

# **Council Owned Local Plan Site Delivery**

**May 2018**

**Update to provide further information requested at Stage 4 Examination**

**Economy and Regeneration - Strategic Assets**

Civic Centre 3  
Kirklees Council  
Corporate Landlord  
High Street  
Huddersfield  
HD1 2EY

1. Kirklees Council continues to have a very successful track record delivering innovative and challenging housing and regeneration programmes. Examples such as the Excellent Homes for Life, Small Sites project, Kirklees business growth deal are just a few instances of Kirklees ability to deliver. Capital receipts target delivery is also a key driver to ensure the land supply pipeline is creating opportunities for all of its partners including Registered Providers and private developers for both large and small volumes. Each year the council has provided £6m worth of sites to support the housing market and regeneration of the communities which in turn supports its strategic objectives across its services. The Capital Receipt's target has will rise to £8.6million by 2019/20 in order to increase the land and development opportunities to achieve greater targets in housing and regeneration.
2. The council provided a list of housing land supply sources used to identify reasonable alternatives in its response to the Inspector's Initial Note to the Council (EX5, page 5) and in its response to the Inspector's questions for Matter 8 of the hearings (M8.1, pages 10-11). These responses confirmed that alongside a significant number of other sources the council's review of Council owned land had informed this process. The council accepts that its land portfolio can play an important role in finding land for new homes (in both non-green belt and in green belt locations) but that the focus on its assets should be no different to other public sector bodies who own land in Kirklees. It is notable therefore that the Register of Public Sector Land in Kirklees does not hold any interests for any other public sector bodies. On the other hand the council has put forward a considerable number of site options (many in non-green belt locations) for consideration through the Local Plan making process. The council would also like the distinction to be recognised between the Council as a landowner and the Council as a Local Planning Authority.
3. The council's Strategic Assets Team works towards meeting the objectives of the Council's Implementation Strategy to assist in delivering a wide choice of high quality homes. In order to achieve this, work has been progressing over the last three years in order to achieve rapid and efficient growth of housing sites to achieve key objectives across Kirklees. This started with the asset review of all Kirklees sites. Utilising the knowledge of the Kirklees estate all land sites were assessed consistently with regard to their topography, realistic deliverability, size and strategic requirement and relation to existing infrastructure.
4. Not all land within the Kirklees estate was deemed appropriate for housing delivery. Much of the estate is formed by schools and their land, public open spaces, parks and recreation areas, other forms of open space and urban green spaces. The asset review process identified other land that supports other strategic housing and regeneration purposes, including sites for single home development, small sites (less than 0.4 Ha), those sites where general disposal was seen as the best course of action subject to further checks, land within the Housing and Revenue Account (HRA), commercial opportunities, farms, gardens, garages and grazing tenancies and assets that may be subject to community asset transfer requests.
5. Although not part of the Local Plan itself or its evidence base, the method of assessing and sifting potential sites to put forward to the Local Plan was a robust process and subject to internal scrutiny and challenge.
6. The Council is working with various external real estate consultants on a large number of sites to bring them forward for development quickly. Larger sites are being brought forward with a masterplan including a phasing and implementation plan, in accordance with Local Plan policies.

