



## OVERVIEW AND SCRUTINY COMMISSION

17 FEBRUARY 2021

### SUPPLEMENTARY PAPERS

**TO: ALL MEMBERS OF THE OVERVIEW AND SCRUTINY COMMISSION**

The following papers were circulated at the above meeting.

Kevin Gibbs  
Executive Director: Delivery

**Page No**

**6. SCRUTINY OF PLANNING PRACTICES**

**3 - 8**

The Commission has invited guests to address the meeting before considering the following question:

“Are our current planning practices robust enough to protect Bracknell Forest from developers manipulating viability study process?”

and deciding whether to make any recommendations to the Executive.

- Andrew Hunter, Director: Place, Planning and Regeneration to speak to the Council’s current planning practices followed by questions (25 minutes)
- Andrew Jones from BPS Chartered Surveyors to answer questions relating to viability assessments (15 minutes)
- Jim Bailey, representative from Pegasus Planning to provide a developer’s perspective (15 minutes)
- Councillor Turrell, Executive Member for Planning and Transport to answer questions on his portfolio in relation to planning practices (15 minutes)
- Conclusions and recommendations

#### **Evidence Pack to support this item**

Please note the Evidence Pack should be read in advance of the meeting but for those short of time the essential reading is the Development Viability presentation.

- BPS Chartered Surveyors presentation on Development Viability: what is Involved and what has changed
- National position on Plan viability and planning application decision making [Viability - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- [Planning Obligations Supplementary Planning Document \(bracknell-forest.gov.uk\)](http://bracknell-forest.gov.uk) – this includes the Affordable housing policy and viability matters

**7. EDUCATION, SKILLS AND GROWTH PANEL REVIEW REPORT: APPRENTICES** 9 - 12

To consider the draft Apprentices review report prepared by the Education, Skills and Growth Overview and Scrutiny Panel for submission to the Executive on 16 March 2021.

**8. WORK PROGRAMME UPDATE** 13 - 18

Overview and Scrutiny Panel Chairs to provide a verbal progress updates on the work programme.

The Commission to consider any proposed changes to the Overview and Scrutiny work programme such as scope, scheduling or duration and its potential impact on the delivery of the overall programme.

Overview and Scrutiny Commission  
**Development Viability Policy and Practice**

17 February 2021



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## Government Policy

### **The National Planning Policy Framework (NPPF)**

- Where up-to-date Local Plan policies set out expected contributions, compliant planning applications should be assumed to be viable.
- It is up to the applicant to justify the need for a viability assessment at the planning application stage.
- Weight given to a viability assessment is for the decision maker (generally the LPA), having regard to all the circumstances in the case, including whether plan and viability evidence is up to date, and any change in site circumstances since the plan was adopted.

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## Government Policy

### Planning Policy Guidance – (link in agenda pack)

- Role for viability assessment is primarily at plan making stage.
- Local Plan viability assessment shouldn't compromise sustainable development but used to ensure policies are realistic, and cumulative cost of policies will not undermine overall plan delivery.
- Particular circumstances needed to justify viability assessment at application stage - and could include:
  - development on unallocated sites of a wholly different type to those tested in the plan viability assessment;
  - further information on infrastructure/site costs have emerged;
  - non-standard market development or;
  - recession or similar economic change since plan adoption.

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## Government Policy

### National Planning Guidance -

NPPG sets out standardised inputs to viability assessment including:

- Principles for carrying out a viability assessment;
- How gross development value and costs are defined for viability assessment;
- How land value is defined;
- Factors to be considered to establish benchmark land value;
- Existing use value in viability assessment;
- Role of alternative uses in establishing benchmark land value;
- Defining return to developers (normally use 15-20% return for local plan viability purposes)
- How viability assessment applies to build to rent.

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## Key Planning costs for development

- Community Infrastructure Levy (Fixed)
- Thames Basin Heaths SPA (Fixed)
- S.106 Agreement – negotiated
  - Affordable housing
  - Some Infrastructure provision
  - Other elements set out in the Obligations SPD

Since the introduction of CIL the use of s.106 agreements has largely dealt with Affordable Housing this is generally the area where viability assessments focus.

