts Group Limited, where he sharpened his skills and emerged as a leader in the industry. He plays a key part in the company's growth through his strategic vision and innovative methods.

Simon oversees key framework appointments, builds strong stakeholder relationships, and drives policy implementation that aligns with national goals. He leads his own public sector team, known for its analytical skills and collaborative approach, successfully ensuring the delivery of high-quality public services. His insights have been crucial in shaping policies and strategies to address modern public sector challenges.

RICS RESIDENTIAL RETROFIT STANDARD

What are the implications for housing associations?

Simon Walker simon.walker@watts.co.uk

Simon outlines the approach adopted by the RICS towards meeting sustainability targets for housing. Written by Simon for Watts' housing association clients, it is equally of relevance from all public sector organisations which manage a housing stock. The standard is effective from 31 October 2024.

In March 2024, the RICS unveiled a new standard for residential retrofit work, marking a significant milestone in the drive towards more sustainable and energy-efficient housing and potentially providing a key tool for housing associations, to ensure the right outcomes from retrofit programmes.

This new standard sets out clear guidelines and best practice for retrofitting existing residential properties, aiming to improve energy performance, reduce carbon emissions, and enhance the wellbeing of occupants. For housing associations, this standard represents both a challenge and an opportunity to enhance their housing stock.

Understanding the RICS Residential Retrofit Standard

The RICS Residential Retrofit Standard is a professional framework which sets out mandatory and recommended requirements to guide RICS members when they embark on residential retrofit projects. The standard will come into effect from 31 October 2024.

The new standard builds on the work of London Energy Transformation Initiative, which published a "Climate Emergency Retrofit Guide" in 2021 to set out a blueprint for retrofitting housing stock to support the government's net-zero carbon target of 2050.

Implementation challenges and opportunities

It comes at a time of increasing understanding of sustainability in the housing sector and how better performance can contribute to reduced emissions. For housing associations, the new standard presents a unique challenge. On one hand, retrofitting can be complex and costly, requiring an understanding of the condition of the housing stock and often significant investment in major programmes of work.

On the other hand, the new standard provides housing associations with a roadmap for delivering more sustainable and energy efficient housing. By following the guidelines set out by the RICS, housing associations can ensure that retrofit work is carried out to a high standard, maximising energy savings, reducing carbon emissions, and improving the quality of accommodation for tenants. Moreover, by investing in retrofitting, housing associations can future-proof their properties against rising energy costs and increasingly stringent environmental regulations.

The importance of a whole building approach

One of the key features of the RICS standard is its focus on a whole building approach to retrofitting. Rather than piecemeal upgrades, the standard emphasises the importance of considering the building holistically and identifying the most effective measures across both building services and fabric to improve energy performance. This approach ensures that retrofit projects deliver maximum benefits in terms of energy savings, comfort, and sustainability.

In addition to energy efficiency improvements, the RICS standard also highlights the importance of considering wider sustainability issues such as materials selection, waste management and biodiversity enhancement.

Putting the standard into action

The new standard is claimed to represent a significant step forward in the quest for more sustainable and energy-efficient housing, but it's for housing associations in particular, and most importantly their supply chains, to put it into action.

The standard has been created by the RICS, and provides a valuable framework for delivering retrofit projects, but critically the supply chain needs to demonstrate how it will work within the framework. Housing associations should engage with their consultants to understand how they can affect delivery of retrofit works programmes and how it will help deliver improved outcomes. Inclusion in procurement processes will be the first step.

References

More information can be found at www.watts.co.uk

RICS' Residential Retrofit Standard: https://www.rics.org/profession-standards/rics-standards-and-guidance/sector-standards/real-estate-standards/retrofit

London Energy Transformation Initiative https://www.leti.uk/

RICS Residential Retrofit Standard

"As part of a strategic goal to lead and influence on sustainability, RICS is committed to equipping the profession to adapt, upskill and respond to the challenges and opportunities that sustainability poses.

RICS' first residential retrofit standard has been created in response to growing demand for retrofit services in the UK. It ensures that consumers carrying out retrofit upgrades to a residential property receive advice from skilled, regulated professionals, and protects the public interest by upholding high standards in a growing market.

This professional standard sets out a series of concise mandatory and recommended requirements and is effective from 31 October 2024, establishing benchmarks that guide RICS members in delivering residential retrofit services tailored to their clients' evolving needs.

The implementation of this standard represents an opportunity for RICS residential property surveyors to both upskill and embrace sustainable working practices in response to the growing demand. According to the Climate Change Committee, residential retrofits need to increase to a rate of 500,000 per year by 2025, and one million per year by 2030 to meet the government's net-zero target. Hence, there is a market need for a standard that facilitates reliability and consistency."

Stuart is a Partner in Birketts' Commercial Real Estate Team. He deals with a wide range of commercial transactions, acting for developers, landlords, tenants, funders and private individuals. In particular, Stuart routinely deals with the sale and purchase of large investment properties, high value leases, and acts as a project manager on large scale refinancing and other projects. He also has a particular interest in commercial developments in the retail, leisure and roadside sectors.

BUILDING SAFETY ACT 2022

Never again: High rise safety and the Building Safety Act 2022

Stuart Raven stuart-raven@birketts.co.uk

Triggered – if somewhat delayed – by the Grenfell Tower fire, Stuart outlines the objectives and provisions of the Building Safety Act 2022. Stuart kindly agreed to write this article, after presenting to ACES Eastern Branch.

"Never again"

In the property world, the classic refrain was always "location, location, location" but, as with many other areas of life, nowadays, we increasingly find ourselves speaking instead of "regulation, regulation, regulation" – something that all too often leads to conflicts of the heart and mind. While our collective eyes may roll at the thought of "red tape" and the "nanny state", when things go wrong, we firmly pronounce that "something must be done".

It may have taken a while, but the call for action in relation to the safety of high-rise buildings was certainly heard and has given rise to the Building Safety Act 2022 (BSA).

And this is an issue which was laid bare by the tragic events in West London in June 2017. Hard to believe that the appalling fire at Grenfell Tower in North Kensington saw its seventh anniversary last month. The terrifying images and the heated public discourse that followed will be forever etched on our collective memory.

"Never again" was, of course, the universal sentiment, but the fact that it's taken this long for law and policy to react speaks volumes – about the historic inertia perhaps, but also about the complexities involved. And, if there was ever an example of the market failing to self-regulate, then this is it. The safety of life and limb is ultimately the preserve of the State, but we all have a role to play in achieving that end.

BSA – background and objectives

In the years since the Grenfell tragedy, there's been a clear acceptance of the State's responsibility for these matters and for the failings that occurred. The then Secretary of State for Levelling Up, Housing and Communities, the Rt. Hon. Michael Gove MP was particularly vocal:

"… I believe that [the guidance] was so faulty and ambiguous that it allowed unscrupulous people to exploit a broken system in a way that led to tragedy ..."

"The inquiry, I think, will allocate responsibility appropriately … [T]here are sins of omission and sins of commission. There's neglect and a failure to effectively get the system in place, which is one thing. And then there is an active willingness to put people in danger in order to make a profit, which to my mind is a significantly greater sin …"

Clearly therefore, if the responsibility (or "sin" as the then Secretary of State put it) is a joint one, then perhaps the solution is likewise – a joint endeavour between the public and private sectors.

The BSA became law in 2022. Its objective is to tackle the systemic issues at the heart of the Grenfell tragedy in 2017 by implementing measures to guarantee that buildings meet the highest safety standards. Its focus is high-rise buildings, and while these may not be an obvious feature of many parts of our urban landscape, the recent changes in planning law that ushered in the ever-popular, office to residential conversion have made high-rise developers far more commonplace than one might think.

BSA – the headlines

The BSA introduces a range of measures, ensuring that those responsible for building safety are held accountable for any defects that emerge. Alongside revamping existing regulations, it establishes a framework for how residential buildings should be designed, maintained, and kept safe. In particular:

- it introduces a new regulatory regime for building safety
- it widens the duties of landlords of buildings that are considered to present a greater safety risk – in a nutshell, the higher the rise the higher the risk; and
- it regulates the costs that a landlord can recover from its tenants for remedial works.

There's also a common thread running through this legislation – one of engagement, communication, and good management.

Getting one's house in order...

Regulation is all very well but, when something has gone wrong, all that people are really interested in is: who's going to fix it and who's going to pay?

The root cause of the severity of the Grenfell fire was quickly identified – the blaze was accelerated by combustible aluminium composite cladding and external insulation, with an air gap between them, enabling the so-called "stack effect". However, the issues arising from the complexity and cost of addressing this widely used method of design/construction continue to this day.

Getting the job done - remediation

The response of the BSA is that an "interested person" can, in relation to a "relevant building", apply for a "remediation order" or a "remediation contribution order", requiring a "relevant landlord" to make good "relevant defects".

- An "interested person", is anyone with an interest in the building in question – first and foremost, that is those who live there, but it could also be a local authority or regulator – so a private or public action
- And with a "relevant building", we get to the crux of the BSA – the high-rise residential building. Essentially, a self-contained building containing more than one residence which is at least 11 metres or five-storeys high
- The "relevant landlord" is the person with responsibility for repair and maintenance
- And a "relevant defect" is anything that causes a "building safety risk" – bearing in mind how all this began, we're obviously talking here about the spread of fire, but the BSA is likewise concerned with any structural defect.

If the "interested person's" application is successful, a Remediation Order requires the works to be undertaken and a Remediation Contribution Order requires a payment of the whole or part of costs already incurred by another.

Footing the bill – costs protection

In short, the BSA insists that developers must foot the bill for rectifying buildings they were involved in developing or refurbishing, regardless of whether they still own the property. The law stipulates that building owners associated with the developer must cover the costs of rectifying historical safety flaws.

Courts have been granted expanded powers to extend liability to associated companies. This ensures that legal actions for claims against faulty buildings can be brought against all companies linked to a developer.

In cases where the developer cannot be identified, or has not agreed to cover the costs for their buildings, direct funding will be provided for cladding system repairs and remediation.

The protection also extends to indirect funding, by means of a building's service charge. Where a given flat is owned <u>and</u> occupied by a person as their main residence (and that person doesn't own other residences), service charges are not recoverable for the costs of making good these "relevant defects" and the "relevant landlord" must foot the bill. The exclusion of buy-to-let landlords is notable. They are <u>not</u> an "interested person". This is about homeowners <u>not</u> investors.

And keeping it that way...

Many of the BSA's most striking provisions came into force in October 2023. As we have seen, the higher the rise, the higher the risk so naturally, if we add more height, we likewise add more regulations. A specific regime now applies to "higher risk buildings" (HRBs).

What constitutes higher risk?

Simply put, this is an even taller "high risk" building - at least 18 metres or seven-storeys high. But rarely is the law that simple. There are:

- some exceptions, such as care homes, hospitals, secure residential institutions and hotels (these are considered places of work rather than residences and so other/existing safety regimes would continue to apply)
- some specific inclusions, such as boarding accommodation in schools and universities and supported/sheltered accommodation (which most certainly are residences, as far as the BSA is concerned); and
- some quite definite rules for determining the requisite height, such as where to measure from and what to include.

The government has published detailed guidance in this regard but, broadly speaking, one must measure from the lowest ground level at the foot of the building up to the floor level of the top storey and, when counting storeys, non-residential accommodation at basement level (a car park for example) or on the roof (a plant room perhaps) are discounted. The graphic illustrates these principles.

<u>The graphic explained</u>

6A is independently accessible and self-contained. Its only link to 6B is via an underground, non-residential area. It can therefore be judged on its own. However, it's clearly a higher risk building when measured from ground level.

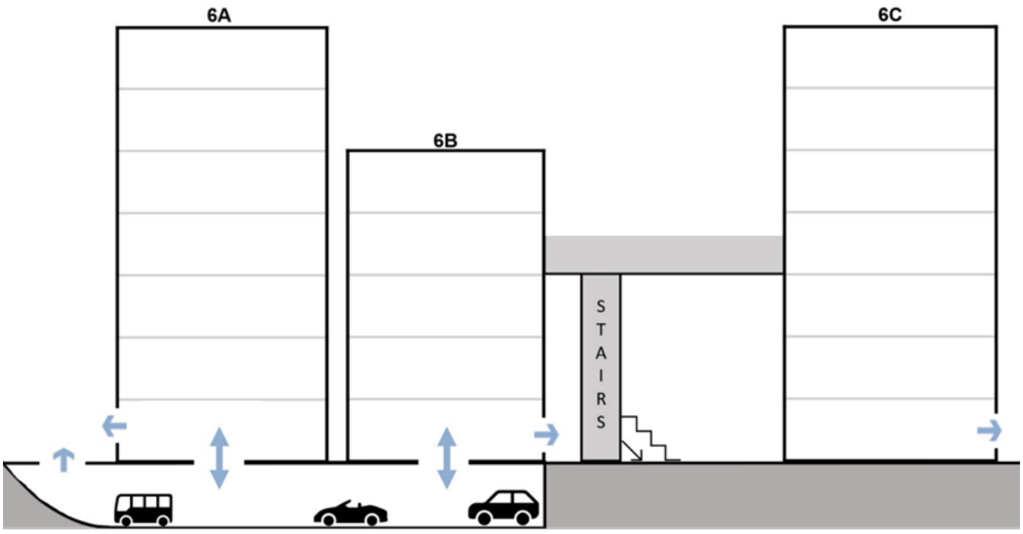


Diagram 6 shows one seven storey residential tower (tower 6A) and one five storey residential tower (tower 6B) attached by a shared basement carpark and a second seven storey residential tower (tower 6C) attached to tower 6B via a walkway.

6B likewise has its own access and is likewise only connected to another building by a non-residential section. As such, it too can be judged alone – however, and this is really important, whereas the buildings that it is linked to are higher risk, 6B is below the storey threshold and so isn't caught by the Act.

Higher risk = higher responsibility

A joint endeavour indeed. This responsibility is borne by two new positions.

Firstly, we have the new Building Safety Regulator (BSR). Operating under the umbrella of the Health & Safety Executive, they have several key roles, including:

- ensuring the safety and quality standards of all buildings
- supporting and encouraging professionals in the construction industry and building control to enhance their skills; and
- leading the enforcement of the new regulatory framework specifically designed for high-rise structures.

The BSR also maintains a nationwide register of higher risk buildings. Existing stock should now be registered, and new builds must be registered once completed and before occupation.

Secondly, and operating, as it were, "on the ground", all HRBs must have an "Accountable Person" (AP). The AP is the individual or legal entity that owns or is responsible for the maintenance of an HRB's exterior and structure. More often than not, this will be the freeholder or management company; however, where there is more than one AP, a "Principal Accountable Person" (PAP) must also be in post. The AP and PAP have quite a job on their hands. They are responsible for:

- assembling, registering and maintaining prescribed information, in particular, the "Key Building Information"
- assessing and managing building safety risks
- mandatory reporting on certain incidents
- ensuring the security and continuity of building safety information – the so-called "golden thread"; and
- engaging with residents and promoting participation in safety matters.

Non-compliance with certain of these obligations amounts to a criminal offence.

Back to the drawing board – the Gateway system...

But of course, "never again" also means getting it right in the first place, so the BSA is also involved in the construction phase.

The "Gateway" system runs parallel to the planning and building control regimes and adopts a similar approach – with a series of approval points, where the project needs a "sign-off" before proceeding to the next. Briefly:

<u>Gateway 1 (Design)</u>

The BSR is a statutory consultee for planning applications which involve HRBs. Permission is subject to the relevant building designs addressing fire safety.

<u>Gateway 2 (Pre-construction)</u>
Building work cannot begin until the BSR approves the building control approval application. The BSR assesses whether the design meets the necessary requirements.

<u>Gateway 3</u>
The final sign-off from the BSR. A completion certificate must be issued and only then can the building be registered and ultimately occupied.

The journey continues...

We are still at the very beginning of this new and complex regime. Market norms and practice will doubtless develop in the years to come, but this is certainly something with implications across our sector – building management, valuation, funding, and beyond.

As is so often the case, the key here will be a progressive and well-resourced system, with the public and private sector working in partnership.

The content of this article is for general information only. It is not, and should not be taken as, legal advice. If you require any further information in relation to this article, please contact the author in the first instance. Law covered is as at July 2024.

Nyear is a chartered surveyor and member of the Compulsory Purchase Association. Having worked in the property sector for nearly 20 years, she started her career working for North West Regional Development Agency helping to deliver regeneration schemes, often backed by compulsory purchase powers. Over the last 10 years, she has worked in various roles at LSH and is currently the Head of Land Assembly and Compulsory Purchase in the southern regions, supporting a range of clients in both the public and private sector in delivering regeneration and infrastructure.

COMPULSORY PURCHASE ORDERS

Making a difference, one CPO at a time

Nyear Yaseen NyYaseen@lsh.co.uk

Nyear delivered an informative and comprehensive webinar to ACES Eastern Branch and kindly agreed to write an article.

Earlier this year, the Land Assembly & Compulsory Purchase team at LSH delivered a CPD session for members of the ACES Eastern Branch about all things compulsory purchase orders (CPOs). Often seen to be shrouded in technical jargon and contentious legal processes, CPOs have been and can also be a force of good, helping to deliver real transformation and regeneration in local communities. So what is a CPO?

It all started in 1845

The concept of compulsory acquisition first came into being under the Land Clauses Consolidation Act in 1845. The Act introduced the concept of CPOs for the purpose of acquiring and assembling land mainly for railway infrastructure schemes. The underlying principles where statutory powers can be used to compulsory acquire land persist to this day – that there must be an overwhelming case in the public interest in order to dispossess a landowner or occupier of his/her property.

The public interest test is central to determining whether compulsory purchase powers should be used, and even then, only as a measure of last resort. Acquiring authorities must, therefore, make reasonable efforts to acquire land by agreement when they wish to deliver regeneration or infrastructure schemes.

This has been reaffirmed recently when a CPO was not confirmed for a town centre regeneration scheme in Barking. The inspector in the London Borough of Barking and Dagenham Council (Vicarage Field and surrounding land) Compulsory Purchase Order 2012 refused to confirm the CPO because the scheme viability was marginal and insufficient efforts had been made to engage with affected landowners [Ed – see 2022 Winter Terrier].

A message to acquiring authorities - they must fully test whether the scheme is viable and deliverable and reduce the number of objectors at public inquiry through a proper and thorough engagement process beforehand.

