



# Knowle, Dorridge and Bentley Heath (KDBH)

## Neighbourhood Forum

### KDBH Area NCIL Bids 2021/22

**Jobs Close Park Pond - £20,499.61**

**Bridge Meadow Drive Pond - £31,505.45**

(both part of the Council's Newts & Shoots Pond Creation & Enhancement Project)

#### 1.0 Summary

This note flags material concerns that the KDBH Forum has identified regarding the validity of two NCIL bids put forward by the Council. The Forum first became aware of these on 1 October 2021 - we have not been engaged in their development.

Based on the details below, the Forum urgently seeks a decision from the Council on whether the two bids meet the 'Checklist' validation criteria to progress to full assessment. This is essential BEFORE the Forum seeks resident views: a) to avoid residents 'voting' for a bid(s) subsequently deemed invalid; and b) to manage effective use of the significant Forum resources needed to undertake rapid resident consultation which, based on the KDBH community's own bids, would otherwise not be required.

It is the Forum's firm view that the issues raised objectively evidence that the bids in their current form should be withdrawn as failing to meet the Council's NCIL bid assessment requirements and NCIL bid criteria. Should the Council decide to proceed with the bids, then the Forum would need to make any outstanding concerns it has explicit to residents. This is because approval of these Council bids, by the Council, would deny funding to three of the four bids generated from within the community.

#### 2.0 Context

This is the 3<sup>rd</sup> NCIL bidding round using the Council's standardised NCIL assessment method for non-parished Wards. As noted in previous rounds, the KDBH Area is unique in Solihull as having a very active Neighbourhood Forum that works hard to inform and involve the community across two Wards in planning matters affecting them, including NCIL. The KDBH Area also receives a higher percentage of CIL funding as it has a 'made' Neighbourhood Plan. Consequently, there is no shortage in the number and size of community-generated bids seeking NCIL funding. Other non-parished areas typically have more bids put forward by Council teams.

On 1 Oct, the KDBH Neighbourhood Forum received copies of the finalised KDBH 2021/22 NCIL bids. Most were very familiar to us, having (as agreed with the Council) worked closely with the community to promote and support bid development. Two bids, however, came as a complete surprise, both of which were submitted by a Council Service Area.

The new bids relate to the Council's wider 'Newts and Shoots' suite of biodiversity improvements covering 7 sites, 2 of which are in KDBH. In principle, this is a project that the Forum, and no doubt most KDBH residents, would fully support. The question, however, is: a) whether NCIL is the right funding route<sup>1</sup>; and b) whether the current status of the bids meets NCIL requirements.

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<sup>1</sup> We note that the Council's Strategic CIL priorities, per the Regulation 123 list, covers Strategic Green Infrastructure, including reference to biodiversity and provision of maintenance including Public Open Space.



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The Council has yet to undertake initial validation of NCIL bids against their agreed NCIL Checklist. However, we are advised to now seek resident views on the KDBH bids, ***on the proviso that*** we

*“pose the questions to make sure that individuals can decide which bid(s) they wish to support, instead of asking them which they prefer. By doing so, we will be able to take their views/votes into account under the ‘public support’ section of the scoring matrix.”*

As a pre-requisite to ensuring effective resident consultation, the Forum has undertaken its own quality review of the two new bids. This has flagged some material concerns regarding their validity, as well as some general concerns on process, as set out below.

### 3. Validity of Council KDBH NCIL Bids

#### 3.1 Costs and Risk

The Council’s NCIL bid application form states that the bidder is required to:

*“attach evidence of quotes that have been sought as confirmation of the cost breakdown. Without the submission of quotes, your application will not be taken further.”*

At the point of bid submission, tendering for both bids had not even started. A need to increase confidence in project viability is also cited following a previous tender where quoted costs were more than twice that originally anticipated:

*“We are therefore re-tendering with a wider works timescale of autumn/winter 2021/2 and an increased budget, **to give greater confidence** that the project can be achieved.”*

Without firm quotes, there is no basis to assess actual project cost/benefit - let alone how these relate specifically to the two KDBH ponds. Furthermore, from a risk perspective, the stated need to increase confidence on project viability means certainty around deliverability is currently very low.