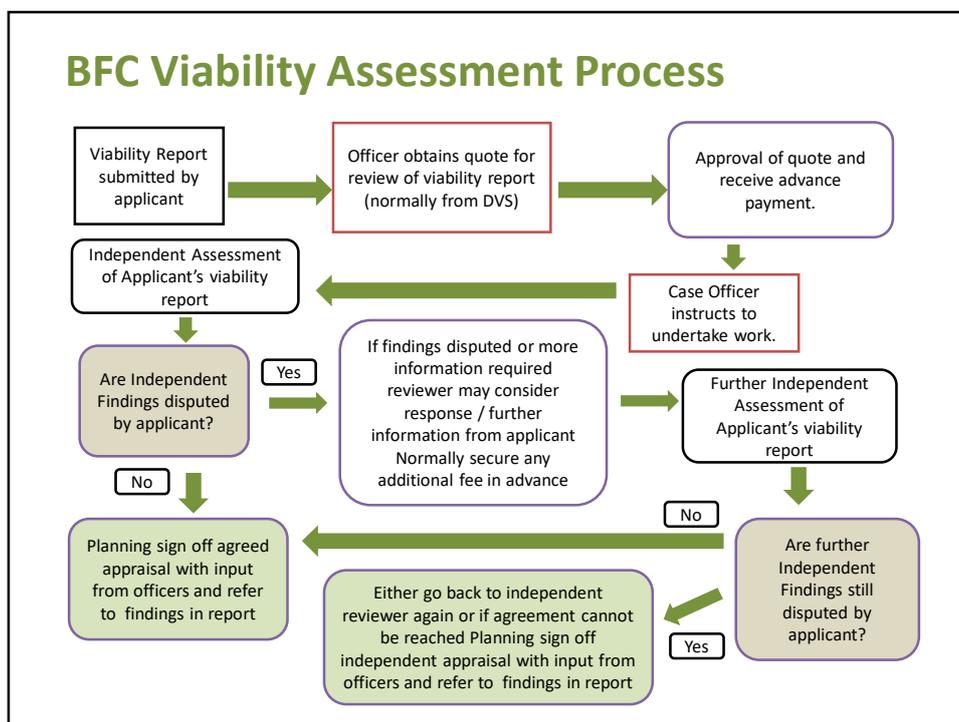
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## Viability Assessment at BFC

### **Current Policy - Planning Obligations SPD**

- Any claims that a site cannot be developed viably with an affordable housing contribution must be justified with clear and robust evidence which stands up to scrutiny and independent expert review.
- Any relaxation in the provision of affordable housing should be the minimum needed to make the scheme viable.

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### Viability Assessment at BFC

Question	Answer
Do officers too readily accept what developers put forward?	All viability assessments are subject to independent assessment and are regularly challenged through the Council's process.
Is the process transparent?	This was not the case previously - but in line with NPPF has become more transparent. Viability assessments are being made public – most recently Palm Hills where the applicant's VA and the independent assessment are on the BFC website.
How often do we assess viability?	A viability assessment is required whenever a developer claims they cannot meet policy requirements (normally affordable housing) and this is always independently assessed for BFC. Over the last 3 years 9 planning applications have been subject to viability assessment

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## Considerations

- Local Plan tested for overall plan viability both in preparation and at local plan examination;
- Up to date polices (tested through viability assessment), aid delivery of plan requirements;
- Site specific issues may affect development viability, and developers have the ability to raise a viability argument at the planning application stage;
- The number of viability cases is small in comparison with the number of applications the Council deals with.

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## Overview and Scrutiny Education, Skills and Growth Panel: Apprenticeships review

### Key findings:

- Important for developing existing staff as well as young people
- There was a perception problem around apprenticeships;
- Businesses did not fully understand how to access funding and if they were eligible.
- One of the biggest barriers identified was bringing together business and apprentices
- There was already a lot of good practice by BFC and partners and the recommendations build on this

### FOUR LEVELS OF APPRENTICESHIPS



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## Local Business: How we can help

### Barriers

- Working from home meant supporting new and inexperienced staff could be a challenge
- Confusion existed around paperwork and if they were eligible for the scheme.
- SMEs already had pressures on their time and needed support to understand the process.