7. The Local Plan phasing table for sites owned by Kirklees Council, along with the associated housing trajectory, demonstrates that sufficient housing capacity will come forward within the anticipated timescales to meet the Local Plan housing requirement.
8. Subject to the proposed modifications put forward to date (May 2018) there are now 38 housing sites owned by Kirklees Council within the local plan making up both large and smaller housing allocations across the borough:
  - 2 sites are under construction
  - 4 sites have outline planning consent in full/part
  - 1 site has full outline planning application pending
  - 2 sites have outline planning consent application pending
  - 13 sites have planning pre-applications submitted (procured externally through Savills)
  - 6 sites have pre-applications pending (procured externally through Savills)
  - 11 sites are packaged up and awaiting instruction following initial investigations.
  - 1 site (Land North of Bradley Road) a masterplan with critical development information has been prepared for this site.
  - 1 site is currently a mineral extraction site, and is phased for later in the plan
9. 'Land banking' or sites being purchased with the sole intention of preventing any future development remains a constant risk for the Council to achieve its housing targets. The Council intends to mitigate this risk where concerns are raised by the inclusion of appropriate terms & conditions and clauses within land transfer documentation which purchasers must agree to as part of agreements. This will require a review of sites to check progress, the Council will execute an agreed action plan to ensure proactive support is given where necessary. Where development has not started on a site or is in danger of slippage from the required timescales, further discussions with landowners will be undertaken to bring the development forward and/or consider any remedial action required.
10. Kirklees Council has several policies with regard to the disposal of land which can be undertaken in a number of ways. When considering the best way in which to achieve timescales (please see appendix A) in support of the local plan the Council will determine the most appropriate sales mechanism for their asset, but potential approaches include:
  - **Formal Tender** – where the sale is publicly advertised and tenders submitted by a given date.
  - **Informal or Negotiated Tender** – where informal tenders are invited by a given date subject to contract. Negotiations may continue after tenders are received, with the possibility that different bidders may compete to offer the most advantageous terms. This approach enables the seller to continue to negotiate after the closing date for tenders to ensure the best possible terms and outcomes.
  - **Public Auction** – where land is sold through an open auction, available to anyone. Sales will be publicly advertised in advance. Auctions have the advantage of being open, competitive and allow for transactions to be completed quickly.
  - **Private sale** – where the sale of land is negotiated with one or a small number of potential buyers at a price agreed between the parties. Private sale has the advantage of being straightforward, but is likely to be appropriate only in certain circumstances (for example for smaller lots of land, where sitting tenants have rights to purchase and also farm tenants, etc.).
11. Host of disposal options available to us, including:
  - RP programme, with potential direct disposal to RPs (see further information below)

- Straight disposal with planning permission and conditions on delivery timing in the legal contract.
- We are exploring housing JV options

## 12. Disposal to a Registered Provider

Using council land assets is a way to help to secure a pipeline of affordable housing development where the market alone is not yet delivering this capacity. With the drive to deliver more housing, and as the market is not yet delivering new homes at the number and pace required, the role of Kirklees as an ‘enabling Council’ working with partners (Appendix C) to enable development, and to drive the pace of delivery will be increasingly important. To work most effectively, this needs to use external RP sector skills, expertise, creativity and access to finance to bring development forward.

Disposal of land assets to RPs requires either delegated authority or specific Cabinet approval. Consequently, site analysis, title, valuation and approval processes need to be factored in. It is also important to undertake a transparent procurement process to comply with audit and contract procedure rules.

The RP delivery route shown in the table below, based on a competitive process involving YORtender, relates generally (but not solely) to sites with a housing capacity of under 30 and delivery dates that fit with Homes England funding timescales. Timescales are considered realistic. Larger sites would require a bespoke project planning approach. This type of approach will help to broaden the range and expertise of partner that we work with.

<b>Milestones</b>	<b>Likely Timescales</b>
Liaison with Homes England with list of sites; and compilation of target housing partners	1 month
Initial soft market testing alongside promotion and marketing exercise with partners, and receipt of feedback from partners	1 month
Invitation to interested parties to sign up to YORtender and view site particulars, titles, risks etc	2 weeks
Preparation and issue of Expression of Interest (EoI) and headline PQQ and assessment of EoI	1 month
Invitation to Tender and Tender receipt	6 weeks
Evaluation of tender submissions	1 month
Cabinet - presentation of successful bids and seek authority to proceed to negotiate; return of specific sites as a package when Best and Final Offers are received: subject to planning	1 month
Bidders’ prepare and submit planning applications	6 months
Planning applications determined, and S123 disposal notices issued	6 months
Cabinet - referral of disposals including less than best offers and consideration of any S123 Notice objections	2 months
Discharge of pre development conditions at risk	3 months
Groundworks and infrastructure works completed on site and housebuilding commences	3 months
<b>TOTAL</b>	<b>27 months</b>

13. Delivery Partner Panel 3 (DPP3) framework Yorkshire and Humber is already EU procured and lists the developers on its Homes England Framework with over 30 house builders with a value of £1.6B. (Appendix B)

DPP3 (replacing DPP2) will be used to procure housing-led development, marketing of the sites is built in upfront and achieved flexibly depending on the size and nature of the site. This will include all activities necessary to construct housing and associated infrastructure, marketing and forward sales and transfer of freehold to eventual owners, including, but not limited to:

- other accommodation for vulnerable people and private rented housing
- Development of Student accommodation
- Off-site manufacture of homes, modular construction, system build
- Maintenance and site management
- Construction or development of buildings to provide social infrastructure to support residential or residential-led development
- Provision of custom build homes
- Provision of serviced self-build plots
- Provision of serviced development parcels within a larger development site to and in support of housing
- Construction of housing and other associated buildings to include community facilities, retail or commercial development ancillary to and in support of housing
- Direct commissioning of homes
- Refurbishment / retrofit of existing houses, residential buildings, empty homes and associated buildings
- Refurbishment, restoration, conversion of heritage or other buildings for residential led use
- Demolition, site remediation and enabling works to prepare sites for residential or mixed-use development
- Construction of infrastructure to support residential and mixed-use development
- Development of Extra Care accommodation, Independent Living accommodation
- Raising of development finance
- Means to share development risk and reward
- Planning promotion including masterplanning
- Obtaining planning permission
- Supply chain management
- Design and construction of homes
- Provision of starter homes and other forms of affordable housing (in association with a Registered Provider, Local Authority or alternative provider)
- Design and construction of infrastructure to support housing
- Sales and marketing of homes
- Aftercare and maintenance
- Management of completed units/developments
- Soft market testing
- Specifically:
  - Development and disposal of sites for residential use
  - Development and disposal of mixed-use, housing-led sites. Mixed-use elements to include community facilities, retail or commercial development, open space ancillary

With 39 delivery partners in our region (See appendix B) this forms one of the key conduits to assist in delivering Kirklees housing development ambitions, it put us in the firm position to rapidly progress the requirements of housing development against the projected time line.

14. Kirklees Site viability appraisals have been conducted for 12 local plan housing sites for their deliverability of housing. The commission of this work determined the residual figure of sites in order to inform development options.

Utilising Cushman and Wakefield as an experienced consultants we have undertaken a review of 12 Kirklees owned sites providing us with development appraisals of each site with development proposals, marketing, sales agents and legal options in order to progress sites.

15. In order to ensure the Council complies with any legal implications for Best Consideration rules and EU state Aid Rules the following are considered and applied:

Best Consideration

Section 123 Local Government Act 1972 provides that land and assets cannot be sold for less than best consideration without the consent of Secretary of State. The concept of best consideration in essence means that land and assets must be sold for the highest price, however under The Local Government Act 1972: General Disposal Consent 2003 the Council can sell land and assets for a undervalue of up to £2m if doing so would be likely to contribute to an economic, social or environmental objective.

EU State Aid – provision of financial assistance

To ensure compliance with EU State Aid individual cabinet reports will quantify the level of undervalue of any proposed disposal against the market value, to ensure compliance with State Aid thresholds, where required.

Kirklees Council Estates teams work within the Framework of its policies:

[Kirklees Council Corporate Estates Management Policy](#)  
[Corporate Disposals and Acquisitions Policy](#)

## **Appendix A**

### **Key Milestones for Housing Delivery**

<b>MILESTONES</b>	<b>LIKELY TIMESCALES</b>
Intelligence gathering and land assembly to inform Cabinet report and pre/app or outline application (if not already done)	1 month
Prepare brief and procure & commission planning consultant to prepare Pre- App and/or Outline Planning Application	1 month
Preparation and submission of Pre-Application Enquiry & EIA Screening Request to LPA and obtain written response to both  AND/OR  Preparation and submission of Outline Planning Application (including preparation of technical surveys, indicative housing layout) and determination by LPA  Preparation of site marketing.	1 month preparation 1 month for response  <b>AND/OR</b>  6 months preparation 6 months for decision
Seek Cabinet approval to dispose of the site(s) Following approval live marketing	2 months
Preparation of Contract of Sale & Site Disposal (with conditions)	3 months
Preparation, submission and determination of Reserved Matters or full planning application	6 months
S106/DoC/JR Period	3 months
Groundworks and infrastructure works completed and housebuilding commences	3 months
<b>TOTAL</b>	Depends on options selected Pre app – outline – full application = 33 months Pre-app - full application = 27 months

## **Appendix B**

### **Delivery Partner Panel 3 (DPP3) Panel Members per Lot**

#### **NEYTH**

Bardsley Construction  
Barratt Developments Plc  
Beaumont Morgan Developments  
Bellway Homes  
Carillion Igloo  
Clarion Housing Group  
Countryside Properties Limited  
Esh Construction Ltd  
Galliford Try Plc  
Gentoo  
Gleeson Regeneration Ltd  
Home Group Limited  
Interserve  
Keepmoat Homes Ltd  
Kier Limited  
Laing O Rourke  
Legal & General Homes (Communities)  
Limited  
Lovell Partnerships Ltd  
Mears New Homes  
Places for People Group Ltd  
Redrow Homes  
Robert Woodhead Limited  
Robertson Group  
Sanctuary Housing Association  
Strata Homes  
Strategic Team Group  
Taylor Wimpey  
Termerim Construction Limited  
The Casey Group Ltd  
Thirteen Group  
Tolent Construction Limited  
United Living (South) Limited  
Urban Splash Developments Limited  
Wates Residential  
Westleigh Partnerships Limited  
Willmott Partnership Homes Limited  
Yorkshire Housing