A force of good or a dark art?

A wide variety of projects fall within the range of schemes that can rely on the use of compulsory purchase powers. Enabling acts under legislation for highways, utilities, regeneration and development, as well as nationally significant infrastructure schemes (NSIPs), such as airport development, energy, telecommunications and waste, can rely on powers that enable compulsory acquisition of land.

Of these scheme types, the NSIPs rely on the use of Development Consent Orders (DCOs) under the Planning Act 2008, and large infrastructure projects such as Crossrail (now the Elizabeth Line) and HS2 rely on a private bill procedure which must go through all stages of parliament to enable the acquiring authority to secure compulsory powers.

What is eminently clear, these schemes could not be delivered without reliance on compulsory acquisition powers. In most

CONFIRMING A CPO

- Land referencing up to date – no older than 2 months prior to making order
- In principle decision and resolution to use CPO Powers
- Book of Reference and Order Plans
- Statement of Reasons and Statement of Case
- Evidence of engagement and negotiations
- Website – Core Documents
- Statutory Procedure to Confirmation
- In person inquiry or written procedure
- Negotiate out Objections
- Communication and engagement throughout
- Review case: viability, planning permission, funding
- Public Inquiry – statement of common ground, witness statements, evidence in person and cross-examination
- Confirmation or confirmation with conditions

CPO REFORMS – LEVELLING UP AND REGENERATION ACT 2023 (LURA)

Changes fall into 3 areas – to powers, procedural and compensation:

Powers:
S.180 - Acquisition by local authorities for purposes of regeneration

Procedural:
S.181 – online publicity
S.182 – confirmation proceedings
S.183 & 184 – conditional confirmation
S.185 – time-limits for implementation
S.186 – variation of vesting date under GVD route
S.187 – common standards for compulsory purchase data

Compensation:
S.188 – “No-Scheme” principle
S.189 – prospects of planning permission for alternative development
S.190 - Power to require prospects of planning permission to be ignored

Target dates for implementation and transitional arrangements.

Expect more litigation!!

cases, the landowners and occupiers have resided in their local communities for a very long time and do not want to sell!

However, at the heart of the compensation code is the principle of equivalence, in that a landowner and/or occupier should not be any worse or better off as a consequence of the CPO. Much of the compensation code is focussed on protecting the rights of landowners and occupiers to compensation and setting out how this should be assessed.

A key case in determining what compensation occupiers are entitled to is set out in Director of Buildings and Land v Shun Fung Ironwork Limited (1995). The case established that a claimant is entitled to fair and adequate compensation for loss and damage suffered by his/her business as a result of compulsory acquisition.

This reinforces the importance of early and continued engagement with landowners and occupiers, not least because it is important to establish the compensation they are entitled to and to de-risk a contentious CPO public inquiry. But more importantly, to reach settlement with affected persons as soon as possible and remove the uncertainty that CPOs can create.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CPOs can and are a force for good when those principles are adhered to.

In order to get there, you must...

The type of scheme and relevant enabling act will determine the nature of evidence submitted to the Planning Inspectorate to make a CPO. However, all CPOs must show:

- There is a compelling case in public interest
- Overcome human rights considerations
- There is no impediment to delivery
- Have planning permission and funding in place
- Discharge public sector equality duty
- Follow the CPO guidance

Considerable time, cost and effort is required to prepare and make a CPO. A number of core documents are needed – book of reference, land plans, statement of reasons alongside the statutory process with defined timescales within which notices are served and public inquiry is called, held and a decision is made about the CPO.

Securing the right team to help prepare and make a CPO is critical. Alongside specialist property advisors, acquiring authorities will need to secure advice from barristers, lawyers, planning consultants, and other, often subject matter specialists.

CPOs are expensive but necessary when delivering complex regeneration and infrastructure schemes.

The evidence

The team at LSH is supporting a number of acquiring authorities to deliver transformative schemes.

Thames Tideway DCO – across London, LSH is working with Thames Water Utilities and Thames Tideway to deliver a new super-sewer to upgrade the existing Victorian-era infrastructure. The project has involved acquiring property and rights in land over one of the most dense cities in the world.

North Quay Regeneration Project - an ambitious 10-hectare riverside gateway development opportunity. Supporting Great Yarmouth Borough Council, LSH is helping to secure a development partner and acquire over 100 property interests to unlock the scheme.

Edgar Street Grid and Link Road CPO - provided a new link road to enable regeneration in Herefordshire. The site could not have come forward without the use of compulsory purchase powers because of the fragmented ownership structure and unwillingness of landowners to sell their properties.

While to date, most CPOs are granted enabling delivery of schemes such as the above, law reform is underway. The Levelling Up and Regeneration Act (LURA) 2023 came into law on 31 January 2024 and set out key changes to the compensation code.

Into the 21st century

While the vast majority of changes in the LURA are procedural and include: using websites for publication of a CPO for online viewing of associated documents, conditional confirmation and extended time limits for implementation of compulsory powers; other proposals are likely to be contentious.

Changes to the Certificate of Appropriate Alternative Development (CAAD) process mean alternative development value can only be claimed following issue of CAAD and there are powers to remove hope value altogether, albeit in limited circumstances. These reforms have the potential to create a more contentious process in parties agreeing compensation before a public inquiry, particularly where there is difference in the value of the property interest. How these changes sit with the fundamental principle of equivalence is largely unknown and untested.

While CPOs will still be required to deliver transformational projects, acquiring authorities, landowners and occupiers are about to navigate unchartered waters.

Lawrence is a Director in Boyer's Bristol office. He has a wide range of experience achieving planning consents across the South West within residential, commercial, leisure, healthcare and renewable energy sectors, having previously worked for Stride Treglown, Knight Frank, Alder King and Barton Willmore.

CPO FOR HOUSING LAND

Councils to be given powers to compulsorily purchase land for affordable homes

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Lawrence tells us changes are due to come into force, some already instigated, and which are designed to make land more affordable to acquiring councils.

Background

Earlier this year, the Department for Levelling Up, Housing and Communities gave councils new powers to buy land more cheaply, in a bid to support the delivery of more social and affordable housing. The change, which allows councils to buy land for development through compulsory purchase orders (CPOs), removes 'hope value' costs which otherwise benefit the profitability of the sale for both the landlord and the developer.

This aspect of the Levelling Up and Regeneration Act (LURA), which has tended to be overshadowed by other, more headline-grabbing policies, is in fact not new as a policy proposal. The Labour party made a similar announcement in June 2023 – a suggestion which met with concern from the property industry.

At the time, the British Property Federation raised the issue of protracted legal challenges and the risk of regeneration schemes being delayed or not progressing. It stated that any incoming government would be unable to deliver such a policy in its first term. Similarly, the National Federation of Builders raised concerns about changes to land use which may not be compatible with broader development plans.

The National Housing Federation, on the other hand, saw potential benefits in diverting *"landowner profits into desperately needed new social housing and community infrastructure,"* which, it said, could only be achieved through a reduction in land values across the market. This, of course could come at the detriment of many sectors of the property industry.

Labour's proposals were reiterated once again when, in its general election manifesto as part of an aspiration to, *"Deliver the biggest increase in social and affordable housebuilding in a generation", the Party pledged to, "Further reform compulsory purchase compensation rules to improve land assembly, speed up site delivery, and deliver housing, infrastructure, amenity, and transport benefits in the public interest. We will take steps to ensure that for specific types of development schemes, landowners are awarded fair compensation rather than inflated prices based on the prospect of planning permission".*

Broadening of powers

The enactment of the regulations of LURA at the end of April 2024 broadened CPO powers for local authorities and Homes England by allowing the removal of hope value. However, the new rules still require an authority to apply to the Secretary of State to demonstrate that the removal of hope value is in the public interest. This leaves local authorities with uncertainty as to what development would be in the public interest, and ultimately whether their application will be approved by the Secretary of State. By comparison, Labour's latest manifesto commitment states that it will legislate so that public bodies can use CPO powers to acquire land without the need for individual approvals by a Secretary of State, effectively removing this area of uncertainty.

The use of compulsory purchase to acquire land for housing is not new: compulsory purchase orders (which are more usually reserved for large scale infrastructure schemes) have previously been used successfully to facilitate development. Examples include the ongoing major regeneration of Leicester's Waterside, which will deliver 500 new homes along with office and retail space; the development of derelict land on the edge of Sheffield city centre for a mix of new homes, offices, retail, leisure and a hotel; the acquisition of an empty supermarket and a terrace of empty shops in Wellingborough to pave the way for housing development; and the development of new housing in Helmsley, North Yorkshire that had been stalled by the former landowner.

So there are some success stories, but at what cost?

My main concern is that, even with the promised changes to legislation, CPO can be an ineffective, time-consuming and costly process; and many local authorities will lack the resources to implement it.

The CPO process frequently involves negotiations with multiple landowners, legal challenges, and delays. Landowners may choose to challenge decisions through judicial review, further prolonging the process. As such, it is far from the quick and efficient means of unlocking land for new development which is needed.

Even if effective, CPOs are just one piece of the puzzle when it comes to delivering new homes.

The wider planning system in the UK is acknowledged as slow and bureaucratic, with local plans and planning applications often taking years to complete, and the intrinsic problems that have led to this situation must also be addressed.

Other complications typically involve protracted negotiations with owners, legal challenges and extensive public consultation and paperwork. I have seen instances in Bristol, where I am based, where CPOs have taken more than 20 years on some sites. Unfortunately, this new policy doesn't have the potential to deliver the homes as quickly or as cheaply as the headlines suggest.

We need to see a more holistic approach to addressing the housing crisis, including reforms to the planning system, providing support to councils, reviewing the Green Belt, and delivering new homes in both sustainable brown and greenfield locations.

A future Labour government looks set on addressing some of these challenges, but we would caution against rapid reform for rapid reform's sake: any changes must be carefully considered from all points of view, and this includes comprehensive consultation with the wider property industry.

Grant is Executive Director and Head of Boyer's London planning team. He leads a team of 14 consultants on a wide spectrum of projects across London and the South East, including large-scale regeneration projects, urban extensions, and more bespoke high-value residential development.

WOODLANDS IN URBAN DESIGN

An increasing preference for natural public spaces over landscaped public spaces in today's urban design

Grant Leggett grantleggett@boyerplanning.co.uk

Grant writes about the increasing value of woodlands and their role in new developments.

Over a hundred years before the climate emergency became a global concern, it was recognised that, 'He who plants a tree, plants a hope'.

Today that mantra carries particular resonance. In light of rising temperatures, increased toxic emissions and decreasing biodiversity, it is scientifically proven that trees are fundamental to our survival, and their potential extends into all areas of life: the practical, social and environmental.

Today, England's woodlands cover just 10% of the country – poor comparison to the EU average of 38%. This figure is set to increase to 12% by 2050 under current regenerative plans but this is not enough according to Rewilding Britain, which is pushing for a doubling of the country's woodland cover over the next decade, to help absorb 10% of current UK greenhouse emissions annually, and protect declining wildlife.

planned biodiversity effort [Ed – I would dispute this for my district council, which is trying to implement a varied approach to maintenance, but finds it is open to criticism from many residents who prefer 1cm cut grass!].

Initial fears that untended spaces would impact on property values have been proven ill-founded. Last summer LRG carried out some research the impact on property values across all local authority areas in England and Wales. It concluded that homeowners are prepared to pay a premium for a home close to woodlands and that this figure has increased in the last two years: homes located within 50 metres of woodland attract a 6% price premium, a rise of 2.4% since the start of the pandemic.

This is unsurprising, taking into account a considerable increase of appreciation for woodlands post-Covid: woodlands visits rose from 170m in 2016-17, to 296m in 2020-21; and the annual number of visits to the forests managed by Forestry England rose by 74% between 2016 and 2021.

Facing up to the fact that the built environment has had a role to play in the reduction of woodlands, the development industry is doing its bit. My own organisation, Leaders Romans Group (LRG) is literally planting a tree for every house that it sells, and will be launching a raft of new environmental initiatives imminently. Others in the property industry are implementing similar projects.

Changing to natural

Local authorities, too, are prioritising woodlands as the 'green' component in new developments, moving away from well-manicured 'hard' landscaping and towards more natural landscapes. This is partly influenced by the Environment Act's requirement for a minimum 10% biodiversity net gain which become a legal requirement from February this year. It also stems (no pun intended) from the desire for more 'usable' public open spaces that came into existence during the pandemic. Consequently, developers throughout the country, including London where I am based, are replacing architecturally designed or ornamental high maintenance lawns and topiary with more useable spaces, or even with woods and wildflower meadows. Local authorities are also allowing several of their green spaces to be left to re-wild, although the cynic in me suggests that may be more to do with maintenance budgets than a

Woodlands and value

Understanding the importance that homeowners attach to woodland is vital in the planning of new communities. This has been demonstrated in the recent increase in counter-urbanisation and an above average rise in rural house prices. Whereas in 2019 the square footage of a home was deemed the single most important factor in buying a property, post-Covid, in 2022 this was replaced by access to outdoor spaces.

Informal public open spaces vary considerably and yet woodlands remain the most popular. Perhaps this is the versatility of woodlands, offering opportunities for natural play, quiet walks and in London in particular, the opportunity to retreat from the sight of buildings and infrastructure and to remove oneself from the hustle and bustle of city life.

Of course the potential for London developers to provide large expanses of woodland within a scheme, the viability of which depends on a certain density, is limited. Accordingly, many developers in London are both delivering access to woodlands and practical assistance for the management of nearby woodlands. In Buckinghamshire, for example, developments within proximity to woodland are required to pay a maintenance cost and in some cases, maybe a physical contribution. In some cases this is provided through a Suitable Alternative Natural Green Space.

Boyer is currently advising on a residential development In Maidstone in which the developer will fund work at a local nature reserve and is getting involved in hands-on work too.

Policies which formalise developers' contributions to woodlands include the London Plan's Urban Greening Factor (UGF). This guidance requires every local authority to create its own greening strategy and all major developments to include urban greening as a fundamental element of site and building design. It introduces the UGF calculator as a means of evaluating the quantity and quality of urban greening in a development proposal.

Like so many policies, it is a very good idea in principle; in practice, it is a blunt instrument which needs to be applied effectively. Some sites can never achieve the levels required and become unviable as a result.

Conclusions

Just as with the Environment Act's requirement for a minimum 10% biodiversity net gain (BNG), it is important the policies, which acknowledge that greening is important, enable developers to implement measures without compromising the scheme itself. That's not to say the principles of UGF nor BNG are wrong, but they are both new policies which need refinement over time, lest they be the culprit in irrationally preventing development of otherwise suitable sites. For example where a brownfield site has become overgrown, even when littered with trash or abandoned structures, or is contaminated, it can be extremely difficult to achieve 10% BNG while also delivering a development of the appropriate density.

Trees matter, a lot. But they are not the only means of increasing biodiversity, enjoyment of a scheme, or its aesthetics. While metrics and calculators have a role to play in the implementation of worthwhile policies, it is important to view each scheme in its own context and not to overlook the benefits that a wide range of natural elements can bring.

BIODIVERSITY NET GAIN

Emerging trends and considerations of the onsite and offsite markets

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and Ben Owen ben.owen@brutonknowles.co.uk

Miranda and Ben's colleague, Ian Mercer, first made a presentation on BNG to a meeting of Heart of England Branch, and kindly agreed to write this follow up article. It is a very practical approach, reflecting the first 6 months of operation.

Biodiversity Net Gain (BNG) remains a relatively new piece of legislation within the planning and development industry, but has significant implications for landowners, developers and local planning authorities (LPAs) alike. It became mandatory in England on 12 February 2024 under S7A of the Town and Country Planning Act 1990, with the premise that wildlife and their habitats are left in at least a 10% better condition prior to a development taking place. This 'net gain' can either be achieved on the site of the development, or by purchasing units from an off-site source.

This has meant a relatively new marketplace is establishing, but with tentativeness among all parties involved. This article addresses some of these considerations, benefits and drawbacks of on and off-site BNG for developers and landowners.

Defining a BNG unit

A tangible BNG unit is determined by the statutory biodiversity metric which calculates the existing biodiversity on a site, along with the number of units needed to replace this habitat when developing an area and achieve at least a 10% gain. This metric is based on the inputs normally analysed by an ecologist, who measures the existing ecology on the land and should advise on which habitat strategies are going to be most successful at providing a net gain.

Nearly every development is now required to demonstrate a net gain, including commercial, residential and renewable projects, with some exemptions such as self-builds and for now, Nationally Significant Infrastructure Projects.

Onsite gain

Onsite BNG refers to any biodiversity net gain achieved within the redline of a development site. Developers are required to submit a biodiversity plan outlining an accurate calculation of the habitat value before and after the development has taken place. A BNG plan is required to be submitted with the planning application, showing a completed metric calculation and post-development plans.

Onsite BNG strategies vary according to the baseline habitat of a site and can range from private gardens and tree planting, to areas set aside for meadows or wetlands. For some developers wishing to demonstrate 'significant onsite gain', they may require a legal agreement via a Habitat Management and Monitoring Plan (HMMP). Whoever agrees to this will be responsible for the habitat creation and enhancement, along with the ongoing 30-year management and monitoring of a site, known as the 'Land Manager'.

Miranda is a Senior Rural Surveyor with Bruton Knowles who joined the team in January 2024, specialising in biodiversity net gain provision. She also specialises in rural professional work including valuations of rural estates, farms, equestrian properties, and country houses. She has been working with landowners to identify suitable sites for off-site BNG provision, along with assisting with the delivery of these schemes.

Ben joined Bruton Knowles in September 2022 having graduated from university, and operates from the Leominster Office. He works closely with rural clients to promote their land for a range of natural capital schemes, such as biodiversity net gain and nutrient neutrality. Further to this, he advises on renewable energy schemes on behalf of both landowners and developers. Alongside these, Ben deals with rural property sales within Herefordshire and neighbouring counties.

Thoughts for developers

Onsite BNG produces interesting conversations regarding its benefits and drawbacks. Good planning and design of a scheme can incorporate areas of BNG around homes or commercial units, or take advantage of undevelopable areas (flood risk, steep areas etc.). However, segregating land within the redline boundary for the purposes of BNG, such as a meadow, can be considered more contentious. The argument here is that developers are sacrificing prime development land within their redline on the edge of settlement boundaries to achieve onsite BNG, and therefore losing value by incorporating fewer units into a scheme.

