

Toolkit: **Effective delivery of strategic sites**

September 2021

How to use this document

This button takes you to the interactive contents page...

...and this button takes you to the section contents page.

The screenshot shows a web-based toolkit interface. At the top, there's a dark blue header bar with the title 'Toolkit: Effective Delivery of Strategic Sites' on the left and 'Plan making 1' on the right. Below the header are two buttons: 'BACK TO CONTENTS' and 'BACK TO SECTION START'. The main content area has a light grey background. On the left, there's a section titled 'The role of the sustainability appraisal' with some text and a small icon. To the right of this is a blue callout box with a magnifying glass icon and the word 'Viability'. Inside the box, there's a detailed paragraph about the viability test and some bullet points below it. Further down the page, there's another blue callout box with a key icon and the heading 'Key consideration'. It contains text about engaging with site promoters. At the bottom right of the page, there's a purple callout box with a map icon and the heading 'Example of a thorough and easily navigated call for sites mapping system'. This box contains a screenshot of a map and some explanatory text. A red annotation on the map says 'Any other elements that need explanation?'.

Where you see this symbol, we have signposted where changes in policy or approach might arise as a result of the upcoming Planning White Paper. Hover your cursor over to reveal.

This button takes you to relevant Case Studies, appended to this document, which provide some best practice examples to help you understand and implement these actions yourselves, or direct you to places where these actions have been successful.

Some elements recur throughout the process of delivering strategic sites, and therefore are 'Central Threads' which are relevant at every stage. More explanation on this can be found in the first section of this Toolkit.

These boxes highlight key points to be considered at each stage of the process.

Examples of best practice are signposted throughout the Toolkit, which help demonstrate how some of the actions within the Toolkit can be delivered.

Why do we need a strategic sites Toolkit?

The delivery of new homes and boosting the supply of housing is a priority for Government and has been for many years. However, the homes which are delivered must be supported by adequate physical and social infrastructure to meet the needs of the people which will inhabit them.

Increasingly, existing services and infrastructure cannot accommodate additional housing in an area. In order to secure sustainable housing growth, development at a scale to be able to support the provision of its own infrastructure, or contribute to improvements in existing infrastructure, is often favoured by planning authorities when making decisions on where and how to locate new development land. This leads to the desire to deliver large scale sites for residential-led development which builds in other supporting land uses.

The locational demands of new employment uses can also lead to a desire to plan for strategic employment development sites, in town centres, edge of centre, or related to key transport networks. These too can have requirements for supporting infrastructure to be delivered alongside development. Coupled with increasing potential for significant redevelopment and change in urban centres over the next few years, strategic sites look set to continue to come forward within, as well as outside, urban areas.

Planned new development at a strategic scale has a huge raft of benefits, not least in securing infrastructure alongside growth and an effective source of development delivery over time. However, securing approvals for such sites, and ensuring their effective implementation, is a time and resource-intensive process which requires commitments to strong leadership, a clear vision and consistent political will to achieve.

Local planning authorities are increasingly involved in directing, shaping and delivering this growth. This frequently includes working alongside the private sector from the time at which development sites are identified and through the processes of allocation and consent, and once development is on the ground. The aim is to ensure that the original objectives materialise to deliver the good places, quality and appropriate type of new development which meets the needs of the local area and the aspirations of local communities.

Many aspects of this Toolkit are applicable to all types of strategic scale development. However, the vast majority of the complexities experienced by the authorities who fed into this research related to the development of new large-scale housing or residential-led development sites. This Toolkit therefore focuses on this type of development.

Committing to growth plans which include strategic scale residential sites – which for the purposes of this Toolkit are assumed as c.1,000 homes or greater – has a number of challenges. These include:

- moving away from a spatial strategy of development within the urban area or focused on existing places, to a spatial strategy which seeks to create wholly new or significantly expanded places
- choosing where within the administrative area to locate strategic scale development
- pursuing strategic Green Belt release to accommodate new development
- managing complex brownfield redevelopment sites within an established area
- the timing of delivery of infrastructure
- land ownership and viability
- engagement with local communities, including balancing the views of existing residents with the needs of the incoming residents (who may not yet have a voice)
- supporting sites which are subject to planned infrastructure improvements or cross-border influences
- managing skills and resources over the time periods for strategic site delivery.