## **Appendix C**

### List of developing Registered Provider partners/charities

- Yorkshire Housing
- Johnnie Johnson Housing Trust
- Connect Housing
- Together Housing Group (Incorporating Chevin Housing)
- Unity Housing
- InCommunities/Sadeh Lok (now part of Incommunities)
- Kirklees Community Association [charity] under which vests Kirklees Housing Association
- Stonewater:
- HomeGroup:
- Wakefield District Housing (WDH)
- Accent
- St Annes
- Anchor
- Housing and Care 21
- Sanctuary

**Appendix D**

Schedule of council owned sites contained in the Local Plan together with adjusted site capacities (subject to acceptance of proposed modifications, latest planning status and adjusted lead in times and build out rates). The Council reserves the right to choose disposal routes set out above at paragraphs 10, 11, 12 and 13. Disposals are subject to discussions and approval by Cabinet.

Sub-area	Site ref	Address	Adjusted site capacity	Latest planning application stage and additional site specific comments. (At January 2018)	Potential Officer recommended disposal route	Pre-app opinion received from LPA	Outline application approved	Cabinet approval for disposal	Complete disposal of site	Full planning permission or reserved matters applic approved	Completion of s.106/Discharge of conditions/JR	Groundworks Completed	House building commences	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	Post Plan		
Batley & Spen	H1696	Land Adjacent Mayman Lane, Mount Pleasant, Batley	41	Pre-application Submitted (Savills)	RP/NT	May-18	N/A	Mar-19	Aug-19	Aug-20	Nov-20	Feb-21	Mar-21									11	30											
Batley & Spen	H1702	Land Adjacent Mayman Lane, Mount Pleasant, Batley	19	Pre-application Submitted (Savills)	RP	May-18	N/A	Mar-19	Aug-19	Aug-20	Nov-20	Feb-21	Mar-21									19												
Batley & Spen	H1704	Land Adjacent Highmoor Lane, Hartshead, Liversedge	56	Pre-application Submitted (Savills)	RP/NT	Apr-18	N/A	Jul-18	Oct-18	Oct-19	Jan-20	Apr-20	May-20								30	26												
Batley & Spen	H1938	Wards Hill , Batley	19	No planning application	RP	Aug-18	N/A	Mar-19	Sep-20	Jul-20	Dec-20	Mar-21	Apr-21									19												
Batley & Spen	H198	Land to the south of Second Avenue, Hightown, Liversedge	125	Pre-application pending (Savills)	RP/NT	May-18	N/A	Jul-18	Oct-18	Oct-19	Jan-20	Apr-20	May-20								30	30	30	30	5									
Batley & Spen	H2667	Land at Gomersal Primary School Oxford Road, Gomersal, Cleckheaton	48	Pre-application pending (Savills)	RP/NT	May-18	N/A	Mar-19	Oct-19	Oct-20	Jan-21	Apr-21	May-21									15	30	3										
Batley & Spen	H758	Land off Soothill Lane, Lower Soothill, Batley	393	Outline permission (2015/92908) - DoC applications approved in 2016 and 2017	DPP3 and RP	N/A	Jan-16	Jun-19	Nov-19	Aug-20	Jan-21	Jun-21	Jul-21									25	50	50	50	50	50	50	50	50	50	18		
Batley & Spen	H760	Land Adjacent Halifax Road, Staincliffe, Batley	23	Pre-application Submitted (Savills)	RP	Aug-18	N/A	Jul-18	Nov-18	Nov-19	Feb-20	May-20	Jun-20								23													
Batley & Spen	H761	Land Adjacent Raikes Lane, Birstall,	75	Pre-application Submitted (Savills)	RP/NT	Apr-18	N/A	Jul-18	Oct-18	Oct-19	Jan-20	Apr-20	May-20								30	30	15											