**On this basis alone, the Forum’s view is that the two bids should be ruled out.**

We note that, in the absence of actual costings:

- one project bids for *all the funding available in the Knowle Ward NCIL pot*. This bid was initially sent to us with a funding request above the KDBH pot available; then quickly re-submitted with the funding adjusted to exactly meet the total amount available
- the second project bids for *the vast majority of funding available in the Dorridge/Bentley Heath NCIL pot*

It is not unreasonable to conclude that the bids are simply seeking to ‘hoover up’ as much funding as possible without any supporting justification.



### 3.2 Impact

Approval of these bids:

- would deny funding for 3 of the 4 KDBH community-generated bids, with consequent detrimental impact on the community's willingness to get involved in NCIL in the future given the not inconsiderable amount of effort involved in bid development
- could adversely affect resident perception of the Forum and its work in support of NCIL. In effect, the Forum could be perceived as ineffective in managing its liaison with the Council
- could adversely affect resident perception of the Council as effectively 'marking its own homework' to achieve its own goals above the needs / priorities of the KDBH community.

### 3.3 Other Material Considerations

Based on the Council's own guidance<sup>4</sup>, the Forum's understanding of NCIL requirements is that bids must: a) essentially be capital projects; and b) not require on-going maintenance.

Having carefully assessed what the bids mean *specifically in the context of the two KDBH ponds*, the Forum's view is that neither could be deemed capital projects because:

- they do not create/deliver new facilities or assets (unlike the proposed pond *creation* in Elmdon)
- the work largely involves de-silting and reducing canopy shading to improve ecology/water quality - i.e. essentially maintenance work that would normally fall within the on-going responsibility of the Council, per extract from bid below:

*"Once the projects have been delivered, the newly created, restored or enhanced habitats will all be incorporated into the on-going SMBC maintenance programme managed by SMBCs Public Realm Team."*

This does raise the question why the ponds are not already under effective regular Council management, which would presumably have prevented the ponds from degenerating to their current state? And, also, what confidence KDBH residents can have that appropriate levels of on-going maintenance will be forthcoming in the future?

Note that, over a year ago, the Forum raised the poor condition of the Bridge Meadow Drive Pond with the Council following contact by a local resident. Chris Edgell (Places Directorate) then advised<sup>5</sup> that he was pleased to confirm that the Public Realm Team were working with the CLAUDE Team to improve the ponds within the open space off Bridge Meadow Drive and Moorfield Avenue.

**The Forum's view is that, in respect of the two KDBH ponds, these bids do not meet the criteria to be undertaken as NCIL projects.**

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<sup>4</sup> as detailed in the 'Criteria for Assessing Spend Local Proportion in Non-Parished Areas - Bid Scoring Guidance'.

<sup>5</sup> email 20 August 2020



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#### 4. Process

It is extremely disappointing that there has been no prior engagement/communication with the Forum regarding these bids. In this regard, the Council has failed in its duty and commitment/agreement to work closely with the community, through the Forum, in developing potential NCIL bids.

We disagree with the Council on another important process point. The Council has indicated that the Forum is wrong to seek ranking of NCIL bids as part of resident feedback (as we did last year). Instead, we are advised that to *“be able to take their views/votes into account under the ‘public support’ section of the scoring matrix”* the Forum must ask residents **only** if they support a bid, and not to indicate a ranking/preference.

We challenge this approach as being contrary to Government NCIL policy guidance, which states:

*“In deciding what to spend the neighbourhood portion on, the charging authority and communities should consider such issues as the .... prioritisation, phasing and delivery of projects”.*

Ranking is vital to transparent, fair and objective assessment, particularly where bid funding demands exceed the funds available.

#### 5. Action

- 1. Council to undertake asap assessment of the two NCIL Council bids *as they relate to KDBH* and in the light of the Forum’s comments to confirm whether these are valid to take forward to full assessment / resident consultation.**
- 2. Request to amend the Council’s NCIL process and procedures such that the Council’s initial Checklist validation of bids is undertaken prior to submission of bids to the Forum for resident consultation.**
- 3. Need to strengthen and clarify application of the Council’s NCIL process such that Council Service teams undertake early liaison with the Forum for bids that they are proposing relevant to KDBH.**
- 4. In principle, the Forum welcomes the Council’s “Newts and Shoots’ project. However, given the project’s broad scope across the Borough, we suggest that a more appropriate and less complex funding route could be via the Council’s own Strategic CIL which prioritises Strategic Green Infrastructure.**