The delivery of new homes can take a long time from the time sites are allocated, and delivery can be affected by changes in the economic or physical circumstances in the local or wider area. Plans reliant upon strategic sites for a good proportion of their growth needs can find themselves challenged on delivery by speculative growth in locations which themselves undermine other planning objectives.

Planning and delivering large scale growth can be challenging and time consuming. However, many of the challenges presented are common between sites of this scale, regardless of location, typology or specific factors. This Toolkit is designed to assist local planning authorities and their partners in helping to navigate and signpost these issues and overcome such challenges throughout the process. It is focussed on providing guidance for those with limited experience of strategic site delivery, or those with more experience but finding themselves encountering specific issues.

A range of case studies have also been included to showcase good practice in different scenarios and illustrate how local planning authorities can realistically implement methods set out in this guidance. These case studies are referenced throughout the guide, and are held in full at the end of the document.

There are a number of 'stages' in the planning process, and this Toolkit is structured to take you through each stage of these in turn. However, we are aware that not only will these stages often overlap, or run concurrently, but decisions or delays made at one stage will affect subsequent stages. Where overlaps can have a key impact, the Toolkit identifies the potential issues and options for their resolution.

With this in mind, the Toolkit is structured around the following principal 'stages':

One: Policy and plan making

- Inception and strategy – setting the context
- Plan making
- Allocation and policy
- Supplementary planning guidance

Two: Development management

- Outline planning application(s)
- Detailed consents and pre-commencement conditions

Three: Development delivery

- Section 106 / Community Infrastructure Levy
- Pace of infrastructure delivery with development
- Mitigation, monitoring and review, enforcement
- Futureproofing and adaptation
- Governance and ownership of place
- Viability
- Resources and skills

Running through the document are six considerations. They are:

- Delivery models
- Engagement and consultation
- Masterplanning and design
- Environmental impact/mitigation

How this Toolkit has been compiled

This Toolkit has been compiled using evidence from a wide variety of sites, case studies and knowledge from David Lock Associates' 30 year experience in delivering strategic sites within the planning systems in place throughout that period, together with the Planning Advisory Service (PAS) extensive experience and network of planning authorities. The Toolkit has been supported by a comprehensive desktop research exercise and a number of interviews with local planning authorities focussed on understanding the obstacles which strategic sites face, how these contribute to delays in the process, and what innovative methods have been successfully employed to overcome these obstacles and delays.

This research, and our experience, has provided the basis for our analysis. The Toolkit is drafted and designed to provide advice and 'tools' to aid decision-making across all facets of the delivery of strategic scale development.

The Planning White Paper and subsequent planning reform

In Summer 2020, the Government released a Planning White Paper entitled "Planning for the Future", which discussed wide ranging reforms to the existing planning system. At the time of writing this Toolkit, these reforms are yet to be implemented, and therefore our advice has been drafted based upon the current legislative framework.

Whilst it is clear that the proposals set out in the Planning White Paper will have an impact on how the planning system functions, given that the underlying impetus for reform is the boosting of the supply of UK housing, the role and importance of strategic sites will not diminish.

Furthermore, many of the processes which will need to be undertaken to deliver these sites will remain (inspection of local plans, policy allocations, planning application consenting regimes, Environmental Impact Assessment to name just a few).