Batley & Spen	H762	Land Adjacent Rooks Avenue, Cleckheaton	58	Outline permission (2017/92809) - Dec 2017	RP/NT	N/A	Dec-17	Jul-18	Oct-18	Oct-19	Jan-20	Apr-20	May-20																										30	28																			
Batley & Spen	H796	Land Adjacent Old Lane, Birkenshaw,	28	Full application pending (2014/92893)	RP	N/A	N/A	Jul-18	Oct-18	Jul-18	Jan-19	Apr-19	May-19																													28																	
Dewsbury and Mirfield	H1660	Land at Heckmondwike Road / Staincliffe Road, Dewsbury Moor, Dewsbury	53	No planning application	RP		Aug-18	N/A	Jul-18	Nov-19	Sep-19	Jan-20	Apr-20	May-20																											30	23																	
Dewsbury and Mirfield	H1664	Red Laithe Court Red Laithe Lane, Ravensthorpe, Dewsbury	15	No planning application	RP		Aug-18	N/A	Mar-19	Sep-20	Sep-21	Dec-21	Mar-22	Apr-22																													15																
Dewsbury and Mirfield	H1754	Land off Smithy Parade, Dewsbury	21	No planning application	RP		Aug-18	N/A	Jul-18	Nov-18	Nov-19	Feb-20	May-20	Jun-20																															21														
Dewsbury and Mirfield	H1937	Cliffe Street, Dewsbury	47	Pre-application pending (Savills)	RP/NT		May-18	N/A	Mar-19	Sep-19	Sep-20	Dec-20	Mar-21	Apr-21																														30	17														
Dewsbury and Mirfield	H2148	Land at Providence Street, Earlsheaton, Dewsbury	30	No planning application	NT		Aug-18	N/A	Jul-18	Nov-18	Nov-19	Feb-20	May-20	Jun-20																															30														
Dewsbury and Mirfield	H776	Land at Oxford Road and Reservoir Street, Dewsbury	26	Pre-application Submitted (Savills)	RP/NT		May-18	N/A	Jul-18	Oct-18	Oct-19	Jan-20	Apr-20	May-20																																26													
Dewsbury and Mirfield	H794	Land at Flash Lane and Dunbottle Lane, Mirfield	71	Outline application (2017/94124) - submitted Dec 2017	DPP3 and RP		N/A	Apr-18	Jul-18	Oct-18	Oct-19	Jan-20	Apr-20	May-20																																30	30	11											
Dewsbury and Mirfield	H813	Land st School Street, Chickenley, Dewsbury	49	Under construction	delivered																																										30	19											
Huddersfield	H101	Land north of Jackroyd Lane, Newsome, Huddersfield	104	Pre-application Submitted (Savills)	TBC		Apr-18	N/A	Mar-19	Aug-20	Aug-21	Nov-21	Feb-22	Mar-22																																		30	30	30	14								
Huddersfield	H1647	Land north of Flint Street, Fartown, Huddersfield	45	Pre-application Submitted (Savills)	NT/RP		May-18	N/A	Jun-20	Aug-24	Aug-24	Nov-24	Feb-25	Mar-25																																					30	15							
Huddersfield	H1656	Land south of St Thomas Gardens, Bradley, Huddersfield	18	No planning application	RP		Aug-18	N/A	Mar-19	Sep-20	Sep-21	Dec-21	Mar-22	Apr-22																																						18							
Huddersfield	H1657	Land north of Deighton Road, Deighton, Huddersfield	88	Pre-application Submitted (Savills)	RP/NT		Apr-18	N/A	Jul-18	Oct-18	Oct-19	Jan-20	Apr-20	May-20																																					30	30	28						
Huddersfield	H1679	Land north of Fenay Lane, Almondbury, Huddersfield	274	Pre-application Submitted (Savills)	DDP3 and RP		Apr-18	N/A	Mar-19	Sep-20	Sep-21	Dec-21	Mar-22	Apr-22																																								50	50	50	50	50	24



Kirklees Rural	H763	Land North West of Gordon Street, Slaithwaite, Huddersfield	25	Pre-application Submitted (Savills)	RP	May-18	N/A	Jul-18	Oct-18	Oct-19	Jan-20	Apr-20	May-20							25																	
Kirklees Rural	H780	Land to the East of Main Avenue, Cowlersley, Huddersfield	76	Pre-application Submitted (Savills)	RP	May-18	N/A	Mar-19	Aug-20	Jun-20	Nov-20	Feb-21	Mar-21								30	30	16														