

Kirklees Local Plan - Development lead-in times

Comments of Vernon & Co

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Vernon & Co have been dealing with all sizes of brownfield, greenfield and greenbelt sites in the north of England for over 10 years, ranging from 5 unit schemes to 1,000 - 8,000 unit urban extensions/new settlement schemes, acting on behalf of landowners, promoters, property companies and housebuilders (small, regional and national/plc).

As such, we have extensive experience of all aspects of site delivery and lead in times.

The way that the phasing table is presented at Table 4 does not contain information about the current planning status of each site so it is impossible to determine what effect incorporating the following changes into the table would have on supply and particularly on the 5 year supply. It would therefore be useful to ask the Council to provide this information and to incorporate these timescales in a recalculated table, ideally in time for Thursday's hearing (or during it).

Dealing with each section of Table 2 Revision to EX30.2 Table 5 (Local Plan lead-in times):

Full planning permission where development has started (at 01/04/2017)

No comment.

Full or reserved matters planning permission where development had not started at 01/04/2017

This assumes 6 months construction during the second half of 18/19. It makes no allowance for the legal process, site acquisition matters, and a start on construction in this period, which could, through slight delay of one or more elements, easily mean no provision during that period.

Recommendation: Add an additional further allowance of 6 months.

Outline planning permission (reserved matters approved since 01/04/2017)

This assumes 6 months construction during the second half of 18/19. It makes no allowance for the legal process, site acquisition matters, and a start on construction in this period, which could, through slight delay of one or more elements, easily mean no provision during that period.

Recommendation: Add a further allowance of 12 months.

Outline planning permission (reserved matters application undetermined since 01/04/2017)

This is the same situation as above, but additionally allocates only a 6 month period for obtaining reserved matters, and does not allow for any delay. It is important to note that all the elements of marketing a site, documenting a sale subject to reserved matters via solicitors, dealing with title matters and potential price disputes, and legal completion within a long stop date, are related to and impact on each other.

We would suggest incorporating an additional average 6 months for marketing plus 6 months for legal matters and an additional 6 months for discharging reserved matters (12 months in total for reserved matters). This is still optimistic, and often likely to be unachieved.

Recommendation: In total, add an additional further allowance of 18 months.

Outline planning permission (no reserved matters submitted since 01/04/2017)

The same situation as above, but needs an additional circa 6 to 12 months built in to reflect the circumstances behind the fact that reserved matters have not yet been submitted.

Recommendation: In total, add a further allowance of 24 months.

Non-green belt sites without planning permission (full application approved since 01/04/2017)

This doesn't make sense, unless it means sites that didn't have planning permission for which it has subsequently been granted. In which case, it makes no allowance for legal or marketing delays.

Recommendation: Add an additional further allowance of 12 months.

Non-green belt sites without planning permission (full application undetermined since 01/04/2017)

Again this is not clear but if it means that an application has been submitted but not yet determined since April 2017, it would be reasonable to assume that there is some reason for this. Therefore allowing only a 6 month period to resolve it is simplistic and again makes no allowance for legal or marketing delays.

Recommendation: Add an additional further allowance of 12 months.

Non-green belt sites without planning permission (outline application approved since 01/04/2017)

We would suggest incorporating an average 6 months for marketing plus 6 months for legal matters and an additional 6 months for discharging reserved matters (12 months in total for reserved matters). This is still optimistic, and often likely to be unachieved, but needs circa 6 to 12 additional months adding to reflect the circumstances behind the fact that the reserved matters have not yet been submitted.

Recommendation: In total, add an additional further allowance of 30 months.

Non-green belt sites without planning permission (outline application undetermined since 01/04/2017)

An allowance of 6 months to achieve outline consent is simplistic, as is an allowance of 6 months to achieve reserved matters, because this fails to take into account the relationship and interaction between marketing, legals, valuation and long stop dates, with the outline and reserved matters stages.

For example, the outline planning application may be made by the landowner or promoter, and may encounter delays, and may then be followed by a period appointing land agents, preparing the title for disposal, appointment of solicitors, preparation of marketing information, a marketing period, a period for interviewing interested developers, agreement of terms, allowance for abortive negotiations, legal documentation of an agreement to sell subject to approval of an acceptable reserved matters approval, incorporation of long stop dates, and price adjustments (usually 18 months plus extensions for the period of the agreement), plus time for completion of the sale and potentially obtaining vacant possession.

Another example might be that a site is subject to an option to a housebuilder before obtaining outline planning, whereby a period is needed to appoint land agents, preparing the title for disposal, appointment of solicitors, a marketing period, a period for interviewing interested developers, agreement of terms, allowance for abortive negotiations, legal documentation of an option agreement to sell subject to approval of an acceptable reserved matters approval, incorporation of long stop dates, and agreement of price plus possible arbitration of the land price (usually up to 5 years plus extensions for the period of the agreement), plus time for completion of the sale and potentially obtaining vacant possession.

We would suggest incorporating an average 9 months for marketing, 6 months for legals and 18 months for discharging reserved matters.

Recommendation: In total, add an additional further allowance of 33 months.

Non-green belt sites without planning permission (no planning application since 01/04/2017)

The same situation as above, but needs an additional period of 6 months (12 months in total for preparation of outline planning application) at the beginning of the period to allow for pre app discussion and preparation of an outline planning application.

Recommendation: In total, add an additional further allowance of 6 months.

Local Plan allocations on existing green belt sites (without planning permission at 01/04/2017)

This assumes that the Green Belt designation of the sites is changed by the end of 2018, which currently feels optimistic.

These sites are often large. We are currently dealing with a large site in another authority where it is close to receiving outline approval and is coming forward with 59

reserved matters/conditions. This is not uncommon and presents additional complications in terms of the interplay between marketing/legals and obtaining outline but particularly reserved matters approvals, often necessitating complicated strategies for discharge and implementation, which can cause substantial delays to delivery.

Further periods of 6 months each are allowed for preparation of application, obtaining consent, discharging reserved matters, and site preparation.

This is hugely optimistic and again doesn't take into account the interrelationship of marketing, legals, valuation, and long stop dates, with the outline and reserved matters stages.

Recommendation: We would recommend the following allowances:

18 months for removal from the Green Belt/allocation.

12 months for preparation of outline application.

12 months for marketing.

6 months for legals.

18 month legal period for obtaining reserved matters.

6 months for completion/obtaining vacant possession.

12/18 months for site preparation.

In total this means an allowance of circa 7.5 years.

We would say that a reasonable period for a greenfield site with virtually no site constraints, being sold to a single developer to delivering units, is approximately 5 years.

A more complicated site, where parcels are to be sold to 2 or 3 developers, would need to allow 7 to 10 years.

On that basis, no larger/strategic sites should be included in a 5 year supply calculation. Only 'simple' larger/strategic sites should be included in Year 5 to 10 supply, and more complicated sites in Year 10 to 15.

We have made no allowances in the above for any legal challenges, extended planning delays or failed negotiations, all of which are possible and even to be expected, and therefore we still see these periods as optimistic.