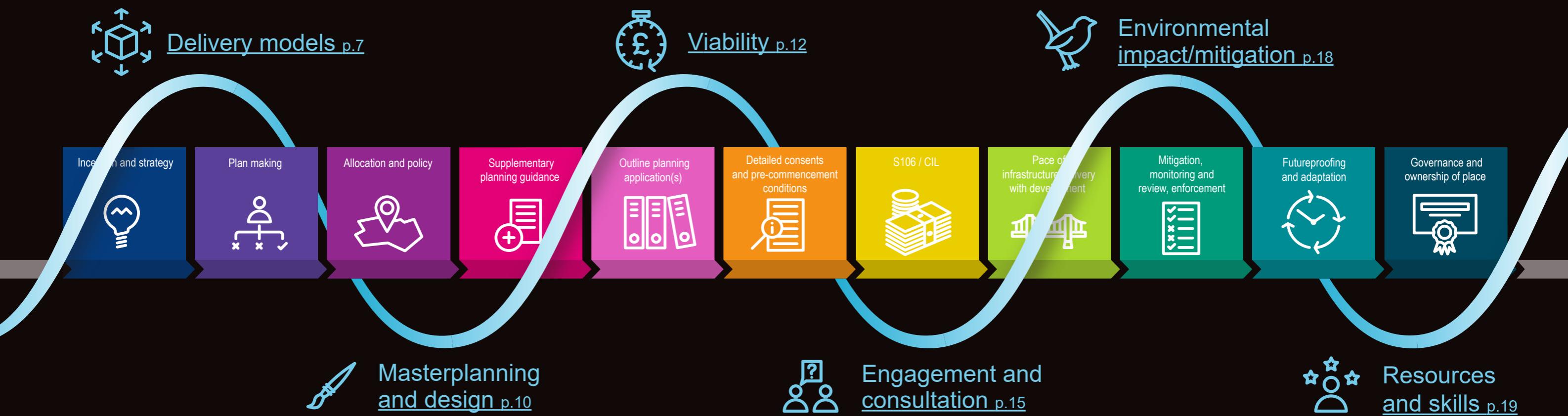
The other objectives of the Planning White Paper, such as the focus on quality, design, infrastructure delivery, skills and resources and the accessibility of planning system are all factors which already influence the successful delivery of strategic sites, and are discussed within this Toolkit.

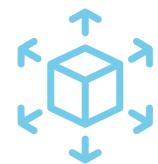
Given this, it is fair to assume that there will be a significant degree of commonality with the existing system, certainly in terms of outcomes, even if the process changes. Therefore, much of the guidance within this Toolkit will remain relevant in any new legislative framework once it comes into force.



Central threads

There are several aspects of development activity which run throughout the planning process for strategic sites. Depending on the approach taken at different stages of the process, they can have very different impacts on successful delivery. The Toolkit addresses the following ‘central threads of activity’:





Delivery models

The way in which a strategic site is to be built out on the ground – and the ownership of land – can have a significant bearing on both the consenting and implementation process for its development.

Different delivery models have different characteristics. These in turn will influence the trajectories which can be achieved; the time it takes to achieve completions on a site; and the infrastructure contributions or in-kind implementation which a site may be able to make. The way in which a site is to be delivered will also affect:

- the structure of any local plan policy
- consent and fulfilling any s106/Community Infrastructure Levy obligations
- mitigation of environmental effects, monitoring of delivery and governance arrangements.

For example, the ‘master developer’ approach may take longer to yield initial dwellings as the delivery of upfront infrastructure and preparation of serviced sites takes precedence, but delivery will be quicker and more consistent over the medium or longer term.

It is therefore advisable to understand the ownership of a strategic site and how it is anticipated to be delivered from the outset of the allocation process. If in doubt, ask for details of land ownership plans and details of any option agreements or other covenants in place. Whilst the terms of an option agreement may remain confidential between landowning parties, their existence is a matter of record.