It is easy to forget that habitats created via a HMMP will be very restricted in their use over the 30-year term; this will not simply be allowed to become 'dog-walking' land, and failure to comply with the HMMP will be problematic. This begs the question: are developers really wishing to become the nominated Land Manager and accept liability, should the habitat not be implemented accordingly? Also, how will onsite BNG affect the settlement boundaries of villages, towns and cities?

Offsite gain

In many LPAs, developers are strongly encouraged to demonstrate onsite BNG and in some cases, must evidence that it is not possible before engaging with the offsite market. However, due to some of the above considerations, we are now seeing increased interest in offsite BNG units. These are units that have been created and managed by a land manager which could be a private landowner, specialist BNG provider, or agent. These operators will engage with ecologists to define the existing habitat value of the land and the habitat units created via the biodiversity metric. These units are then a saleable asset to developers, who are able to purchase the units via the s106 obligation within a planning permission, or Conservation Covenant. Once planning is granted, these units are allocated to the corresponding project and the land manager becomes responsible for the implementation of the HMMP.

Opportunities for landowners

The offsite market provides good opportunities for landowners wishing to diversify their income or 'rewild' certain areas of their land. To obtain good biodiversity uplift on a block of land, the baseline habitat value needs to be low, and this normally takes the shape of arable fields or heavily grazed improved grassland. Leaving this to seed with grasses and wildflowers enables strong uplift and new habitats such as lowland meadows or modified grassland. The land is then subject to selective grazing and hay cutting.

Land with nearby watercourses also offers good habitat uplift opportunities through careful enhancement and management and in turn, provides a higher unit value. Currently, woodland does not offer much value via the statutory metric.

Points to consider

There are some considerations in terms of offsite BNG provision which both land managers and developers need to be aware of. Firstly, a spatial multiplier is applied to BNG unit transactions, to encourage deals from local sources. Should a developer purchase units from a neighbouring LPA, the cost of a unit increases by 25% and if from an LPA which isn't neighbouring, the cost increases by 50%. Likewise, a temporal multiplier is applied to account for a time lag between the purchase of the unit and the habitat outcome being achieved.

BNG is now becoming a more recognised policy and therefore landowners are increasingly engaging with agents, brokers and developers to understand potential value for their land. As stated previously, this offers a good alternative for some marginal or intensively farmed land and with it, good income upon sale of BNG units. However, landowners should take care in how they wish to implement their BNG creation and management. Whoever is responsible for the ongoing management and monitoring of a site needs to ensure this is strictly adhered to, otherwise face fines or another land manager stepping in.

The role of local planning authorities

LPAs will play the ultimate role in BNG implementation. Further to their regulatory responsibilities, they also offer statutory units to developers who cannot achieve onsite or offsite gains. These are inflated significantly to provide a 'last-resort' solution and disincentivise developers from purchasing them. The full cost of these units are available on the government website.

At this stage, some LPAs are far more prepared in terms of their BNG policy and general readiness to implement this. This readiness - or lack thereof - even extends to the availability of internal ecologists, ensuring habitat proposals are implemented accordingly and support for planning applicants provided. The misalignment of planning authorities is already creating confusion and difficulties, with some LPAs requesting a 20% net gain, with this condition increasing the requirement for off-site units.

The first six months – emerging comments

Now that we are just under six months into BNG's national rollout, unease is waning on some perspectives. For example, the latest Budget clarified that from April 2025, all Environmental Land Management Schemes will benefit from Agricultural Property Relief. This was a significant sticking point for many landowners in the early rollout, and although this is welcome news for many, we would strongly suggest consulting an accountant if considering a BNG scheme.

Habitat unit prices are varying less, with a narrower range starting to develop, particularly for lower and medium distinctiveness habitats. However, these prices still vary significantly based on demand and locality, with early demand outweighing supply in several LPAs and therefore commanding a higher price.

However, several questions are unresolved while we remain in the early stages of BNG. One query is the value of the land once it is subject to a habitat management scheme and thus limited farming operations are possible. What happens to the land following the 30-year period – back to intensive agriculture? We doubt it, with early suggestions that incentives will be in place to encourage continued nature strategies such as further BNG enhancement or carbon capture.

The penalties in place for landowner and developer noncompliance throughout the habitat management cycle will become clearer in time – are landowners willing to be liable, or will they look to transfer this responsibility to a specialist BNG body?

Finally, stacking with incentives or other schemes. The government has already said land which is subject to an agri-environment scheme such as Sustainable Farming Incentives will not be eligible for BNG. However, evolving natural capital markets such as carbon capture or nutrient neutrality credits may offer potential additional streams of income on the same parcel of land.

How Bruton Knowles can assist

Bruton Knowles has partnered with a national BNG provider to support landowners wishing to make available land for BNG. Our partners are responsible for all habitat creation, management and monitoring, and we will support landowners from initial engagement through to the sale of units. Furthermore, we are supporting developers with their BNG requirement from the pre-planning stages through to purchase of the units, ensuring that these units are readily available upon planning success. We are regularly meeting and advising other rural professionals within the industry on all natural capital opportunities, and would be happy to arrange a meeting to discuss BNG opportunities.

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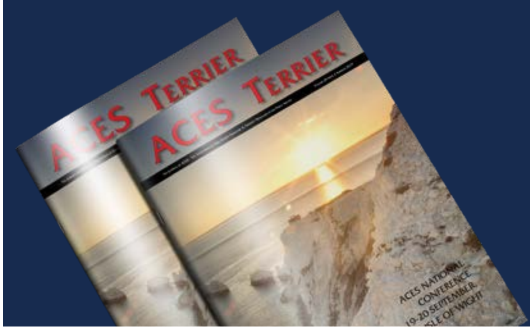

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ASSET MANAGEMENT
To sell or not to sell commercial property assets

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Having made a presentation at ACES Annual Meeting 2023 in Edinburgh, Caroline agreed to follow up with this article. Here she makes a reasoned argument largely in favour of councils retaining property assets: "it is crucial to examine the benefits and drawbacks associated with selling council assets."

Caroline has been at the forefront of leading EG's public sector team for over three years, spearheading the development and implementation of their flagship data and analytics products across the public sector, enabling both financial gains and social benefits in local authority projects. Caroline boasts an impressive track record of assisting clients in mitigating risks, driving revenue growth, and attracting investment.

Throughout her tenure, Caroline has actively engaged with influential figures within the public sector, ensuring that EG remains well-informed about the most pressing concerns and priorities of this sector, aligning with the needs of the public sector.

When she's not immersed in work at EG, you can often find her enjoying long walks with her beloved cocker spaniel.

Please do contact Caroline to discuss how EG can support you. She would love to hear from you.

To sell or not to sell?

This year's general election has cast the spotlight on how core public services at local councils could be best funded. With cash-strapped councils estimated to own up to £23bn in real estate, the option of divesting assets to plug funding gaps still has significant momentum among local authorities.

Although it initially sounds like a practical option to generate much-needed financing for public services, it is crucial to examine the benefits and drawbacks associated with selling council assets. By exploring tangible examples where council property investment strategies can prove advantageous – or fall short – a clearer picture of whether it is the right solution for your local authority could emerge.

Through strategic divestments, councils have the opportunity to replenish their coffers. This capital can be effectively utilised to reduce debt and finance vital projects, such as infrastructure developments and public service enhancements.

In addition to the immediate financial gains and improvements to services, offloading underutilised or inefficiently managed assets enables councils to optimise their portfolio. Reallocating resources towards better-performing ventures can boost overall impact and efficiency.

There is also an opportunity for local councils to make a meaningful ESG impact. In fact, Estates Gazette (EG) estimates that 58% of investors are actively seeking assets that require significant improvements to meet environmental standards. This presents an opportunity for councils looking to divest from such assets, while aligning with sustainability goals and attracting environmentally conscious investors.

Moreover, the sale of council owned properties or land parcels holds immense potential to drive economic growth within local communities. These transactions not only attract private investment, but also unlock growth by creating spaces for new businesses, generating employment opportunities and bolstering tax revenues. For vacant or underutilised properties, there is a further opportunity to secure business rates, creating an additional revenue stream for the council.

Long-term implications

However, asset sales can have long-term financial implications. While selling may offer a short-term influx of revenue, it is important to consider the risk of missing out on future income streams and ongoing revenue generation.

Additionally, the capital values of those assets should be taken into account, especially considering market stability. Reports indicate that property prices are expected to decline this year, suggesting that waiting for a more favourable market could result in higher sale prices.

There is a risk that the council might lose money on these assets if they are sold hastily or without considering their true value. Past instances have shown councils being accused of selling assets below market value just to generate quick revenue. Croydon council was among those recently criticised, after selling its leisure park, The Colonnades, for £25m under purchase price last year. This raises questions about whether such actions truly serve the public interest, since public assets are involved.

Heading to the auctioneer could be one way to solve that issue. In a comment piece penned for EG in March, Acuitus chairman Richard Auterac suggests that auctions, teamed with an analytical understanding of local economies, can help councils achieve better value. He highlights positive examples where competitive bidding drove sale prices comfortably above guide prices, indicating no evidence of fire-sale pricing. This approach shows how the best possible price can be obtained, while factoring in social value as the ultimate goal.

Rental boost

Despite concerns about losing long-term income from asset sales, there is a silver lining for local authorities. The UK property market is poised for a more optimistic future due to anticipated interest rate cuts and an improved economic narrative. These positive factors are likely to boost the prices obtained from asset sales, providing some relief for local authorities in need of funds.

To map out an effective disposal strategy, many councils have turned to EG for support. By leveraging comprehensive data analysis provided by EG, councils can determine which assets will perform best by considering potential sale prices as well as the amount of debt it can reduce.

Several councils have set out how their investment strategies have resulted in positive outcomes, such as Spelthorne Council. Although it faced controversy for relying heavily on loans from the Public Works Loan Board and acquiring numerous properties, it has defended its strategy by highlighting the amount of rental income it generates from its portfolio, which it has used to bolster its services.

Over the course of a decade, the council has invested £1bn in commercial real estate—almost three times more than any other competing council such as Runnymede Borough Council. It is worth noting that a sizeable amount was spent acquiring properties outside of Spelthorne's jurisdiction, such as BP's campus in Sunbury, bought for around £385m in 2016. It was valued at £302.4m in 2023.

Similar to other property investments made over the past decade, Spelthorne's portfolio would most likely sell at a loss today. However, the council claimed it achieved a "healthy financial return" on these investments last year by producing an annual rental income of about £50m. This income stream has allowed the council to cover various expenses such as interest payments, debt and provisions for managing costs associated with its commercial real estate portfolio. After accounting for these factors, it had around £10m of cash to allocate towards resident services, including new housing initiatives.

Furthermore, Spelthorne asserts its investment properties played a crucial role during the Covid pandemic by allocating rental income to a c£38m sinking fund. The council proudly stated that it has successfully collected 99% of rents owed each year since 2020.

This suggests that despite value declines, there can be long-term opportunities if the income streams are there. By understanding rental values and capital growth trends over time, it becomes clear that holding onto assets can be a strategic move for financial recovery.

EG's insights into the long-term value of your assets, through forecasting and trend analysis, can provide valuable information for establishing more competitive pricing strategies. By leveraging this knowledge, councils can potentially increase revenue generation from their investment properties. Additionally, implementing a longer-term preventative recovery plan based on these insights can help mitigate risks and ensure sustainable financial growth.

Retaining influence over projects

When considering the possibility of selling council owned properties or land parcels, it is important to take into account the potential loss of control over these assets and influence over their use and development. This could have implications for the local authority's ability to shape local communities in line with its long-term vision and strategic objectives. Therefore, it is crucial to prioritise close collaboration with other public stakeholders, as part of an overall disposal strategy.

A notable example that highlights this approach can be seen in Sefton Council's actions. In 2017, it purchased the Strand Shopping Centre in Bootle for £32.5m, with the aim of driving town centre regeneration. The council recognised a lack of private investment and understood that ownership was crucial for future development. Although plans were temporarily paused amid changes in the retail market and the pandemic, it secured £20m of funding last year to proceed with repurposing the mall for sustainable town centre growth.

To achieve this vision, Sefton Council partnered with the Liverpool City Region Combined Authority to transform the Strand and reshape Bootle by 2030 into a desirable residential, education and business location. This collaborative effort demonstrates how working together can drive inward investment for economic growth, while ensuring that long-term goals are met.

The decision to purchase the Strand was not taken lightly. It was based on a thorough and well-reasoned business case that clearly demonstrated the importance of owning this property for driving wider regeneration efforts in the town. Recognising that private owners were not adequately investing in the shopping centre's potential, Sefton Council saw an opportunity to step in and take control, shaping its future according to its vision.

The proposed plans for the Strand go beyond just revitalising a shopping centre. They include introducing leisure facilities, educational institutions, health services and increased green spaces. By diversifying its offerings beyond traditional retail spaces, while still maintaining their presence within it, Sefton Council envisions creating an attractive environment that meets residents' needs, while also attracting businesses and visitors.

Understanding the supply and demand dynamics within your area is crucial when it comes to building social value and profitable buildings. EG's insight empowers councils to explore alternative uses for their buildings that align with community needs and maximise their potential contribution.

Conclusions

The scope for investable projects to provide social value raises questions about why the government is pushing councils to sell their revenue generating assets in favour of community serving assets. It seems clear that both types of assets need to work side-by-side to support one another and create a thriving community.

In conclusion, the decision to sell off council assets is a complex and multifaceted one that requires careful consideration of the potential benefits and drawbacks. While selling can provide much-needed revenue for essential services and offer opportunities for portfolio optimisation, it is important to weigh these advantages against long-term financial implications, social impact and loss of control over assets.

Alternative strategies, such as retaining valuable assets or implementing strategic asset management approaches, should be explored alongside asset sales, along with investing in other opportunities. Collaboration with relevant teams within the council, such as inward investment, planning, and economic development departments, can help align disposal strategies with wider regeneration efforts.

As councils continue to grapple with funding challenges and seek ways to optimise their portfolios for the benefit of their communities, a balanced approach that carefully weighs all factors will be crucial. Ultimately, finding the right balance between generating revenue through asset sales and preserving community cohesion should guide decision making processes moving forward.

If you are looking to capitalise on the untapped potential of your council in the commercial real estate sector, EG can offer expertise and support in unlocking new opportunities. By collaborating with us, we can empower your decision making process by providing real-time evidence based insights. Our comprehensive approach takes into account crucial factors such as EPC ratings and sustainability measures, supply, and demand data analysis, as well as market analytics.

Together, let us shape a brighter future for public sector assets.

Yvonne is a Director in Savills Europe Middle East and Africa Occupier Services with over 35 years commercial property experience working in consultancy and client side. Through her varied experience, in the public and private sector, she has gained an in-depth understanding of property within an operational business context, bringing a strong strategic perspective to real estate.

Working for corporate occupiers in the UK and EMEA, Yvonne focuses on producing real estate strategies that deliver real time savings, by portfolio reduction and releasing capital from assets.

REAL ESTATE OPPORTUNITIES

Supporting local authorities to realise value through real estate

Yvonne Lee yslee@savills.com

The financial challenges of local authorities are well known, and they are facing unprecedented demands for their services. Some of the problems have been caused in part by one-off events, such as less successful investment decisions or equal pay disputes. But the problems are becoming more widespread. Yvonne explores how real estate can be part of the solution.

The Challenge

Last December, the Local Government Association (LGA) reported that one in five council leaders and chief executives surveyed said it was likely they would need to issue a section 114 notice in 2023/24 or 2024/25 due to a lack of funding for key services.

Meanwhile, the Institute for Fiscal Studies has argued that this is only the beginning and that "the real pain looks set to be from 2025/26 onwards". The LGA estimates at this time that there will be a funding gap of £2.3bn, with the average council shortfall likely to be in the order of £33m.

One of the key issues is the ring-fenced split in council finance - revenue and capital spending. Councils can use revenue money on capital projects but cannot sell an asset and put the money released into meeting day-to-day running costs.

What is the solution to the lack of funding?

Alongside the formulation of the 2024-25 financial settlement for local authorities, the Department for Levelling Up, Housing and Communities published a consultation on revising the guidance that currently restricts the use of capital receipts to fund revenue spending. Options included:

- Allowing local authorities to use capital receipts to cover 'general cost pressures', together with an efficiency plan to restore financial sustainability
- Flexibility over the use of revenue generated through the sale of investment assets, specifically to encourage divestment of assets held only for revenue.

Several commentators have characterised the potential effect of the proposed reforms as selling off the silver. Actual examples of "silver" at risk of sale have been widely publicised in the media, together with more serious concerns from the London School of Economics, that the sale of assets may harm the long-term effectiveness of local authorities to shape the health of local economies and generate community wealth or social value.

The potential opportunity from real estate

If selling the silverware is a short-term answer, then longer-term, holistic solutions may be found in buffing it up to achieve its full potential. Local authorities are major real estate owners: they hold an astonishing variety and complexity of land and buildings.

Most real estate owners conduct periodic strategic asset reviews, whether property ownership is their primary role or ancillary to their main purpose. And there is an important opportunity for local authorities to do the same, in order to identify low profit and particularly loss-making investment properties, and to formulate a strategy for improving their performance as community assets or better performing investments. The aim must be for local authorities to maximise the efficiency of their assets, boosting revenue and minimising costs. A robust holistic review of both the operational and the investment portfolio is critical. Areas of focus include:

- Development opportunities need to be optimised, considering the return on investment for specific assets, alongside the potential impact on wider operational and community priorities
- Identification of assets that are central to the local economy and community value, or have clear potential to be so. These need to be retained and, if possible, made less costly to own, and operated as efficiently as possible. Conversely, those assets should be identified which could be sold with the minimum of impact on community value. The capital generated could be used for the repayment of debt, investment in projects that respond to operational priorities and objectives, to generate new community value, or to reinvest into assets that are more profitable
- Operational assets with unrealised potential for 'invest and save' projects. For example, this might mean creating additional social value through the provision of affordable/ key-worker housing or affordable workspaces, the revenue from which could feed back into service provision. These need a business plan to understand the costs and benefits of investment
- Investment assets – land outside the local authority boundary or within it, which is only held to generate revenue or for value appreciation. It is important to understand the leasing profile of these assets, the opportunities to increase revenue, and any impending costs associated with owning them
- Rationalisation opportunities – fringe assets with little potential to generate community value and which generate a low financial return for the council. These assets should be at the top of the list for disposal to release capital for investment and debt repayment.

