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Planning Policy Group  
Investment and Regeneration  
Kirklees Council

**Sent via email**

10 April 2017

**Our ref:** HSP/DPA/MC0692

**Your ref:**

**Kirklees Council Emerging Local Plan – Updated Landowner Position Statement (site reference: MX1930)**

**Land at Black Cat Fireworks, Blackmoorfoot Road, Huddersfield**

Following on from our meeting of 15 March 2017 at Kirklees Council's offices, this letter provides an updated statement on behalf of Empire Knight Group ("the Owner"), landowner of the site currently occupied by Black Cat Fireworks at Blackmoorfoot Road, Huddersfield, and the adjacent fields that collectively form a draft mixed use site allocation within the Council's emerging Local Plan (site reference: MX1930).

Foremost, I must say that we found the meeting to be very positive and we look forward to working with the Council both as part of the Local Plan process and ultimately through the planning application process towards the delivery of development on site.

**Background & Local Plan Representations**

As you are aware, representations were submitted on behalf of the Owner in December 2016. As explained prior to our meeting, Gerald Eve LLP has since been appointed as planning consultant instructed to progress matters in respect of the Local Plan process and also the planning application process in due course.

The submitted representations broadly objected to the principle of the draft mixed use allocation incorporating a substantial element of employment floorspace, citing that such development would not be financially viable. Whilst this may be the case, the representation as submitted was unsubstantiated; as such, initial investigatory work into the site's geo-environmental status and an initial consideration of development costs is underway in order to establish a starting point for the site's viability as a residential-led development site.

During the meeting, we discussed the background to the draft site allocation and the current proposed 50:50 split between residential and employment provision. We understand that this split broadly identified an appropriate quantum of development in this location but that some flexibility is likely to exist subject to the appropriate evidence being provided. Given the stage in preparation of the Local Plan (i.e. the Plan is due for submission in the coming weeks), we understand that it is

too late to amend the policy before Examination in Public and, in any case, there is work to be done to establish a more accurate understanding of the appropriate mix of land uses for the site.

It is the Owner's intention to provide a robust package of evidence, including initial masterplanning, geo-technical, transport and financial information that would influence the final policy objectives for the site allocation and which could support the soundness of the Local Plan overall. We will continue to keep you informed as these matters progress.

### **Deliverability**

In the meantime, you asked for some further information in respect of the site's ability to deliver housing in the context of the Council's deliverable supply (i.e. within years 1-5 of the Local Plan) and developable supply (i.e. within years 6-15), which we have considered below.

One of the main issues that will dictate the progress of development on site will be the existing site's license in respect of the Control of Major Accident Hazards (COMAH). The existing fireworks operation needs to find a new site to move to and there are significant timing implications associated with the surrender of the existing license and the application process for a new license for the new site, assuming a suitable site is found.

Putting the COMAH license to one side and focussing primarily on the planning application process, the following indicative time scales could be achievable for a development site of this scale:

- Preparation of an outline planning application – 6-9 months
- Determination of an outline planning application – 3-6 months
- Marketing of the opportunity to prospective housebuilders – 3-6 months
- Preparation of reserved matters application(s) – 3-6 months
- Determination of reserved matters application – 3-5 months
- Discharge of pre-commencement planning conditions – 4-6 months
- Mobilisation and site preparation (including access works) – 2-4 months
- **Total estimate to commencement of first homes – 24-42 months (2–3.5 years)**

This estimate indicates a broad time frame for the site to be made ready for the construction of new homes. The rate at which new homes could be completed on site is difficult to predict at this stage as we are currently unclear as to which housebuilder(s) may take the site on. As such, it may be prudent to assume a completion rate of circa 30 dwellings per annum in the first instance, which could possibly increase to circa 50 dwellings per annum, subject to the selected housebuilder's capabilities and achievable sales rates.

As you know, timescales are subject to a number of varying factors, some of which can be predicted and some of which will be unexpected. As stated above, the main factor that could foreseeably delay the commencement of works on site is the COMAH license. At this stage we suggest allowing a contingency of 12-18 months, on which basis the timings could be affected as follows:

- **Total estimate to commencement of first homes with COMAH contingency allowance – 36-58 months (3–4.8 years)**

Given what we know at this stage, I suggest that a cautious approach is adopted by the Council in respect of relying on the site to deliver homes within the first five years of the emerging Local Plan period; however I suggest that an allowance of 150-250 homes could be included within the Council's developable supply of housing in years 6-10 of the Local Plan with a further 250 homes identified up to the end of the plan period.

### **Next Steps**

As noted during the meeting, there are some initial pieces of work that we will be progressing over the next few months that will inform further representations as part of the Local Plan Examination in Public and will also inform the preparation of an outline planning application. The work will include:

- Geo-environmental studies (Phase 1 and 2)
- Transport and highways appraisal
- Masterplanning advice
- Ecology surveys
- Employment land market appraisal
- Initial financial viability advice

I will keep you abreast of progress on these matters and at the appropriate time we will formally engage in pre-application discussions with the Council to provide you with a complete update of the work completed and in order to agree the scope and timing for a planning application to be submitted and determined.

### **Summary**

I trust the above is a useful summary of the Owner's current position for the site and I look forward to working with the Council over the coming months towards supporting the Local Plan process and working up a planning application for the site.

Yours sincerely

**Harry Spawton**  
Partner

cc Daniel Pang - land owner representative