Toolkit table #1

Ownership Model	Key Characteristics	Advantages	Challenges
Single Landowner	<ul style="list-style-type: none"> Owns land outright (no options or charges on land) Landowner promotes site for development. Landowner either acts as master developer (see below) or sells to third party housebuilder, sometimes at post-allocation; more usually with benefit of outline planning permission. 	<ul style="list-style-type: none"> Increasingly common (esp. with landowners taking an active lead in promotion from a legacy perspective). Simplified consenting and legal process (one s106 signatory). 	<ul style="list-style-type: none"> Can be inexperienced at development/delivery process. No sharing of risk/promotion costs.
Joint Landowner & Promoter	<ul style="list-style-type: none"> Landowner owns land outright, but signs joint venture or option agreement with promoter partner (usually land trader or housebuilder). Promoter takes the lead in site promotion. Promoter either acquires some or all of land upon allocation or more usually at outline consent; or oversees disposal of land to third parties (with landowner agreement to sales). 	<ul style="list-style-type: none"> Can utilise promoters' experience to expedite allocation and delivery. Sharing of risk (promoter pays costs of promotion). 	<ul style="list-style-type: none"> Can be a 'disconnect' between landowner and promoter aspirations regarding expected quality, land/sales values value and infrastructure provision. May affect resolution of acceptable s106 agreement terms.
Multiple landowner/Consortium Promotion	<ul style="list-style-type: none"> Site owned by a number of different land interests (may include a mix of owned and optioned, also may include a mix of landowners, promoters and housebuilders). Come together under some sort of formal collaboration agreement or informal partnership arrangement to jointly promote the overall site. Jointly appoint/designate a lead promoter or agent. 	<ul style="list-style-type: none"> Having both landowner and housebuilder involved can make for a smoother transition from consent to delivery. Risks/costs are shared (according to the consortium terms of reference). 	<ul style="list-style-type: none"> Depending on Consortium terms of reference, may submit separate applications for each part of the site. May require partitioned or separate s106 agreements. Disagreement over disposition of land uses, infrastructure costs and failure to tie up land equalisation arrangements can lead to delay in agreement of s106, Infrastructure Delivery Plan and delivery. Infrastructure delivery can be complex over landownership boundaries (and can potentially lead to ransom positions being established).
Delivery Model			
Master Developer	<ul style="list-style-type: none"> Usually a landowner developer, retains a long term interest in the sit. Secures site-wide consents. Delivers all on-site common infrastructure (can also include building schools and community facilities). Delivers serviced land parcels for housebuilders to acquire then deliver. Produces design codes/site wide strategies to guide and control development. Usually retains responsibility for long term governance (or governs through a third party management company). 	<ul style="list-style-type: none"> Long term approach to returns and cashflow. Retains and co-ordinates control of quality and delivery of infrastructure. Seamless move from consent to delivery through conditions and s106 tailored to their model. Infrastructure considered at a strategic scale. Enables bespoke site-wide management arrangements. Once established can deliver quickly and concurrently from multiple outlets. Ability to flex delivery timing/type of provision if circumstances change. Benefit from future uplift in values so more inclined to require and maintain quality and placemaking. 	<ul style="list-style-type: none"> May not always be experienced in the role. Needs considerable financial reserves or favourable borrowing ability to weather the mismatch in cashflowing infrastructure spend and land receipts. Longer lead in time if upfront infrastructure needed prior to selling serviced land parcels. Subject to appetite/ability of housebuilders to adhere to design/quality aspirations.