Conclusions

Core funding for English councils is set to be 9% lower in real terms in this current financial year than in 2010/11. Some councils have already been pushed to the financial brink and more are likely to follow unless demand and cost pressures abate.

Property portfolios, and the value extracted from them, are not the panacea to all the woes but can bring direct benefits to the community and can be the catalyst for significant and positive change.

Forced sales, or selling the family silver, ignores the wider benefits that property ownership can bring to councils and their communities. The full potential of the real estate can only be realised through comprehensive reviews of asset ownership, set in the context of local authority objectives and property market dynamics.

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Chris is a strong communicator with broad experience across the industry, with operational experience of campsites. A particular specialism is the sale of complex multi-use property. He has acted for individuals, companies and charities providing insightful and strategic advice to ensure returns are maximised.

HOLIDAY PARKS

An asset class worth considering

Chris Gooch chris.gooch@michaelpaulconsultancy.co.uk

In all my years of editing, I cannot recall featuring holiday parks as an asset class. Chris here identifies their potential value for local authority landowners.

With the recent BBC Panorama programme lifting a lid on the sector in March 2024, we thought an article about this often-overlooked asset class would be topical.

According to evidence provided by the UK Camping and Caravan Alliance (UKCCA) and their Frontline survey, in 2023 there were 6,169 holiday parks and campsites operating in the UK, accounting for 439,828 pitches. This was drawn from a database provided by the UKCCA.

While most parks are in private hands, our research indicates that there are dozens of parks within the ownership of councils, authorities, national charities, and quangos across all regions of the United Kingdom.

Accordingly, and with public finances being stretched like never before, these assets that require a specialist knowledge may fall between the gaps when reviewing portfolios. Are the questions of return and performance asked of these assets, as they might be with the main asset classes (offices, retail etc)?

Trends

The UKCAA has published 2 'Pitching the Value' reports in 2019 and 2024. Headline statistics record that the sector:

- Has generated increasing visitor expenditure from £9.3bn in 2019 to £12.2bn in 2024, equating to increased Gross Value Added to the UK economy from £5.3bn in 2019 to £7.4bn in 2024
- Supports full time jobs across the UK – increasing from 171,448 to 226,745
- Continues to attract a touring visitor and holiday caravan owner with an average spend of around £100 per day (on-site and off-site)
- Welcomes visitors to UK holiday parks and campsites who stay 82% longer (up on 2019) and spend 12% more than the national tourism average.

With the sector's popularity burgeoning and with sustainability and green travel coming to the fore, it is our view that this positive trend looks set to continue.

Positive actions and benefits

Taking this into account, and bearing in mind the scope for leveraging improved returns from these assets, what actions might local authorities, charities, estates, and quango's take?

A freehold sale is one route; another might be to lease the asset. Recent market evidence shows there are more individual parks being let on FRI terms. With freehold properties out of reach due to price or restricted supply, many new entrants and existing operators are being seen to accept long leases (15 years plus) as an alternative.

Furthermore, they are also ready to pay upfront premiums. While there are important considerations around alienation and end users license agreement duration (in the case of static caravans), we can see upsides to the freeholder.

A list of what we perceive to be benefits are:

1. The freehold asset remains "on the books" with the existing owner
2. A stable rent directly underpinned by pitch fees can be delivered
3. The lease terms enable stronger controls over use, insurance and maintenance
4. An upfront premium for the existing trade and Furniture Fixtures and Equipment can be demanded
5. Regular rent review patterns to the greater of OMV or CPI/RPI can be obtained
6. The asset management can be more easily integrated with existing asset management teams with a reduced requirement for specialists
7. The liabilities associated with issues around park occupancy and use are moved to an accountable leaseholder
8. Insurance liability and ensuring correct insurance lie with the tenant
9. The liability for managing the service charge lie with the tenant.

With the leasing of the park, a possible route to explore questions of value and rents achievable arise.

As one might expect, site open market rental values (OMRV) (as the values per pitch rate vary greatly) are to be considered on a case by case basis according to the individual attributes of the subject park. Further, with the Profits method of valuation requiring the valuer to have regard to the Fair Maintainable Trade (FMT) of the subject park, there is scope for a parks potential to be built into the calculation. The following precis provided by the RICS is a useful overview of the key points:

- *An assessment of the fair maintainable trade (FMT) and fair maintainable operating profit (FMOP) that could be achieved at the property. This is ascertained by making reference to recent trading information for the business (ideally profit and loss accounts for the last 3 years).*
- *When assessing future trading potential, the valuer should exclude any turnover and costs that are attributable solely to the personal circumstances, or skill, expertise, reputation and/or brand name of the existing operator (i.e. personal goodwill). However, the valuer should reflect additional trading potential.*
- *To assess the market value of the property the FMOP is capitalised at an appropriate rate of return reflecting the risk and rewards of the property and its trading potential. Evidence of relevant comparable market transactions should be analysed and applied.*

(RICS - Business Appraisal - A Profits Method of Valuation)

As a rough and ready approach, a useful place to start is also helpful when building a picture reference to a percentage of pitch fee. As with other broad-brush calculations, taking 30% of a pitch fee as the basis for a OMRV offers a helpful starting point and should be adjusted to reflect the type of park and the mix of pitch types. A camping park that only caters to the drive-up trade is generally going to be a lower percentage than a static caravan park with no hire fleet.

We have assessed recent leasehold transactions, both new leases and rent reviews, and the table indicates rents per pitch for a selection of holiday parks in the UK.

As would be expected, the rent per pitch figures vary according to the type of park, from campsites to static caravan holiday parks, location, length of lease, and market conditions.

It is also worth noting that there is a direct relationship (when a new lease is granted) between the level of rent and the amount of any premium.

Location	**Total Pitches**	**Rent**	**Year**	**Rent per pitch**
South West	50	£22,000	2021	£440
North West	122	£62,500	2022	£512
Scotland	122	£28,000	2022	£230
Scotland	102	£30,000	2021	£294
East Anglia	120	£45,000	2023	£375
Midlands	50	£45,000	2022	£900


Local Authority freeholder – long lease offered to an established operator. Sold 2024

Sophie is a Senior Analyst in the Research team at Carter Jonas, reporting on market trends and themes across both the rural and commercial divisions.

Model Estate performance 2024

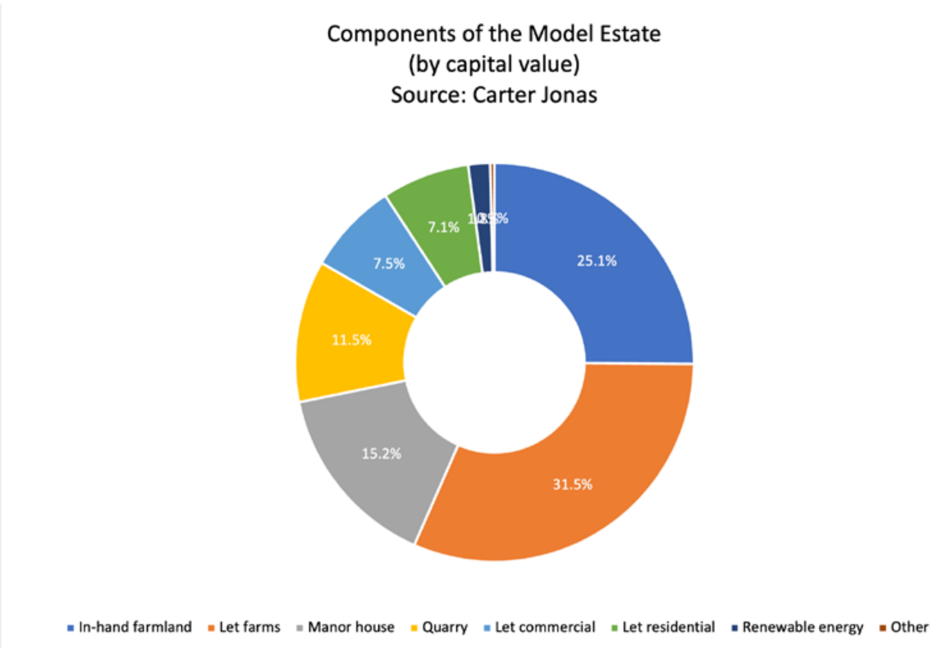
Sophie Davidson Sophie.Davidson@carterjonas.co.uk

The Model Estate report has been featured for many years, lastly in 2023 Summer Terrier. It provides useful short and long-term trends and comparisons for asset classes typically managed by local authority surveyors.

About the Model Estate

The 'Model Estate' is a hypothetical agricultural estate created by Carter Jonas in 2010. The estate has evolved over the years and currently comprises over 3,000 acres which includes a combination of let and in-hand farms, a commercial and residential portfolio, a telecoms mast, fishing rights, a syndicate shoot, a solar farm, an Option to Lease for a 100MW Battery Energy Storage System (BESS), and a quarry. It is located within the geographical triangle bounded by the M4, M40 and M5 motorways.

In using the example of a mixed rural estate, similar in structure to many under the management of Carter Jonas, we gain an interesting and helpful insight into the performance of a rural estate and the dynamics at play. This enables us to make strategic recommendations for the future.



Component performance

The Model Estate was valued at £51.54m in December 2023, representing an annual increase of 2.8% against a value of £50.12m in 2022. While growth has slowed from the previous three years, capital values are showing resilience. This upward trend emphasises the advantages of a diversified estate, particularly in a climate of sluggish economic growth and high inflation. The longer-term capital value growth of the Estate has been particularly strong, with 10-year annualised growth at a robust 4.6%, or 56.7% cumulatively.

The Estate's renewable energy assets recorded the strongest growth, a result of a notable increase in the solar farm's value and the addition of an option to lease for a 100MW BESS. The quarry ranked second. Agricultural land, which accounts for 56.6% of the Estate's value, also saw healthy gains over the year, reflected in the performance of the in-hand and let farmland. The value of the residential assets also rose, albeit modestly. However, the value of the manor house and the 'other' assets held steady, and the commercial element experienced a slight decline in value.

Renewable energy: 35.6%

The Estate's solar farm recorded a remarkable year-on-year value increase of 18.6% which, combined with the addition of a BESS, made the renewable energy category the top performer in 2023.

A major challenge with many renewable energy sources is their intermittent nature, and so there is a growing demand for BESS to assist in their management. These are essentially large rechargeable batteries that store energy and discharge during times of peak demand [Ed – see article in 2024 Spring Terrier].

The Estate has removed 5 acres from in-hand arable farmland and reallocated it to develop a 100 MW BESS. An option to lease agreement has been signed with a BESS developer on a 30-year term (at £1,500/MW, with a connection date in 2025), and a £15,000 option payment has been received.

Quarry: 7.5%

Reflective of a decline in minerals markets for housebuilding activity and infrastructure projects, reported levels of productivity and sales at the quarry demonstrated a notable year-on-year downturn. Sales reported by the quarry for the prior year represent a 30% fall in volume when compared to the previous year. Yet, falls in lease-derived income (the income received based on sales performance), have been offset in part by an increase in rent of approximately +11%.

Despite downward pressures on mineral sales and the continued depletion of the mineral asset, the asset value of the quarry is observed to have been somewhat insulated from a corresponding fall in value. This is attributable to the impacts of inflation applied under the quarry lease, an expected upturn in market activity in the year ahead, and the continued development potential at the quarry. As such, the capital value of the quarry has increased by 7.5% year-on-year.

In-hand farmland: 3.4%

The Estate's in-hand agricultural land climbed in value by 3.4% year-on-year, marking the third consecutive year of growth. The arable land saw a 3.5% uplift to reach £10,250/acre, while the pasture land increased by 3.3% to £8,750/acre. With farmland accounting for a large percentage of the total value of the Estate, these positive movements underpinned much of the overall growth for the year.

This growth broadly aligns with national trends, which saw annual increases of 3.8% and 3.7% for average arable and pasture land, respectively. While national year-on-year growth has eased from the levels seen between Q4 2021 and Q2 2023, it remains on a healthy upward trajectory. In the southern regions (where the Estate is located), farmland values continue to trade above national averages.

The combined pressures of a historically low supply of marketed farmland, a sizable cash presence and an increasing array of purchasers continue to drive up land values, while negative influences on market sentiment have been easing. In particular, inflation has fallen sharply, which increases the expectation of interest rate cuts and could lead to improved profit margins. Additionally, long-awaited details on public environmental schemes arrived in the latter half of 2023, providing farmers with the ability to plan for the near-term and boosting market sentiment.

The Estate's woodland also gained value this year, outpacing both arable and pasture land, at 9.0%. It is now valued at £5,960/acre, on average. Totalling 60 acres, the woodland offers a range of amenity benefits and acts as a shelterbelt for the farmland. Demand for woodland is being driven by the increasing calls to mitigate climate change and enhance biodiversity, with a key focus on sustainable management practices.

Let farms: 2.1%

The value of the let farmland has seen a moderate 2.1% increase over the last year, albeit a slower pace than the in-hand farmland. This can be attributed, in part, to the return of 5 acres of arable land to the Estate and reallocated for the future development of a BESS (without the reallocation, the overall increase would have been 2.4%). Also, the sluggish performance of the residential sector has constrained the potential uplift of the accompanying cottages.

The latest Land Occupation Survey by the Central Association of Agricultural Valuers highlights that activity in the sector remains subdued, a trend continuing since 2005. This is attributed to the phase-out of direct payments, and a cautious approach while new policies develop.

However, the increasing appeal of the Sustainable Farming Incentive has sustained a healthy level of demand over the past year, preventing rents from falling. Looking forward, this, coupled with a longer-term decline in let holdings, is likely to put upward pressure on rental values.

Overall, we are reporting a gross yield of 1.53% on the let agricultural assets, reducing marginally from 1.56% last year, but still largely in line with regional averages.

Residential: 1.4%

Overall, the Estate's let residential assets saw their value increase 1.4% over the year. This marks a slowdown from an increase of 3.6% the year before, and a significant deceleration from 2021, when its value surged by 15.8%.

The year saw a lull in the sales market as buyers adjusted to a new reality of higher mortgage rates, with total mortgage approvals down 23.2% (Bank of England) and house prices falling across most of the country. HM Land Registry reports a 1.6% fall in average house prices nationally in 2023, with gains in the summer months offset by falls at the start and end of the year.

However, the lettings market remains competitive which, coupled with the continued appeal of picturesque countryside locations, has boosted the value of the let residential portfolio. The imbalance of supply and demand is evident in the strong rental growth from mid-2022 onwards. Official data (Office for National Statistics) revealed that UK private rental prices climbed 6.2% by the end of 2023, showing a strong upward trend throughout the year. While the RICS reports that growth in tenant demand softened towards the end of the year, it highlights that supply remains scarce. Consequently, it is generally expected that rents will continue to rise over the near-term.

With that in mind, the three rent reviews on the Estate resulted in significant uplifts to move rents in line with the local market. The residential portfolio is now reporting a yield of 3.75%, up from 3.51% a year earlier.

Manor House: 0.0%

The country house market remains subdued, with low transactional activity translating into little change in values. As such, the value of the Estate's manor house and accompanying gardens has held firm at £7.85m for a second year in

154

LOCAL AUTHORITIES

WE HAVE ACTED FOR 154 LOCAL AUTHORITIES

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To discuss your current requirements, please contact:
Alexandra Houghton, Head of Public Sector
alexandra.houghton@carterjonas.co.uk | 07880 004520

OUR LOCAL AUTHORITY EXPERIENCE:

3,500 assets assessed using our Location & Asset Strategy Review methodology

4 joint venture partner procurement exercises undertaken in the past 24 months

2,691 tenancies under management

8 estate regeneration CPOs currently being advised on across 5 local authorities

12 local authorities we provide annual asset valuations for a row. Mirroring pressures in the wider residential market, the increased cost of borrowing has reduced demand for those requiring finance. However, the market for larger, prime assets is largely underpinned by cash-rich buyers with less exposure to increased interest rates. Demand from these buyers has kept prices buoyant, with discerning buyers taking advantage of a slight lull in price growth, in anticipation of a healthy trajectory for future capital growth.

Other: 0.0%

The value of the sporting rights, telecoms mast and fishing rights have held firm over the last year.

Commercial: -0.8%

The UK commercial property sector continues to evolve, and both office and industrial markets are navigating varying periods of adjustment. As a result, the value of the Estate's commercial portfolio fell by 0.8% year-on-year for the second year in a row.

Both office and industrial occupiers are exposed to persistently high inflation and rising labour costs, putting pressure on profit margins for businesses and exacerbating the focus on cost reduction. For the office occupational market specifically, 2023 highlighted the growing importance of location and building features for tenants, who are seeking higher quality, flexible office spaces with strong sustainability credentials.

Demand has weakened for out-of-town and secondary office stock (such as on the Estate), which are generally underperforming in comparison to their prime, city-centre counterparts, and negatively impacting investor sentiment.

More positively, we have seen a decline in the number of office occupiers downsizing, and recent data suggests that office occupancy rates have broadly levelled off over the last year (Remit Consulting), and the three-day office week has emerged as the new normal. In addition, offices on rural estates have many unique advantages, including a sense of community among businesses, value for money, proximity to nature, and ample parking away from congested town and city centres.

Logistics demand has been holding up relatively well, buoyed by ongoing structural change, and the influence of e-commerce, with 'last mile' units for urban delivery being a key growth area. However, the market has also been facing headwinds, with subdued consumer confidence and the near flatlining of household expenditure having had a knock-on effect on the need for warehouse space. While assets in urban locations have benefited from the growing demand for last-mile logistics, demand for out-of-town, rural industrial spaces has cooled.

It is expected that commercial property markets have reached the bottom of the current cycle (RICS UK Commercial Property Monitor), with a more optimistic outlook for the year ahead.