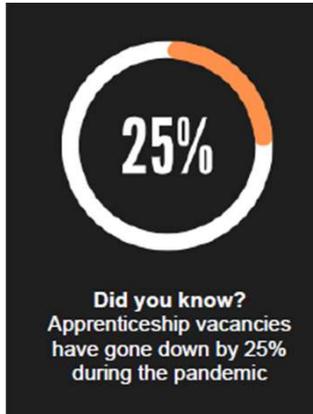
### Solutions

- Partnership working to encourage information sharing and provide support
- Mentoring scheme between businesses



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## Apprentices: How we can help



### Barriers

- Apprentices needed to find their own employers
- Perception gap; occupations available, pay, who was eligible
- Coronavirus meant annual apprenticeship fair could not take place
- Information could be hard to find and in lots of places
- Coronavirus had impacted vacancies

### Solutions

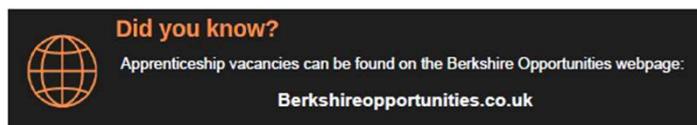
- A video talking to businesses and apprentices which could be shared on social media and by schools
- Council webpages to be updated



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## Recommendations

1. That the Executive works with Apprenticeship pathway providers to ensure our young people aged between 16-21 have the best opportunities and outcomes.
2. That the Executive adopts an Apprenticeship policy which sets out expectations around pay, terms and conditions and that the Education, Skills and Growth Panel is consulted on the draft policy and for this to be completed by December 2021 to coronavirus capacity limitations.
3. That the Executive promotes Apprenticeships externally and internally by producing a promotional video which highlights the benefit of becoming an apprentice, growing businesses, and supporting the economy by March 2022 to coronavirus capacity limitations.



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## Recommendations 2

4. That the Executive reviews the current Apprenticeship webpages and updates the content to include more information, links to job vacancy websites and information about what to expect from an apprenticeship by December 2021 to coronavirus capacity limitations.
5. That the Executive investigates whether it would be possible to facilitate a mentoring scheme between large businesses and small/medium businesses to encourage more apprenticeship opportunities by March 2022 to coronavirus capacity limitations.
6. That the Executive develops ongoing partnerships across Berkshire to provide a united gateway of support and guidance to businesses enabling them to take better advantage of the apprenticeship levy.



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## Overview and Scrutiny Commission 17 February 2021



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### Work programme resourcing principles

- Commission asked that each panel undertakes one review at a time due to pressure on members' availability
- Each review requires significant preparation and activity before panel activity / review meetings commence for example collating evidence packs and setting up witness attendance
- Delays to conclusion of reviews will impact on commencement of a panel's own review and potentially another panel's review
- The Commission will need to carefully consider these impacts when agreeing changes to the work programme

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## Current interdependencies

Education, Skills and Growth: CIL review is being redesigned to adjust timing of officer input from the Planning department.

Environment and Communities: Agreed delay to the current RSL review will result in delayed start to the Food Waste review and Blue Badge review. This is now anticipated to start in April.

Wellbeing and Finance: Any delay to existing reviews will impact on the commencement of the Blue Badge review. It is anticipated that this will start in April as the current review concludes.

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## Current work programme

Review due to start:	Education, Skills and Growth	Environment and Communities	Wellbeing and Finance
21-22 Q1	Community Infrastructure Levy Economic resilience	Food Waste Protecting and enhancing our environment	Blue Badges Looking after you and your family
21-22 Q2			
21-22 Q3	County Lines Communities & Education and Skills	Residential Parking Protecting and enhancing our environment	Reordering is on hold for: <ul style="list-style-type: none"> <li>• Conclusion of incomplete Healthy eating, activity and exercise</li> <li>• Digital Access</li> <li>• Mental Health</li> <li>• Primary Care Networks</li> <li>• Unsafe hospital discharge</li> </ul>
21-22 Q4			
22-23 Q1	SEND Education and Skills	Integrated Enforcement Protecting and enhancing our environment	
22-23 Q2			
22-23 Q3	Governors Education and Skills	Topic TBC	

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# Overview and Scrutiny Commission 17 February 2021



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## Environment and Communities Panel

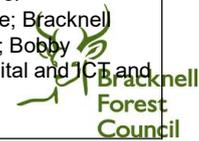
Registered Social Landlords	
Due date of completion	April 2021
Dates of activity	All sessions completed. Panel meeting held on 15 February to draft key findings and recommendations.
Current RAG Rating	On target
Concerns/remedial work	None
Progress	All interviews complete: housing officers, environmental health officers, Silva, MTVH, Southern Housing Group and Home Group. Interviews also carried out with 5 tenants and 1 leaseholder across the 3 largest local RSLs. Answers to supplementary questions received from the 3 largest RSLs.



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## Wellbeing and Finance Panel

<b>Social Isolation &amp; Loneliness</b>	
Due date of completion	April 2021
Dates of activity	Series of meetings during Dec / Jan 2021 – see below. Final meetings to draft and finalise recommendations TBC.
Current RAG Rating	<b>On target</b>
Concerns/remedial work	Due to pressure on services from rise in Covid-19 cases meetings with Public Health and Adult Social Care rep's have been unable to take place. Meetings with Berkshire Healthcare Foundation Trust and Clinical Commissioning Group rep's delayed until end February.
Progress	Panel members initially met with key officers from Adult Social Care and the Chief Executive's office to analyse the Community Impact Assessment and Resident's Survey in December 2020. Interviews held with representatives from Involve; Bracknell Churches Together; Bracknell Islamic Cultural Society; Bobby Mulheir- Assistant Director: Customer Experience; Digital and ICT and residents, including carers.



## Blue Badges Review Wellbeing and Finance Overview & Scrutiny Panel

### Reason for review

- Multiple complaints
- Info arising from SI&L review (can't get out)
- Primary legislation to help those with hidden disabilities – outcome different
- Ombudsman involved – albeit stated protocols followed – appeal process was criticised (since improved) – improved processes but need monitoring data - same outcome?
- Local media involved – comparisons with others BFC at lowest end (disparity between visible and non-visible disabilities – BFC is 16<sup>th</sup> highest disparity).

### Objectives/scope

The review is aiming to understand why:

- Outcomes are so poor, in relation to other Councils
- A disparity exists between the intended outcomes of the primary legislation and the outcomes delivered

The review will do this by enquiring about (not an exhaustive list):

- What BFC is doing differently
- The evidence needed for a positive assessment of those with a hidden disability
- The training of awarding officers regarding hidden disabilities
- Comparison with questions regarding PIP grants

At the conclusion of this work the Panel will produce a report highlighting its findings and proposing recommendations to the Executive, with a view to improving the internal evaluation process and enhancing the reputation of BFC, in relation to support residents with hidden disabilities.

### Delivery methods:

- Interviewing relevant witness, including those affected
- Consulting other local authorities to understand how their schemes are run
- Desktop review of relevant data and any comparisons between legislative intentions and internal BFC protocols

### Council theme:

- Caring for you and your family
- Value for money

### Council team:

- Democratic services officer
- Blue badge Officer

### Review due:

- April 2021

### Proposed by:

- Cllr Malcolm Tullett, Chair Wellbeing and Finance Panel

### Equality Impact Assessment

- Potential for unintended discrimination
- Potential for enforced isolation and loneliness

### Financial and legal implications

There are potentially legal and financial implications of any recommendations arising from this review which will be fully addressed in the review report.

### Climate change implications

Unknown, at this stage, although the implications of any recommendations arising from this review which will be fully addressed in the review report.

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