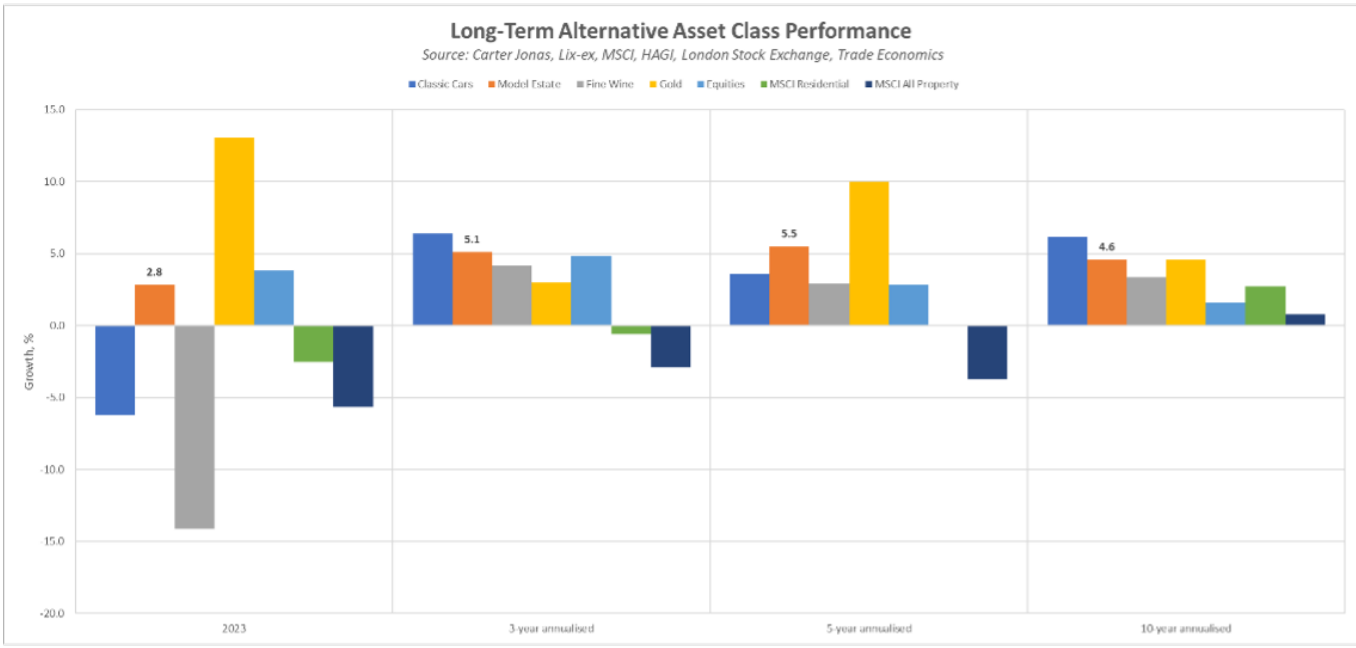
Model Estate against alternative asset class rankings

When ranked against a range of alternative investments for capital growth 2023, the Model Estate came third, falling behind gold and equities (see histogram). The basket of tangible assets includes fine wine, gold, classic cars, equities, residential property and commercial property.

Global gold markets soared in 2023, ending the year at a record high. At the close of 2023, gold prices ($/t. oz) were 13.1% higher than the same period a year earlier. Central banks bolstered demand as they expanded their gold reserves in 2023, a trend continuing from 2022 (World Gold Council). Increased geopolitical risk, too, is likely to have contributed as investors often turn to gold as a safe haven during periods of uncertainty.

Equities, measured using the FTSE All-Share index, concluded the year with a 3.8% year-on-year gain, recovering from the previous year's decline. However, the market exhibited its typical fluctuations throughout the year, reaching a peak in February before experiencing a 10.1% decline overall by October. A rise of 7.6% by the end of the year propelled the index back into positive territory.

Meanwhile, residential and commercial property, classic cars and fine wine recorded a fall in value over the year. Capital values in the residential investment sector, reported in the MSCI Quarterly Index (Morgan Stanley) saw a deceleration from last year, with a 2.5% decline (compared to -4.9% in 2022).



Price correction of the All Property index (reflecting mostly commercial property values), albeit still falling significantly, softened from -12.8% to -5.7%. Yet, while industrial values appear to be levelling out (-0.3%), the retail sector continued its longer-term decline (-5.7%) and office values plummeted over the year (-14.1%).

Classic cars, our top performer in 2022, reversed its upward trend, according to the Historic Automobile Group International Top Index (-6.1% year-on-year). It is likely that the high costs of servicing and maintaining classic cars has had an impact on investor sentiment and reduced activity in an already small market. The fine wine market has also seen a price correction after three years of annual growth (the Liv-ex 100 Index reported a 14.1% fall). The decline has been partly attributed to investors capitalising on the market's previous periods of growth and cashing in on their investments.

Over the longer-term, the Model Estate has benefited from an increasing diversity of assets and exhibited lower volatility compared to the alternative investments. Over the past decade, the Estate has reported an impressive 4.6% annualised growth rate, surpassed only by the classic car market and matched by gold. Its strong growth outpaces the longer-term growth observed in the other asset types.

Dan is ACES' Senior Vice President and Chair of Rural Branch.

AGRICULTURAL CODE OF PRACTICE

The Agricultural Landlord and Tenant Code of Practice for England

Dan Meek

Dan outlines the important Agricultural Landlord and Tenant Code of Practice for England. ACES was a fundamental participant in the Expert Working Group for preparing this code.

The Rock Review

In February 2022 the then DEFRA Secretary of State asked Baroness Kate Rock to chair the Tenancy Working Group with two clear objectives. The first was to look at how the new government financial schemes should be accessible, open, and flexible to tenant farmers. The second was to look at longer term changes that would ensure a robust, vibrant, and thriving agricultural tenanted sector for the future.

Baroness Rock published 'The Rock Review: Working together for a thriving agricultural tenanted sector' in October 2022.

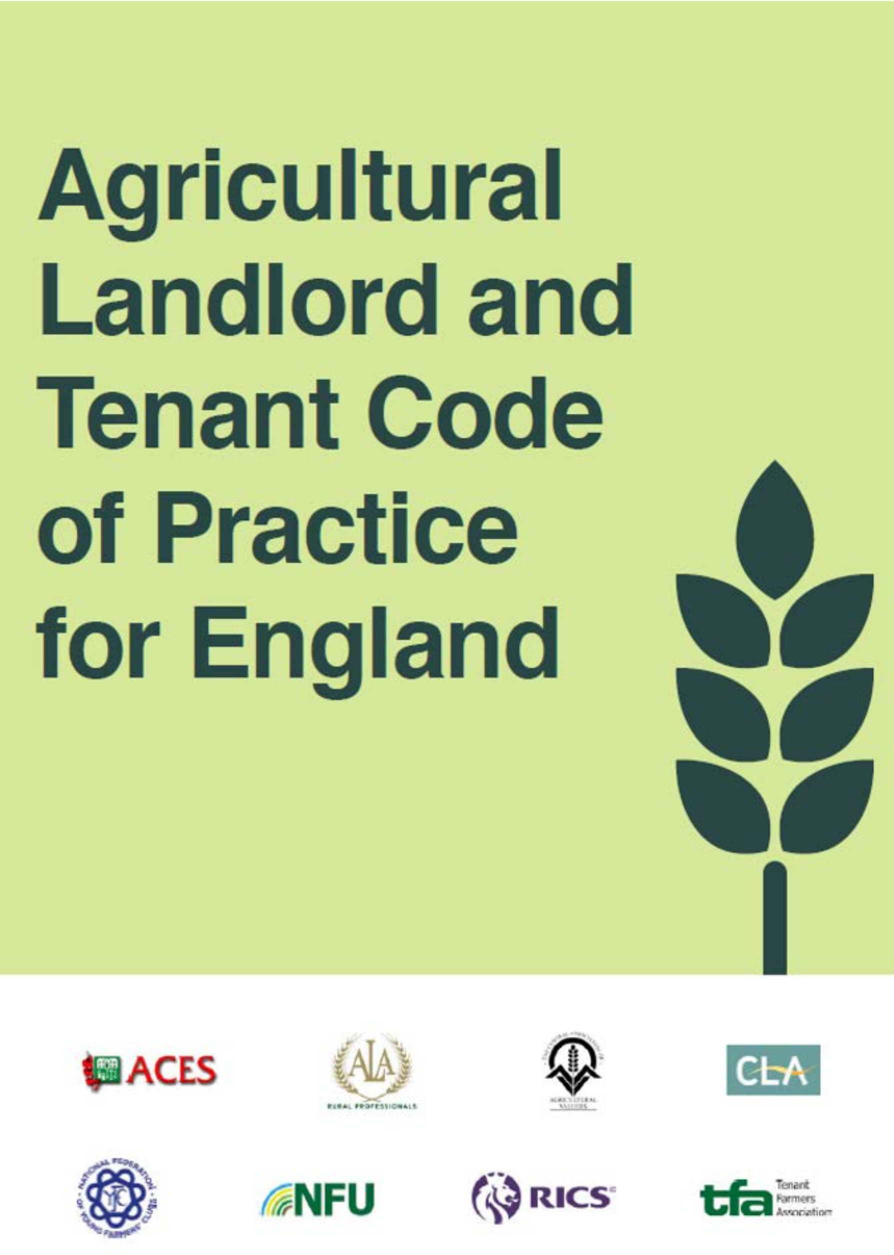
Recommendation 2 (out of a total 84 recommendations) stated *"DEFRA should commission a piece of work to produce a Code of Practice on how landlords, occupiers, and agents can be expected to behave in a way that is socially responsible".*

The government's response to the Rock Review (published May 2023) agreed, and stated:

'The Review is concerned that there can be a power imbalance in the relationship in the tenant-landlord relationship. The Review highlights that whilst many landlords and land agents do work collaboratively and progressively with their tenants, some landlords are absent or have negative relationships. This can result in poor mental health and stress for some tenant farmers and their families.

We agree with the Review's recommendation that DEFRA and sector trade bodies should address this by commissioning an industry-led code of practice to set out standards of expected behaviour for all parties in the sector and to help encourage more collaborative tenant-landlord relationships.'

A cross-sector Expert Working Group was convened to draft the Code of Practice under the supervision and guidance of The Farm Tenancy Forum (which includes a member of the ACES Rural Branch). The final version of the code, endorsed by all



key industry stakeholders, was launched on 8 April 2024.

A copy of the Code of Practice can be downloaded from the ACES Website - ACES Library – ACES.

Overview

The code's mission statement is to support landlords and tenants, and their professional advisers, to establish and maintain positive, productive and sustainable commercial relationships. It aims to foster positive landlord-tenant relationships, achieved through dialogue and a sense of fairness and proportionality. The code should also be helpful when problems arise, including serious differences of opinion between parties. The code recognises the great variation in the individual circumstances of landlords and tenants, and it should be used and applied in a way which is appropriate and proportionate to the circumstances.

Landlords and tenants are still expected to comply with the terms of their written tenancy agreement, along with all obligations imposed by law. The code does not extend the law or create new legal obligations.

The Central Association of Agricultural Valuers has updated its model Farm Business Tenancy templates with the following additional clause:

'The landlord and tenant will have regard to the Agricultural Landlord and Tenant Code of Practice for England (as published in April 2024) in their dealings with each other in relation to this Agreement and the Holding.'

There are three key principles of the code:

1. Clarity: the parties should be clear on their intentions, expectations and their positions if problems arise
2. Communication: the code requires open, timely and considered communication at all times between the parties
3. Collaboration: a collaborative and cooperative approach is required, based on the belief that the parties can achieve more when they work together, rather than against each other.

The code deals with expectations before a tenancy agreement is granted, during the tenancy, and on and after termination.

Before a tenancy is granted

Where a tenancy is offered on the open market, the landlord (or their agent) should provide sufficient information to present a fair representation of the farm or land, including recognition of its limitations and any special or unusual features of the proposed tenancy agreement.

In return, prospective tenants may be expected to outline their farming proposals, their experience and qualifications to take on the tenancy, the rent they are offering and to raise any concerns or proposals that concern them regarding the state and condition of the farm or land, buildings and fixed equipment.

During the tenancy

Both parties should agree suitable and proportionate arrangements for regular liaison and engagement during the term of the tenancy.

Tenants who encounter difficulties in paying their rent in full or on time should notify their landlords and describe their difficulty as soon as possible. Landlords should consider a tenant's representations as to late or incomplete payment of rent.

Discussions and negotiations about rent reviews should start in good time. The parties should respond to one another in a timely fashion and generally work to avoid unnecessary delay in the review process. It may be helpful to discuss other points of common interest, such as the need for future investment, economic outlook, diversification, standard and expectation of repairs and improvements, so that any points arising may also inform the terms on which a new rent may be agreed.

Equipped farms may need remedial and improvement work from time to time. Landlords and tenants should collaborate in identifying these needs and planning for them. Requests for improvements by tenants should not be refused unnecessarily.

Tenants and landlords should discuss environmental, economic and other development opportunities openly and constructively with each other. Consent for new schemes should not be withheld unreasonably. For new tenancy agreements, the use of blanket bans on participation in environmental and other opportunities in user and other clauses is discouraged. Tenants should consider the owner's interest in the holding when applying for schemes or other initiatives, even where the formal consent of the owner may not be required. Similarly, if a landlord wishes to carry out environmental works on the holding, a sensible discussion should occur.

Termination and renewal

The code states that the parties should make their intentions on renewal or quitting the tenancy clear and in good time. The code encourages negotiations for longer-term tenancies where this is commercially appropriate for the parties, but recognises sometimes one or both parties will need the greater flexibility of a short-term tenancy, and sometimes a succession of such tenancies will be sensible.

Where matters cannot be settled between the parties, timely reference to dispute resolution should be initiated and the parties should continue to define and refine the issues in dispute in a constructive manner.

The role of professional advisers and agents

The code states that professional advisers acting for landlords or tenants should make their clients aware of this code and should encourage them to abide by it.

While the code is entirely non-binding unless it is expressly incorporated into the tenancy agreement, it is going to be a relevant document that will be considered by those resolving disputes, such as arbitrators, experts and the civil courts, and they may look dimly upon a landlord or a tenant if they have not followed or considered the code. The code refers to the fact that an arbitrator or expert can rely on the code when considering the parties' conduct and whether or not to make a costs award.

Enforcing the code

ACES members should note that the RICS has said that *"RICS Regulation will be mindful of the existence of this voluntary Code and will take due note of what best practice looks like."*

Very recently DEFRA has announced that it will be appointing a Commissioner for the Tenant Farming Sector this autumn. The role is planned to be a source of *"neutral and confidential advice for tenants, landlords and advisors who have concerns about poor behaviour and complaints that the Code of Practice on responsible conduct is not being followed".* Indications are that this will simply be a method of helping to resolve issues before they escalate to more formal dispute processes.

THE WELLIE TOOL Wellbeing Impact Evaluation Tool at Mott MacDonald

Megan Fox megan.fox@mottmac.com and Francesca Crawford-Merrett f.crawfordmerrett@mottmac.com

Megan and Francesca volunteered this article, following a related presentation by Mott Macdonald to ACES Eastern Branch. It's worth featuring if only for the acronym of this useful tool - WELLIE. Its use as a tool to record sustainability of transport systems to an area of Wales is explained here.

Megan is a Senior Transport Planner with 5 years' experience in writing business cases, undertaken stakeholder engagement and data analysis for transport schemes. She has a keen interest in wellbeing as a social outcomes champion within Mott MacDonald, and is keen to ensure that wellbeing is integrated throughout the appraisal progress within business case work.

Francesca is a Civil Engineer with 5 years' experience in buildings and rail projects while currently undertaking the role of Global Early Career Professional for the Mott MacDonald Transport Buildings practice. She is deeply passionate about incorporating sustainability and wellbeing into project designs, as she believes these elements are vital for communities to flourish.

The evolution of WELLIE

Mott MacDonald's Wellbeing Impact Evaluation Tool (WELLIE) is an eight-step user friendly workbook which examines the impact of infrastructure upon wellbeing.

In 2015, the Wellbeing of Future Generations (WFG) Act made Wales the first country in the world to make the United Nations Sustainable Development Goals (SDGs) a legal requirement (1). This meant that each public body listed within the SDG was required to work to improve the economic, social, environmental and cultural well-being of Wales. Acknowledging that public bodies were delivering hundreds of projects across Wales that would need to

WELLIE Stages	
Stage 1	Identify relevant local wellbeing policies & goals
Stage 2	Baseline Wellbeing Analysis (SWOT)
Stage 3	Aligning with the 'Five Ways of Working'
Stage 4	Map project objectives to the Wellbeing objectives
Stage 5	Identify 'Impact Areas' of shortlisted options
Stage 6	Assess 'Wellbeing Impact' of shortlisted options
Stage 7	Set metrics for monitoring and establish monitoring plan
Stage 8	Monitor impact and feedback data collection

incorporate the SDGs, in 2019 Mott MacDonald developed 'WELLIE.'

WELLIE was designed to integrate the Wellbeing of Future Generations (Wales) Act 2015 into the Welsh Transport Appraisal Guidance (WelTAG) process – the Welsh Government's guidance on planning and appraising transport interventions. Within the Act, there are seven Wellbeing Goals (see Figure 1), which are aligned to the United Nations Sustainable Development Goals.

WELLIE provides public bodies with a clear and simple framework to integrate wellbeing into a project, which also helps them to make the case for investment in infrastructure – a key enabler for wellbeing. When WELLIE was established in 2019, it re-framed WelTAG through the lens of wellbeing, to ensure that infrastructure projects and strategies maximise their contribution to sustainable development.

It is mapped to the WelTAG process which follows the five-case business model, providing practitioners with a clear step-by-step process to capture analysis which is focussed on the wellbeing aspect of a project from the earliest stages (see Figure 2) These workbooks come together to form a standalone 'Wellbeing Impact Evaluation' report which sets out how wellbeing has been integrated into the scheme and impacted the decisions taken throughout the design process. This report can be read as a standalone document or can be integrated into a WelTAG report.

Helping to integrate wellbeing into infrastructure projects

New WelTAG 2024 guidance was published in February 2024 and now requires the production of an Integrated Wellbeing Assessment report for the production of business cases in Wales. This is to ensure that wellbeing considerations are designed into a programme from the outset, meaning WELLIE is becoming even more important to frame the narrative for this report. It considers aspects such as wellbeing in policy and setting metrics for measuring the success of a project.

WELLIE is also undergoing development to enhance its use for project team collaboration that can be used across multiple sectors outside of transport, such as town planning and health. The aim is to ensure that the whole project team integrates wellbeing into their thinking, right from the start of a project, so that the end result is an infrastructure scheme which is good for people, the environment and the economy.

How is WELLIE valuable?

- Improved efficiency: WELLIE provides a standardised process and clear set of instructions for evaluating the wellbeing impact of a scheme. It improves efficiency by using the analysis produced through the business case process and enhancing it at each stage with a 'WELLIE Worksheet', which breaks down the WELLIE assessment into bite-sized chunks. Each worksheet is designed to be quick to complete and fully aligned with the WFG Act. By using WELLIE throughout the project lifespan, practitioners avoid spending additional time and resource at the end of the project to try to retro-actively apply the WFG Act to a nearly complete project appraisal. Alongside the new WelTAG 2024 guidance, the Welsh Government has released '10 key points to consider', and one of these is that wellbeing must not be viewed as a 'bolt-on' to the appraisal process; WELLIE clearly helps to integrate wellbeing throughout
- Stakeholder collaboration: WELLIE can form a useful tool to facilitate debate at stakeholder workshops. It can also help guide conversations and translate technical findings into relatable and accessible concepts

for stakeholders, and reinforce the need to understand the community beyond its infrastructure. This is especially important given the new WelTAG 2024 guidance which embeds the "ways of working" more thoroughly, and is more prescriptive in terms of stakeholder engagement and its importance in shaping project outcomes

- Added value: The 'WELLIE Worksheet' forms a 'live document' which is updated throughout the appraisal process. WELLIE adds value by creating a robust record of the ways in which schemes have evolved to reflect the requirements of the WFG Act. Upon completion of the appraisal process, WELLIE forms a robust evidence base of integration of the Act into scheme development. WELLIE can also be lifted out of WelTAG reports to form a standalone Wellbeing Assessment following the full narrative of scheme development and appraisal.

Case study: Hirwaun

In early 2020, Mott MacDonald was commissioned by Transport for Wales to conduct a Public Transport Connectivity Study to improve connectivity between the community of Hirwaun and the surrounding areas.

The project sought to investigate and address issues of accessibility by public transport and active travel in the communities of Hirwaun and Aberdare and the surrounding rural villages. These villages are located in the north of the Cynon Valley in the County Borough of Rhondda Cynon Taf in South Wales. The area lacks sufficient accessible public transport or active travel options. Mott MacDonald was commissioned to investigate current levels of accessibility, identifying issues, formulating objectives and proposing a number of solutions. These were appraised and sifted to formulate a short-list of interventions, which were then taken forward for further design.

Given this type of project was focused on improving community connectivity and wellbeing, we saw this as a fantastic opportunity to use WELLIE. This ensured our investigation and analysis was rooted in the goals of the WFG Act and to provide solutions which would generate wider benefits for the impacted communities.

In particular, we used WELLIE to formulate the scheme objectives and ensured that each objective clearly linked to the WFG Act Goals and the identified issues and opportunities within the area. The scheme objectives formed an integral part of the appraisal and sifting process, since each intervention was scored against the objectives. By then aligning our objectives with the WFG Act we made sure that the act was at the heart of our appraisal and decision-making process.

By considering the area's issues through the perspective of the WFG Act Goals we also identified that many people had to travel out of the local area to access work, which was linked to localised pockets of deprivation. We also identified the opportunity presented by the proximity to the Bannau Brycheiniog [Ed - Brecon Beacons] for the community to draw in visitors and improve engagement with the natural environment.

A key aspect of this study was facilitating integration and collaboration between the bus, active travel and rail teams undertaking the work. This was to ensure that all three groups worked in conjunction with one another and that the possible locations for the stations were not just identified based on the rail and civil constraints, but that they were distinguished based on options which would maximise accessibility by sustainable modes between communities and services, while minimising the number of people using their car to access stations. WELLIE facilitated this collaboration by aligning the intended project outcomes with multidisciplinary Wellbeing Goals and creating a shared language used across the technical workstreams.

It also helped to frame and create effective stakeholder collaboration. The WELLIE Worksheets which were completed in tandem with the WelTAG process formed a useful tool to facilitate debate at a stakeholder workshop with 12 attendees representing transport, tourism, regeneration as well as local authority attendees. Using WELLIE to guide the workshop enabled us to translate our technical findings into relatable and accessible concepts for the assembled stakeholders, and reinforced the message that our project sought to understand the community beyond the transport network.

Awards and commendations

WELLIE was awarded the 'Small Transport Project or Study' award by the Chartered Institute of Highways and Transportation Cymru in 2019 for the Hirwaun to Aberdare Public Transport Connectivity Study.

It also won the 'Vision of the Year' award at the Light Rail Awards 2021 and contributed to Mott MacDonald's recent win of 'Consultancy of the Year: Technical Excellence 2023' at the Tech Fest Awards. *"It was great to see evidence of a wellbeing tool being implemented and that Motts was the first in this space to implement this into clear methodology."*

Sophie Howe, the previous Future Generations Commissioner noted *"I have been pleased to see the leadership shown by Mott MacDonald in embracing the WFG Act and positioning Mott MacDonald as key advocates for driving the changes needed to implement it".*

"It's great to see WELLIE being used to integrate Wellbeing Goals into Pontypridd Integrated Transport Hub and Town Centre Masterplan" Kellie Beirne Chief Executive of Cardiff Capitol Region City Deal

"WELLIE is a very useful tool to help people integrate our well-being duties with our WelTAG requirements in a consistent and practical way" Corina James Transport Policy, Planning and Partnerships

For more information, please see: Projects that serve future generations - Mott MacDonald

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NET ZERO AND DATA
Net zero carbon and data analytics

Stuart Funiciello Stuart.Funiciello@htc.uk.com

Stuart explains the necessity for controlling energy consumption. "Net zero carbon energy software like Autonomy Energy is a foundation of modern day sustainability efforts."

Stuart has 25 years' experience in the mechanical and electrical consultancy field, encompassing dilapidations and property pre-acquisition/pre-lease advice and reporting to financial institutions, landlords, managing agents and tenants across a wide range of sectors including office, retail, industrial, hospitality, leisure, heritage assets and healthcare.

His experience within the healthcare and heritage asset sectors has incorporated professional advice to central government clients including Defra and various executive agencies and consultancy on behalf of the Royal Household Property Section.

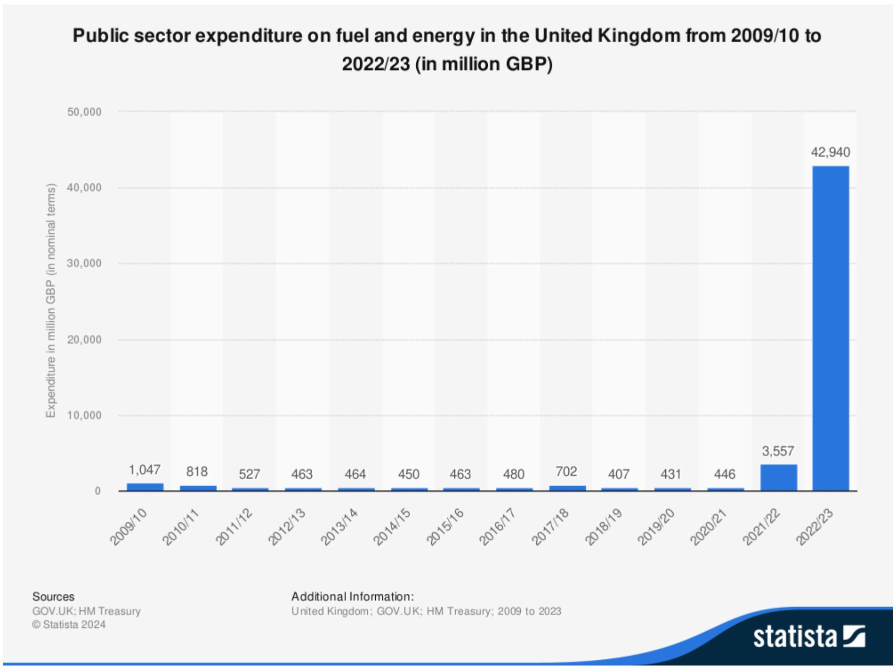
Context

As the global population wrestles with the unrelenting challenge of climate change, the journey towards net zero carbon emissions has become an essential focus for governments, businesses and individuals. Achieving this balance is essential for mitigating the adverse effects of climate change and ensuring a sustainable future for humanity. An essential tool in this challenge is energy management/monitoring software, which is revolutionising the way we approach energy management and sustainability.

With increasing government budgetary burdens, due to higher borrowing costs and the overburdened public services, the cost of gas and electricity to the UK government has increased dramatically. Between 2009 and 2022 the cost of energy and fuel for the public sector increased by 339% to £3.557bn. Between 2022 and 2023 this increased to £42.49b. The huge hike in 2022/23 was a result of the government energy assistance scheme for the general public and businesses, with enormous price increases in the retail energy market as a result of global events.

The introduction of legislation committed to driving the United Kingdom's net zero carbon goals, such as the Minimum Energy Efficiency Standards, has placed further burdens on public and private sector budgets, requiring high levels of capital investment to improve the carbon footprint of public and private sector property and improve overall energy efficiency. This new legislation requires property owners to improve the energy efficiency of their properties by implementation of energy efficient equipment and systems and construction techniques, to reduce Energy Performance Certificate ratings, with the overall goal to reduce carbon emissions.

The Internal Energy Agency states, *"the operations of buildings account for 30% of global final energy consumption and 26% of global energy-related emissions (8% being direct emissions in buildings and 18% indirect emissions from the production of electricity and heat used in buildings)".* Reduction of the carbon footprint in the operation of the built environment is fundamental to every net zero carbon strategy, as is sustainable



construction practices and techniques in reducing embodied carbon.

Net zero carbon strategies

Before examining the software aspect, it's important to appreciate what net zero carbon strategies are. At their core, they encompass reduction of carbon emissions through various means such as energy efficiency, renewable energy adoption, and carbon offsetting. The ultimate goal is to achieve a net balance where the carbon footprint is minimised or completely neutralised. Without effective data, net zero carbon strategies are impossible to identify, implement and measure.

Energy efficiency - Energy efficiency is the practice of using less energy to perform the same task or produce the same outcome. It involves optimising the use of energy resources to reduce waste, lower costs, and minimise environmental impact. In essence, energy efficiency means achieving more with less energy.

Renewable energy adoption - Renewable energy adoption refers to the increasing use of energy sources that are replenished naturally, such as solar, wind, hydro, geothermal, and biomass. This transition is driven by various factors, including environmental concerns, technological advancements, policy incentives, and economic benefits.

Carbon offsetting - Carbon offsetting is a process that involves compensating for carbon dioxide emissions by investing in environmental projects that reduce or remove carbon from the atmosphere, such as reforestation (planting trees) and carbon sequestration (promoting agricultural practices that trap carbon on soil).

Net zero carbon energy software tools

Software plays a fundamental role in management and optimising of these strategies, providing tools for monitoring, analysis and implementation. Net zero carbon energy software encompasses a range of applications and platforms designed to help organisations and individuals achieve their sustainability goals. These platforms, as well as providing tools for monitoring, analysis, and implementation, are fundamental in providing the granular data required to meet UK reporting standards, such as the carbon reduction commitment (CRC) energy efficiency scheme and energy saving opportunity scheme (ESOS) for businesses and local authorities. Without accurate data provided by interactive bespoke software and hardware solutions, the realisation of net zero carbon strategies for the public and private sectors will be an arduous journey.

Autonomy Energy is a powerful tool designed to streamline energy management for businesses of all sizes. With seamless integration and intuitive dashboard features, our platform offers real-time insights into energy consumption, identifies inefficiencies and suggests actionable strategies for optimisation. From pinpointing energy spikes to forecasting usage trends, our solution empowers organisations to make data-driven decisions, reduce costs, and drive sustainability initiatives. Designed by experienced real estate professionals, Autonomy Energy is a bespoke application that collects and reports continuous energy usage data for properties.

The web-based application monitors, manages and collates energy data within the built environment. The application will report data from the property, properties or portfolios in 24 hours a day, 7 days a week in near real time. Data can be collected via existing hard-wired sensors (temperature, CO_2, etc.) and energy meters (pulse, BACnet, Mbus etc.) via existing metering networks or building management systems networks, or through wireless sensors utilising Long Range Wide Area Network. The Autonomy web-based application collates this data into usable/readable graphs or tabular data sets which can be exported from the platform in different formats for legislative reporting such as ESOS and CRC.

Net zero carbon energy software like Autonomy Energy is a foundation of modern-day sustainability efforts. By providing the tools necessary to monitor, manage, and optimise energy use, these solutions empower organisations to achieve their carbon reduction goals effectively. As climate action continues to be a priority, the role software plays will only become more critical, driving innovation and progress towards a sustainable, net zero future.

"If we drive our fellow species to extinction, we will leave a far more desolate planet for our descendants than the world we inherited from our elders." James Hansen (Professor, Program on Climate Science, Awareness and Solutions, Columbia University).

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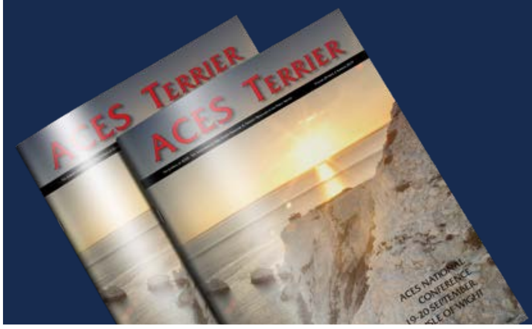

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RICS INTENT TO SUBMIT RICS APC submission process for Autumn (Session 2) 2024

Jen Lemen BSc (Hons) FRICS jen@property-elite.co.uk

Jen's gives a timely reminder about the RICS intent to submit form, which is an essential stage in the APC process. Please note the dates and requirements outlined below.

- Are you a RICS APC candidate or a Counsellor to a candidate?
- Are you or your candidate submitting in Autumn 2024?

If so, read on to learn about essential updates for the APC submission and assessment process in Autumn 2024.

Intent to Submit form

All candidates must return the mandatory intent to submit form before submitting their final assessment submissions, using the RICS platform.

The form is emailed to candidates by RICS and must be completed and returned online. This applies to all candidates, including those on apprenticeship courses.

RICS has confirmed that they will email this form out on the following dates:

- Land & Property pathways – 9 July 2024
- Built Environment pathways – 13 August 2024

RICS has confirmed that they require responses back by the following dates:

- Land & Property pathways – 25 July 2024
- Built Environment pathways – 29 August 2024

You need to ensure that your email address is recorded correctly on your online RICS assessment platform account. It is also best practice to whitelist the RICS email domain on your email provider's settings, or ask your IT department to do this for you. Some IT security systems will filter out emails including links or attachments, so beware of this in advance.

If you do not receive the intent to submit email from RICS by the dates detailed above, then you should check your spam and contact RICS without delay.

You should receive an acknowledgement email from RICS 5 working days after submitting the intent to submit form.

RICS specifically confirms on its website that failing to return the intent to submit form may result in your final assessment interview being delayed or cancelled – so do everything you can to ensure you submit it on time and ensure that it is received by RICS.

If needed, contact RICS to confirm that your form submission was received successfully, especially if you do not receive the acknowledgement email. It is your responsibility to do this and it is unlikely that RICS will provide any leeway for a late or lack of response.

If you are a Counsellor to a candidate, then talk to them about the importance of diarising key dates and ensuring that they fill in the intent to submit form on time. It is your candidate's responsibility to do this, not yours – but a reminder will certainly be welcomed.

Submission process

Candidates can check their submission dates directly on the RICS website.

Submission windows now close on a Thursday at 1600, rather than late in the evening. This is worth remembering as there can be no longer be any late night final amendments!

Candidates also need their Counsellors sign off via the online platform before they can submit – so this needs a good amount of forward planning to ensure that it is completed on time. Candidates should ensure that their Counsellor will be around (i.e., not on holiday or out of the office) and has time to review and sign off their work. Generally, 2 weeks is a good period of time to set aside for this, particularly if any fine tuning or amendments are required to the candidate's submission.

There is no leeway for late submission of either candidates' intent to sit form or final assessment submission.

After submitting using the RICS platform, candidates should receive an acknowledgement email within 5 working days.

RICS will then undertake basic submission checks and provide confirmation of this by email within 10 working days.

Again, if you don't receive either of the above emails, then contact RICS directly. We recommend diarising the dates to ensure that the process runs smoothly.

Interview process

RICS has confirmed that Session 2 2024 APC final assessment interviews will commence from the following dates:

- Land & Property pathways – 7 October 2024
- Built Environment pathways – 4 November 2024

The approximate assessment windows are for 5 weeks, although this may be extended by RICS if higher than usual volumes of candidates apply for final assessment.

Candidates will no longer be asked for their preference of assessment dates during the assessment window. As such, RICS is asking candidates not to book any holidays during the approximate assessment periods.

Candidates will receive 2 weeks' notice of their interview date and time, which should be on a weekday (i.e., Monday to Friday). If an interview is postponed by RICS, then they have confirmed that they will try to reschedule this as soon as possible.

In certain circumstances, candidates may be offered the option of an interview on a Saturday or during the early evening – candidates have the right to refuse this if they are not comfortable with the timing.

Conclusion

The APC submission and interview process have been amended by RICS, including more administration, forms to fill out and confirmation emails.

It is worth diarising key dates to ensure that you do not miss out any stage of the process, and to ensure that your assessment runs as smoothly as possible. Speak to RICS or your Counsellor if you are unsure of the process at any point, and seek support from LionHeart if you are facing concerns or stress relating to your APC assessment.

And finally, good luck!

RACHEL KNEALE, NORTH WEST BRANCH

Meeting held on 17 May 2024

The meeting was held at Stockport Hat Works Museum, Wellington Mill, Stockport. 17 members attended.

The Branch Secretary reported on membership changes since the last meeting. He also raised the question of the short time between this and the annual CPD meeting held on 9 May. The CPD day was considered to have been a success and sold out, with 5 quality speakers.

Workshop programme: Both an APC workshop and a half day CPD seminar will hopefully be arranged at Salford University in the next few months.

Branch chair, Paul Edgeworth, gave an interesting and informative presentation on the Localism Act 2011 which included some interesting case studies from his time at Stockport

Branch discussion included sending out statutory compliance letters to tenants. One member stated that he had been given a legal opinion to say that such letters should be sent out. A related point made was that such contact with tenants should include a check on the adequacy of their insurance cover, while at the same time a check be done that the insurance cover position matches up with lease provisions relating to insurance.

The next meeting will be held on 5 July at The Edge, Wigan.

JACQUELINE CUMISKEY, EASTERN BRANCH

The Eastern branch is growing in membership with joiners from NHS and Essex Fire and Rescue Service. We meet virtually monthly and have a full programme of CPD presentations, including a presentation from SK Architects about the award winning Bluebird Project, an innovative new project for homeless people in Southend. The development is being built to PassivHaus specifications using little energy for heating and cooling. The project has picked up numerous regional and national awards including from Essex Housing Awards and RIBA.

In May, we had a talk from AMP Clean Energy about Heat decarbonisation, grid flexibility and energy services from AMP Clean Energy and Suffolk County Council's Hannah Hammond (FACES member) spoke about working with AMP identifying the right sites, and how FACES works in practice.

We had the highest Teams audience in recent years when Lambert Smith Hampton gave a talk on Compulsory Purchase Orders – it proved extremely popular, and an excellent detailed powerpoint presentation was shared with the wider circulation of members so that no one missed out. The presentation took us through the lifecycle of CPO: pre-CPO, Making the CPO (property cost, project viability, testing whether it meets the threshold), confirming the CPO, vesting the CPO, compensation and lessons learned.

On 19 April the Branch was hosted by Essex County Council at County Hall, Chelmsford. The in-person event had a presentation on the Stansted Airport Expansion by Dean Hermitage, Strategic Director of Planning, Uttlesford District Council. Building on that theme, Gary Cullen from Southend on Sea Borough Council spoke about emergency planning, something most public sector organisations come across in practice from time to time. Interestingly on that same morning, there was a major incident when two council parks' employees were taken to hospital after a crash involving a car and three ride-on lawnmowers which closed a major road through Southend. The final thought-provoking talk was about Martyn's Law from the Counter Terrorism Unit. It is also known as the Terrorism Protection of Premises Bill. and is the legislative response to the findings of the Manchester Arena Inquiry; it is designed to reduce the risk to the public from terrorism by the protection of public venues. The law will require owners and operators of venues and public spaces to put in place measures to keep the public safe from a terrorist attack [Ed – see this and other issues of ACES' Terrier for full reports from a number of the presenters].

The work to identify the programme for in-person and virtual meetings takes place at monthly planning meetings; as we go to press, the July meeting will be in-person at the Ipswich Town Football stadium which is undergoing major works to meet the English Premier League requirements. This will be augmented by the Public Procurement Act 2023 and an Emergency relocation and accommodation presentation by Lambert Smith Hampton.

Eastern Branch Chair Alan Richards is spearheading a group to take part in the Yorkshire Three Peaks Public Sector Challenge. The team is fundraising for Cancer Research UK - please support the fundraising efforts if you can https://fundraise.cancerresearchuk.org/page/aces-public-sector-challenge-team-2024 .

GERRY DEVINE, WELSH BRANCH

Summer Meeting, 14 May 2024

A straw poll of attendees at the end of its 'live' meeting in November, which included a CPD workshop facilitated by Chris Brain that sparked much lively discussion and debate, revealed an appetite in the Welsh Branch for further live meetings in 2024. And so our summer meeting was held on a dry but rather cold day in mid-May overlooking Swansea Bay in the Civic Offices, where we were joined by our very welcome guests, ACES' President, Sara Cameron, and Branch Liaison Officer, Marcus Perry.

Branch Chairman, Clive Ball, invited ACES' President, Sara Cameron, to address the meeting. Sara told us that her year thus far has been very busy as the Head of Engagement, Neil Webster, has drawn her into many other engagements as well as her branch visits. She has also been working on organising the ACES Conference in Norwich, details of which are shortly due to go live on the ACES website. The Conference will be in Norwich Castle on 19 September and

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there will be a pre-conference dinner in the impressive Norman Foster designed Sainsbury's Centre on 18 September. She is also investigating if the conference could be made available on-line.

Dan Meek, ACES' SVP, is working on the ACES Awards for Excellence, and has instituted an extra category this year, with a new Rural Award. The President went on to talk about FACES, Future ACES members, and how Neil Webster is working to provide APC support for younger members with the help of Corporate Members, and asked that people in the early stages of their careers be invited to ACES CPD events. In this way, the is a conduit for Future ACES members and we may possibly even have a FACES Board.

ACES is also busy in several other areas: it is part of the Public Sector Forum with RICS (Sara, a past RICS Board Member, has maintained strong links with RICS), she has recently participated in the Offices for Good series of webinars via the website [Ed – see full article in this issue of ACES' Terrier], has linked up with UKREiiF (UK Real Estate Investment and Infrastructure Forum) for its conference in Leeds and is taking part in the Three Peaks Public Sector Challenge in September, for which volunteers and donations to Cancer Research are still welcome! [Ed – see link in Eastern Branch report]. There is also succession planning in progress with an Assistant Secretary (National) and Sponsorship Officers being sought.

Marcus Perry explained that his role as ACES' Branch Liaison Officer is to link the branches with ACES Council and also with each other. The Welsh Branch has linked with Heart of England Branch with members having joined in each other's online meetings.

The Branch Secretary, helped by the President, thanked Lorna Cross (Vale of Glamorgan) and Lisa Emerson (Merthyr Tydfil) for responding to his request for articles from Wales for the Spring edition of ACES' Terrier.

Geoff Bacon, our host for today as Head of Property in Swansea, and Lorna, are our nominated CLAW Asset Management and Estates Group (part of this group) representatives on the CLAW Leaders' Group, but Geoff explained that the Leaders' group was also meeting today so there was no feedback available. He also mentioned that there is a lot of overlap with the CLAW groups and he thinks they are in need of reform. Succession is also an issue, to chair the Leaders' Group.

We were also joined in this meeting by Sam Rees, Senior Public Affairs Officer, RICS Wales, who provides us with regular RICS updates and news. Starting with education, Sam said following the new GCSE in the Built Environment in Wales, the challenge for the next year is engaging with teachers of the subject (of the schools contacted so far, one was a geography teacher and another a design and technology teacher) so training in the built environment as a subject is called for. From the first cohort of results, it was found that those pupils with some site experience (work experience) did rather better than those who were classroom-only learners. At the Higher Level, Trinity St. David's University (Carmarthen) had recently held a Built Environment Careers Fair, to attract the GCSE in the Built Environment students, including some from Gower College.

Good news is that the University of South Wales (USW) has burgeoning applications for its surveying courses including the Real Estate degree and is looking for lecturers, as is Glyndwr University in Wrexham. RICS is also doing much work with Welsh Government on degree apprenticeships.

On Building Safety, Sam said that, following the RAAC CPD webinars being fully booked out at around 1,000 people each, RICS was looking at alternatives that could take a larger attendance, and insurers are now fully covering surveyors who have undertaken the CPD.

In Wales, the deadline for registration as a Registered Building Inspector has been extended to September as only two inspectors had registered by the original closing date. The Welsh Government is doing a lot of work behind the scenes on residential (cladding) surveys of multi-level blocks of over 11 metres tall, but there is uncertainty over how many there are; 80 are known, but there could be more.

Moving on to carbon assessments, Sam is working with the branch Vice-Chairman, Ben Winstanley, at Caerphilly, to include carbon assessments in procurement processes; on the Residential Retrofit Standard [Ed – see full article in this issue of ACES' Terrier], Sam has been working with surveyors in Greater Manchester and said that there is a massive list in Wales of people wanting to do retrofit courses as there are thousands of projects coming through. Sara mentioned that the NW Branch had a CPD speaker last week who said a rethink is taking place: if an authority hasn't the financial resources to decarbonise a property, it may be best to dispose or re-purpose it. Part of the issue is that politicians seem to set 'deadline' dates without properly considering whether they are achievable.

Some 50% of RICS members in Wales are in the public sector but there is only one public sector member on the RICS Wales Board. More public sector surveyors are needed on the Board to ensure the public sector is properly represented.

Regarding CPD, Sam advised that processes are being revised: the amount of formal CPD required, and also the APC, is under review. There is likely to be a more modular approach with more choice of modules, less mandatory modules, except for Valuation. Many APC candidates are now from the social housing sector. Sam reminded members, including APC candidates, that they can use the hot-desking facilities in the new RICS Wales offices free of charge.

University of South Wales Real Estate Course. – This new degree course, the first in Wales for over 20 years, was validated at the end of March and the RICS Accreditation panel had visited last Friday. The course is well-endorsed by industry and was well received by the panel. While it is believed that accreditation is to be recommended, there is a process that needs to be followed. Accreditation will boost numbers but over 50 applications were received through UCAS. Network 75 is unique to USW and 15 applications, 11 of which were first choice, were made for the Real Estate degree via Network 75.

Attendees were asked if any in the room could host a Network 75 degree student. Sam said the Welsh Apprenticeship Alliance had to turn students away last year as there were not enough host companies or organisations; we need more hosts to maintain a balanced intake to supply the demand. Promotion of the scheme is needed to disseminate knowledge of it. Note that Network 75 is the employer, so there are no HR issues, but it is recognised that the contract award (to Network 75 to supply the student) could bring in procurement issues. Sam is hoping to get Louise from Network 75 at USW to attend the RICS Wales Conference to provide more information to delegates. Matrics, which has over 100 members in South Wales, engages with USW to support the course.

Welsh Government (WG) and Ystadau Cymru (YC) Matters - Nigel Thomas, WG Land Division, advised attendees that the election of the new First Minister in Wales had given rise not only to changes at Cabinet level but also to structures, with corporate joint committees and collaboration coming to the fore. Julie James, Member of the Senedd, now has local government in her Ministerial portfolio. Asset Collaboration Scheme 3 is now open, and collaboration could be with the third sector.

Applications for the YC Awards open in June. On RAAC research, Nigel was pleased to report that most LAs had responded but there were still a few outstanding. The WG Building Safety Group is headed by Neal O'Leary and meets with YC members regularly.

For Community Assets matters, members were asked to get in touch either directly with Nigel, via the Branch Secretary, or with Lorna Cross, who sits on the Task & Finish Group. A survey of Procurement for Housing Projects has been launched and this year's round of the Land Release Fund – which can also be for buildings – is now open for applications to the Land Division. Applications can be made in collaboration with other organisations; there are such schemes in Porthcawl and Haverfordwest.

On e-PIMS' replacement, user testing is ongoing with some enhancements, particularly for surplus assets. Nigel again warned organisations against using e-PIMS as a lease management system as it is to be phased out!

Nigel closed his WG updates advising us of amendments to flood guidance with the publication of the Flood Guidance Statement in April, and the launch of the Rapid Flood Guidance Service trial on 14 May and running until 30 September 2024.

CPD Session - Chris Brain

As this was a 'live' meeting, Chris took the opportunity to facilitate a workshop-style CPD session, with discussion groups in the room asked to reflect on how each authority or organisation had reduced its portfolio to meet targets during the period of austerity, and what impact this had made on budgets and workloads. Chris was taken aback when it was revealed that one authority had actually increased its portfolio (by one property), but it was explained that this was for regeneration purposes. The general consensus was that property is an illiquid asset (or liability), especially in constrained economic times, and most targets seemed to have been set by finance departments that had not taken that fact into account in setting the targets, so that, in most cases, they were not met.

We hope that our guests enjoyed the meeting (including the view across Swansea Bay) and returned from Wales with new ideas and enthusiasm.

JOHN READ, NORTH EAST BRANCH

The North East Branch has continued with its practice of monthly virtual drop in sessions. These virtual sessions have no fixed agenda and are an opportunity for members to network, raise issues and seek support from other members. The topics covered at recent sessions include:

- ACES E-briefs and Terrier content
- Apprenticeships, recruitment and succession planning - the use of application forms is a barrier and CV applications should be used
- Leadership skills and promotion opportunities
- Freedom of Information requests - increasing volume of requests around contract and commercial issues
- Capital accounting - use of indexation and BCIS plus audit processes
- Planning issues
- Biodiversity Net Gain - need to maintain surplus sites and avoid them becoming overgrown. Potential viability issues and impact on affordable housing provision
- Nutrient Neutrality - mitigation measures and purchase of credits.

More virtual drop in sessions are planned and the next in person meeting is to be held in Darlington on 9 July, with a number of speakers lined up to provide a variety of CPD. It is also proposed to offer a site visit around the Darlington Station Regeneration project. More information to follow about the speakers, meeting content and feedback in a future branch news.

Simon qualified as a chartered surveyor in 1980. He started his career in the commercial field, moving to private practice in 1983. In the mid-1990s he joined Great Yarmouth Borough Council and in 2006 moved to Waveney District Council (now East Suffolk Council). He retired in 2018.

MORE MUSINGS
A plan or a map?

Simon Eades

Another thought piece from Simon which resonates with the Editor's own academic background and fascination with drawing and poring over maps.

A plan or a map?

At the end of my last article, I mentioned that I would be returning to Southampton to attend a family wedding in the New Forest. I followed the same route as the previous month and arrived in good time. However, I did not get to the Utilia bowl to watch a cricket match, as I had hoped – but there is always another time. On this journey I did not assist Southampton City Council in the generation of any additional income!

I have always reminded my children that they will never get lost on a car journey if they have a map in the car. Last month we went to Cornwall for a family holiday and were joined by both sons and their families. However, one son had to hire a car – his car was in the garage - and forgot to put in the road atlas. They did not get lost but did have some difficulty on the A30 in Cornwall, missing a turning as road works were in place. They chose to follow the suggested route on an app. Good thinking, but I suspect that had they had an atlas they would have had a shorter route.

When I suggested that they could have been more prepared by including a road atlas in the car, there was a degree of surprise. Surely they could rely on the Sat Nav? I said that I never went anywhere without a road atlas when on a long journey and, indeed, there was always an atlas in the car.

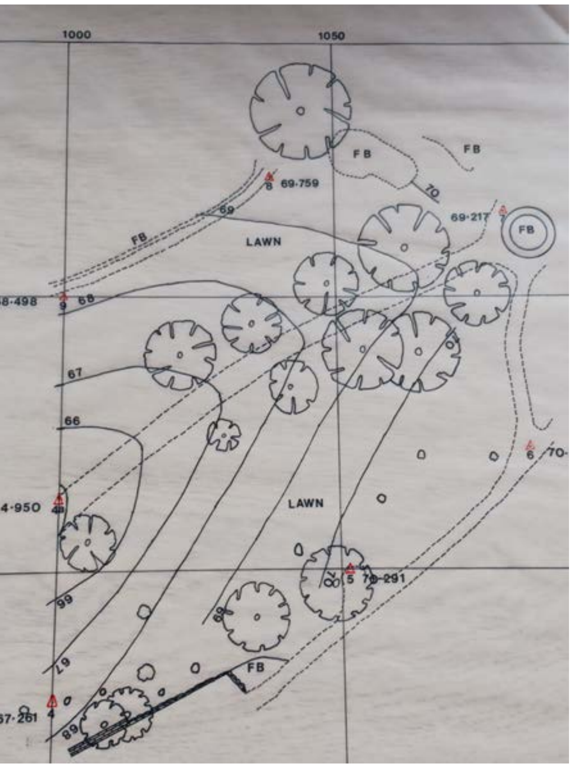
In the house where we stayed there was a Blue Ordnance Survey [OS] map of the area we were staying and showed the actual house we were occupying. My son asked what the difference was between a plan and a map. I was stumped initially and had to think quickly.

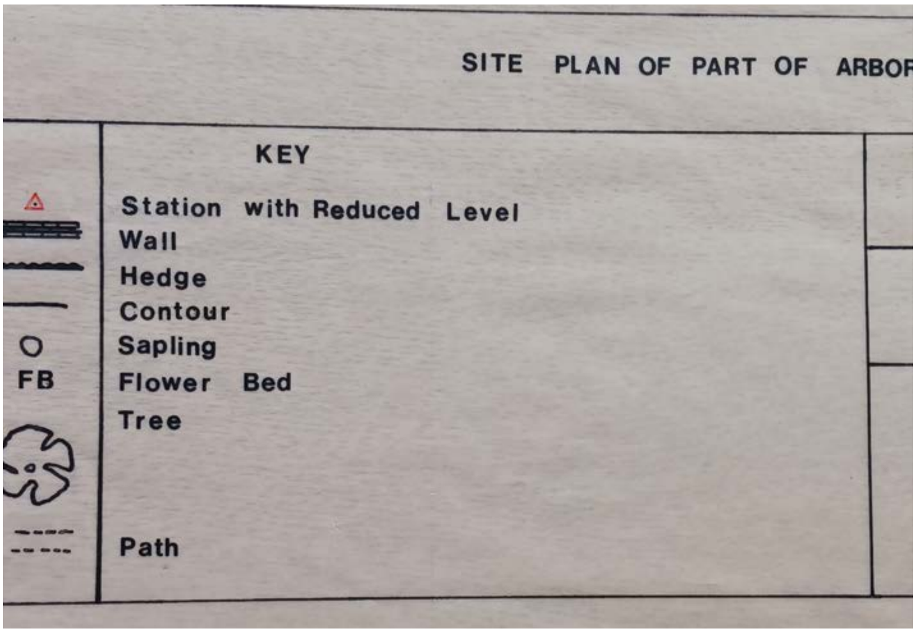
Clearly I was able to tell him what a map was – there was one on the wall in the house - but the precise difference between a plan and a map was rather more difficult. I knew what the differences were - I spent my early years as a trainee chartered surveyor drawing plans for various purposes.

I mentioned in my last article that I could still recall the first structural survey that I assisted on in my first week. It was 40 pages in length and my role was to prepare the location plan. I was lucky. The house and site was on the OS plan held in the office and I was told to prepare the site plan. I suspect that, despite careful instruction, I got it wrong. What could be simpler than placing a photocopy on a piece on paper, edging the site in red and putting a heading on the paper? It was not as simple when the property straddled two separate OS sheets, and even more of an effort when the property was on four sheets – assuming that the practice had all four copies in the map chest.

Over my early years, my plan drawing skills improved and developed while I was at Trent Polytechnic. The first piece of work, completed in the first term was a survey of part of the Arboretum in central Nottingham close to the Polytechnic buildings. The fieldwork involved using surveying equipment and noting the position of pathways, trees, flower beds and hedges. The practical work to prepare the plan involved the use of drawing pens and individual lettering. I must have learnt something during my first year as the mark on the plan suggests an award of 80%.

The drawing of plans continued during the first year in Nottingham, with exercises in building construction drawings on





A2 paper. Fifty years later, finding these in a cupboard at home may suggest how attached I was to these items and indicated how strongly I took the concept of measurement.

It was an art that took time to master but once mastered, there was a degree of satisfaction, and looking at them now, I am surprised I had the patience! Fifty years on, the plan and key still look good, but the photograph may not do the original justice!

Since then I have prepared many plans to accompany valuations and reports. Some of my initial drawings on site have been used as a first step by colleagues in the drawing office to prepare final plans for formal documents. More recently, it has become much easier to prepare plans on a computer and the need for drawing equipment has declined, but I do feel that the satisfaction of drawing a plan from scratch onto tracing paper is an art. I have kept my drawing equipment and recently rediscovered it at the bottom of a drawer.

I decided to look further for a definition of a plan and found one in a book that I recently found at a second hand bookshop. I found several definitions, but the consensual view was that a plan was a collection of two-dimensional sketches or drawings used to show an object or location. A simple definition but one to which I can relate.

It also reminded me, when as an APC Assessor and Chairman, how important the measurement and inspection competency was in deciding whether to award corporate status to the candidate.

The description of a map was, I felt slightly easier. Both sons knew what a map is – indeed son no. 2 did geography at "A" Level - and, like me, has a collection of OS maps. The book suggested that a map is a visual description of a region whether it be paper or electronic, highlighting relationships between elements of that space.

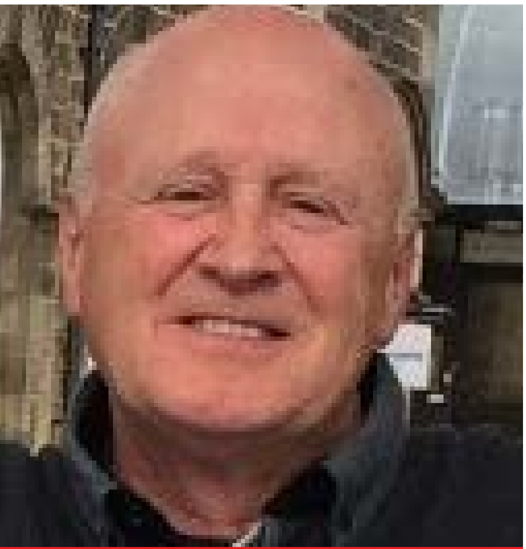
Reflections

I have to admit that I like maps. Whenever I visit a new location, I buy the current OS map and use it to assist in enjoying that location. I know that there is the OS App available on mobile phones, but there is nothing that can beat the feeling of holding an OS map on site.

What message does this say about me and the last 50 years as a chartered surveyor? Perhaps attention to detail is useful and has helped me over the years, even if I may have failed in some instances.

I started my last article with the statement that "you do not always know where you are coming or going or where you are going to!" My recent return trips to Southampton have been family related, but I always look out to the left hand side going down the M271 as we pass the headquarters of the Ordnance Survey!

I am not going on my travels in the foreseeable future, but hope that those reading this article and are coming to the ACES Conference in Norwich in September have a safe journey and do not necessarily rely on a Sat Nav! It might take longer to get to Norwich than the Sat Nav may suggest, but I hope that those who come enjoy themselves.



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

Taken from Stan The-Man's Facebook page with thanks

SELWYN – THE MIDDLE YEARS

Seeking Buried Treasure (1998)

Dave Pogson

'The Selwyn Series', 'Herdwick Tales' and 'Selwyn – The Early Years' that precede 'Selwyn – The Middle Years' were written specifically for ACES' Terrier. Each story was a self-contained episode in the life of a council property manager from 2001 to the present day and beyond, as he approached and enjoyed early retirement from the fictional Herdwick District Council. They can still be read in back-issues of ACES' Terrier, starting from 'The Final Vote' in 2017/18 Winter Terrier.

The characters often presented controversial and outspoken opinions on local and central government policy and practice. The stories were fictitious and occasional historical background details may have been changed to fit the chronology. The views expressed were those of the author, not those of ACES. The author offers thanks to former ACES member Martin Haworth (ex-Lancashire County Council) for contributing suggestions to help improve this series.

'As the Chairman of the RICS' Junior Organisation's Northshire Branch, I'm very pleased to welcome to this training event our guest speaker Selwyn, my boss and Property Manager to Herdwick District Council.'

Farah, the Estates Surveyor to Herdwick District Council, was standing behind the Chairman's table facing the seated ranks of the North-West's Junior RICS membership. They were in the meeting room on the first floor of Shepdale Town Hall. The Great Shepdale Bell in the clock tower above them boomed seven times. Coffee and biscuits had been consumed. The October night was dark outside and the rain spattered against the windows, but inside it was warm and welcoming.

Selwyn rose from his chair beside Farah, glanced at his notes and began his address.

'Hello everyone. Thanks to all of you for inviting me here. There's a hand-out covering my talk to refer to as we go along. Please make yourselves comfortable and if you nod off, at least you can read about it afterwards. My subject tonight will cover the "Rules of Negotiation". Negotiation is an important part of your work and hopefully I can pass on some helpful tips that you young surveyors might benefit from.

Now, this may be a strange start to my talk but I make no apology for it. 'Treasure Island' by Robert Louis Stevenson is my all-time favourite story. I first saw the Disney film when I was five years old at the cinema in Lanchester. During the film, my mother developed severe toothache and we had to leave early. I'd seen enough by then to be hooked for life and couldn't wait to buy the book. I still read it. Maybe I'm peculiar, but once I'd immersed myself in a career as a property negotiator I just couldn't help noticing that the negotiation between Captain Smollett and Long John Silver was very much like a property deal.

All negotiations are different, but usually they all benefit from following certain rules. It's wise to follow them if you want the negotiation to be successful. Not everyone does and not every negotiation is successful. So you should try to learn from the process. No-one is born with negotiating skills. You can read about the theory in textbooks, but good negotiators are honed by experience. Until that time, you can benefit from Robert Louis Stevenson's delightful written account.

So let me set the scene

The Hispaniola has sailed to Treasure Island following Captain Flint's map in search of buried treasure. Secretly, most of the crew are pirates under the leadership of the ship's cook, Long John Silver. When they reach Treasure Island the pirates plan to arm themselves and take over the ship and seize the treasure map. Before they can do so, the others of the ship's company learn of the plan and trick the pirates into going ashore. Squire Trelawney, Dr.Livesey, Valuation Office Agency

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Captain Smollett, Jim Hawkins (the cabin boy) and the few-remaining loyal crew then leave the ship, taking arms and supplies, and after a skirmish causing death on both sides, occupy an old stockade on the island where there is fresh water. Unbeknown to them, Ben Gunn lives alone in a cave on the island having been marooned there by Flint. Silver knows that he has to make a deal with those in the stockade if he wants to secure the treasure map. Initially Smollett represents the ship's company.

So we're set up for a negotiation. The pirates are prepared to kill for the map; the other side wants to live to find the treasure. A simple enough situation but the devil is in the detail. Long John Silver calls for negotiations.

Let's watch a short excerpt from the film: the first meeting. Farah, can you do the honours please?'

Farah pointed a remote control at the projector and a video flickered to life on the screen to the side of Selwyn. They all watched and listened to the excerpt in silence until Farah stopped it.

'Right,' said Selwyn, 'I haven't developed toothache yet so let's continue. You should all have a short extract of that conversation from the book in the hand-out.'

The junior surveyors shuffled their papers until they found it. Then Selwyn continued.

'There are 10 Rules of Negotiation

<u>Rule No.1: Prepare</u>

Fail to prepare and prepare to fail. Co-ordinated negotiation is key, especially if part of a team. Then you all need to ensure that you're on the same page. If solo, then you need to be clear about your alternatives; what you can do if negotiation fails. In this case the team of Smollett, Trelawney and Livesey had previously agreed a fall-back position.

"But our best hope, it was decided, was to kill off the buccaneers until they either hauled down their flag or ran away with the Hispaniola. From 19 they were already reduced to 15, two others were wounded, and one, at least – the man shot beside the gun – severely wounded, if he were not dead. Every time we had a crack at them, we were to take it, saving our own lives, with the extremest care."

<u>Rule No.2: Assess bargaining power</u>

This comes in many forms and you may often have more of it than you think. It is crucial to knowing where your strengths and weaknesses lie. It is not just something obvious, like market power, but can be subtler, such as relationship power or time deadlines.

Before the negotiation starts Trelawney, Livesey and Smollett are aware of a potential deadline that Silver is up against:

"And, besides that, we had two allies – rum and the climate.

As for the first, though we were about half a mile away, we could hear them roaring and singing late into the night; and as for the second, the doctor staked his wig that, camped where they were in the marsh and unprovided with remedies, the half of them would be on their backs before a week.

<u>Rule No.3: Set the scene</u>

Surroundings and climate make a difference to negotiation. Choose the location carefully as it can reflect how the negotiation will play out. Cold and informal locations may inspire hostility, while a more informal setting may encourage warmth and agreement. In this case, both men know that Smollett will not leave the safety of the stockade. Silver has to go to him. That suits Smollett as it assists him with two elements of the negotiation. Silver has to trust his safety under the flag of truce to Smollett, and Smollett wants Silver where he can goad him as much as possible. So Smollett has all the advantages of location. As Silver says,

"We're willing to submit if we can come to terms and no bones about it. All I ask is your word, Cap'n Smollett, to let me safe and sound out of this here stockade, and one minute to get out o'shot before a gun is fired."

<u>Rule No.4: Set the tone</u>

From the start you should set out the terms of engagement. Everyone should agree to have a productive and respectful negotiation. It helps with clarity, but also allows you to anchor back if anyone deviates from the point or wants to play tough.

Smollett again uses his advantage:

"My man, I have not the slightest desire to talk to you. If you wish to talk to me, you can come, that's all."

He also sets the tone by forcing Silver to climb the stockade fence (Silver has only one leg) and walk uphill over tree stumps through soft sand with his crutch. When he arrives, Smollett refuses to let him into the hut out of the cold. He also insults him,

"Why Silver, if you had pleased to be an honest man, you might be sitting in your galley. It's your own doing. You're either my ship's cook – and then you were treated handsome – or Cap'n Silver, a common mutineer and pirate, and then you can go hang!"

When Silver initially starts to make threats against Abe Gray, Smollett anchors him back:

"'If Abe Gray — 'Silver broke out.

'Avast there!' cried Mr. Smollett. 'Gray told me nothing, and I asked him nothing; and what's more, I would see you and him and this whole island blown clean out of the water into blazes first. So there's my mind for you, my man, on that.'

This little whiff of temper seemed to cool Silver down. He had been growing nettled before, but now he pulled himself together."

This negotiation has not started well and, eventually, when Silver leaves no-one will help him to his feet, again in line with the hostile tone.

<u>Rule No.5: Listen</u>

Successful negotiation requires true understanding of the other party's wants, needs and motivations. This can only be achieved by listening and drawing out information from what they tell you. A good rule of thumb is to spend 2/3rds listening and only 1/3 speaking. Smollett has this off to perfection.

"If you have anything to say, my man, better say it."

Silver cannot resist praising Smollett for something that happened during the night.

"Well, now, you look here, that was a good lay of yours last night … Some of you pretty handy with a handspike-end. … He wasn't dead when I got round to him, not he."

Smollett knows nothing about this but by saying very little and listening, he learns something to his advantage; that another pirate has been killed (by Ben Gunn) and that the odds in battle have just improved in the company's favour.

Then they sit smoking in silence until Silver, again, cannot resist breaking the silence and is forced to make the opening bid in the negotiation. We'll examine that later.

<u>Rule No.6: Enjoy it</u>

Negotiation can be tense, drawn out and stressful. Learn how to turn it into an enjoyable experience and everyone will be thankful. In particular, avoid emotion. It's clear that Silver at least does not enjoy it and cannot keep a lid on his emotions. Stung by Smollett's comments he becomes unpleasant and threatening:

'Then he spat into the ground.

"There!" he cried. "That's what I think of ye. Before an hour's out, I'll stove in your old block house like a rum puncheon. Laugh, by thunder, laugh! Before an hour's out, ye'll laugh upon the other side. Them that die'll be the lucky ones."

And with a dreadful oath he stumbled off.'

Such threats and oaths were hardly likely to work on a man like Smollett, an ex-navy captain and used to being obeyed, a man who could keep his emotions under control even in the most stressful of situations. Contrast this reaction:

'Captain Smollett rose from his seat and knocked out the ashes of his pipe in the palm of his left hand.

"Is that all?" he asked.'

with

'Silver's face was a picture; his eyes started in his head with wrath. He shook the fire out of his pipe.'

Smollett is enjoying the exchange, Silver is not.

<u>Rule No.7: Hard men don't win</u>

Successful negotiation should create a deal that both parties feel good about. Win-win, not all out to win. Negotiating fairly and with respect will enhance your reputation as a negotiator. In this case two hard men show no intention of reaching agreement. Smollett is stubborn and Silver is arrogant. Smollett admits later that he has goaded Silver on purpose, reasoning that battle is probably inevitable and might as well be fought sooner as later, while they are alert and fresh.

"I've given Silver a broad-side. I pitched it in red-hot on purpose; and before the hour's out …we shall be boarded."

Clearly that's no way to reach agreement. As a result, Silver storms off in a rage and Smollett is left to organise the defence of the stockade.

<u>Rule No.8: Know when to quit</u>

Sometimes negotiations hit a brick wall. Then it might pay to break and regroup, or to be open and discuss the impasse frankly. If that doesn't work, then perhaps the deal cannot be done. Some deals are just not meant to be; new information may come to light, which changes the whole equation.

If we look at the opening offer from Silver:

"You give us the chart to get the treasure by, and drop shooting poor seamen and stoving of their heads in while asleep. You do that, and we'll offer you a choice. Either you come aboard along of us, once the treasure's shipped, and then I'll give you my affy-davy, upon my word of honour, to clap you somewhere safe ashore. Or if that ain't to your fancy, some of my hands being rough and having old scores on account of hazing, then you can stay here, you can. We'll divide stores with you, man for man; and I'll give my affy-davy, as before to speak the first ship I sight, and send 'em here to pick you up."

…and then the counter-offer from Smollett:

"If you'll come up one by one, unarmed, I'll engage to clap you all in irons and take you home to a fair trial in England. If you won't, my name is Alexander Smollett, I've flown my sovereign's colours, and I'll see you all to Davy Jones. You can't find the treasure. You can't sail the ship — there's not a man among you fit to sail the ship. You can't fight us — Gray, there, got away from five of you. Your ship's in irons, Master Silver; you're on a lee shore, and so you'll find. I stand here and tell you so; and they're the last good words you'll get from me, for in the name of heaven, I'll put a bullet in your back when next I meet you. Tramp, my lad. Bundle out of this, please, hand over hand, and double quick."

It's pretty clear that negotiations have hit a brick wall. As I said earlier, Smollett is prepared to walk away – he can risk deliberately provoking Silver. So they break and Silver mounts his onslaught against the stockade to try and change the situation.

We can't watch an excerpt from the film because Disney's screenplay is a re-write and they changed the story. So you need to refer to the second extract in your hand-out.'

The junior surveyors shuffled their papers again and Selwyn continued.

'Livesey then acquires new information on which to promote the second negotiation meeting. Both he and Silver have already learnt that the pirates are not strong enough to take the stockade by force, following the failure of their attack. Then Livesey learns that the map is worthless. A follow-up meeting producing a new deal – the map in return for safe relocation – shows Livesey and Silver reacting to new information following the failure of that initial meeting.

<u>Rule No.9: Offer loose change</u>

This is something that has value to the other party but not so much to you. Discovering the other party's motivation can allow you to keep the loose change for later in the negotiation. A classic example is the salesman throwing in an extended guarantee with a used car to clinch a deal. He gets his price at an insignificant cost to him, but you get valuable peace of mind if anything goes wrong.

This goes hand in hand with the suggestion that you should never offer something in a negotiation without getting something back.

Loose change never comes into the initial meeting between Smollett and Silver as they are so far apart on fundamentals. However, when Smollett is shot, Livesey takes over for the second meeting. Livesey changes the venue – going out to find Silver – and changes the tone to create trust.

"Well," says the doctor, "Let's bargain."

This time Livesey is aware that Ben Gunn has moved the treasure to his cave on the two-pointed hill, so the map is worthless. He also knows that the ship has disappeared. So Livesey is able to make a deal. There is an exchange of loose change. The map (very valuable to the pirates) in exchange for the chance to relocate from the stockade (very valuable to the company), but neither worth anything to the other side:

'… he had gone to Silver, given him the chart, which was now useless – given him the stores, for Ben Gunn's cave was well-supplied with goat's meat well salted by himself - given anything and everything to get a chance of moving in safety from the stockade to the two-pointed hill, there to be clear of malaria and to keep a guard upon the money.'

<u>Rule No.10: Remember win-win</u>

My biggest tip is to remind you of Rule No 7. Hard men don't win. Negotiating is about getting a good deal; not destroying the other party. You may have to meet again when the boot is on the other foot. Livesey and Silver think that they have achieved a good deal after the second meeting.

We discussed Smollett and Silver earlier – both hard men. On 10 April this year, some hard men concluded a very complex and bitter negotiation. I refer, of course, to the Good Friday Agreement for peace in Northern Ireland. None come any harder than the main antagonists, Martin

McGuinness and Ian Paisley. Both sides won, neither side lost. No-one was crushed. While neither was ecstatically happy, they both walked away with a successful deal acceptable to each side. That's how it should be. Many said it would never happen. And neither side has been stupid enough to brag about their successes because that deal had to be based on trust. Lives still depend upon it.

Now, let's talk about what you've seen and heard, and I'll try to answer any questions.

Let me pose the first one. Who thinks that the company should have remained aboard the Hispaniola to strengthen Smollett's negotiating position? Would that have been a better choice of location?'

***

Eventually, Selwyn drew the discussion to a close.

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