Land Trader	<ul style="list-style-type: none"> Promotes land on behalf of an owner, usually with a promotion agreement. Once planning permission granted, site sold on to a housebuilder/third party. Land trader profit is realised through percentage of uplift in land value secured through consent. 	<ul style="list-style-type: none"> Tried and tested model, land traders can turn a large number of sites through this process. Favoured by landowners without delivery experience. 	<ul style="list-style-type: none"> Consent and s106 secured in absence of developer responsible for delivery of development. Site sold to third party who may seek to re-negotiate consent (usually conditions and s106) to meet their own delivery model. Less inclination to accept higher design quality requirements in outline s106/conditions as may fetter subsequent land sales.
Housebuilder	<ul style="list-style-type: none"> Housebuilder owns or options land direct from landowner. Housebuilder leads entire process, from site promotion and outline planning applications on-site to the building of homes. Does not retain an interest in land/community behind the final house sale. 	<ul style="list-style-type: none"> Seamless and swift delivery of homes once consent achieved. Known 'product' so design ethos is clear from the outset. Economies of scale can speed up construction once underway. Can deliver different 'product offers within same company (Persimmon/Charles Church, or Barratt/David Wilson, for example). 	<ul style="list-style-type: none"> Scale of some strategic sites is more than a single housebuilder can fund or deliver on traditional housebuilder models. Limited flexibility around cashflow and forward funding of infrastructure (each phase must 'wash its face'). Limited ability to take on long term management and governance. Delivery highly affected by fluctuations in the market and competitor sites in the same area.
Registered Provider, Small to Medium Enterprise Housebuilder, co-housing, land trust, custom-builder or plot sale to individual -builder	<ul style="list-style-type: none"> Do not generally take the lead in strategic site promotion, but can support in its promotion. Unlikely to be found as a model in the majority of strategic sites (Graven Hill, Bicester at c.1,900 homes is the most notable exception). Direct sale of land or plot by landowner to those directly building homes for re-sale or to those building their own home. 	<ul style="list-style-type: none"> Broadens the housing offer beyond the conventional range of housing types and mix. Capable of meeting local / specialist housing needs. Less susceptible to the fluctuations of the general housing market and competitor sites. Likely to be a strong advocate for the development and placemaking. Some models can provide a ready-made governance body for wider site. 	<ul style="list-style-type: none"> Legal agreements for sale of a single plot are as complex and time consuming as a serviced parcel for 100s of homes. Land values will not be what can be achieved. Very limited expertise or ability to deliver strategic infrastructure or large number of homes of homes. Generally slower to deliver (although Modern Methods of Construction may change this longer term?).
Compulsory Purchase Order and or Development Corporation	<ul style="list-style-type: none"> Only found for the largest or most complex strategic sites (new settlements/ communities or regeneration sites). Development Corporations centrally-imposed and funded by Government. Compulsory Purchase Order models usually put in place to resolve specific site issues (usually after delivery models have stalled or failed). 	<ul style="list-style-type: none"> Funding and infrastructure delivery supported/underwritten by Government. Land receipts recycled back in the local area through infrastructure provision. Ability to return percentage of land value uplift back to Treasury. Long term interest and governance model embedded. Delivery and values less susceptible to fluctuations in the housing market. 	<ul style="list-style-type: none"> Limited applicability in current climate (Ebbsfleet and Olympic Legacy Development Corporation notable exceptions, and Ebbsfleet Development Corporation does not own land). Perceived removal of locally democratic decision making in development delivery. Recent attempts to promote locally led development corporations failed at Examination (North Essex Garden Communities for example) due to inability to align long term development propositions with current National Planning Policy Framework viability requirements.



Masterplanning and design

The 2021 NPPF updates have sought to strengthen the role and importance of design within the planning process. The National Model Design Code provides some overarching design considerations for new development but there are particular design aspects to consider for strategic sites.

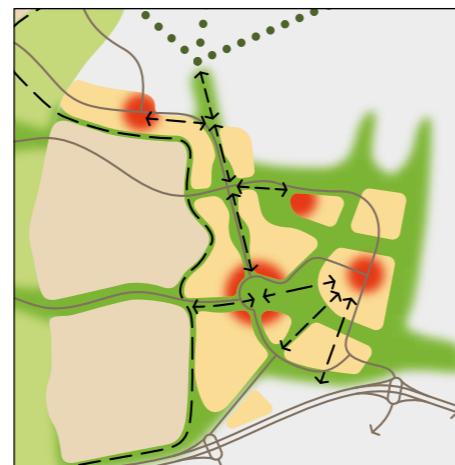
Design Fixes

Most strategic sites are subject to some form of design guidance and/or coding. This can be done in house or by/with the promoter's team. Design principles can be set in site policy, agreed through supplementary planning documents alongside or subsequent to the local plan. Design details can be negotiated as part of the outline or through pre-commencement conditions. Regardless of the way in which design is agreed, material should be proportionate to the stage of the process, and the mechanisms for how design elements are to be fixed should be agreed at the outset.

Plans – what and when to fix?

The way in which masterplans find their way into the planning system can vary considerably between different local planning authorities and between different developers.

For most strategic sites, a degree of 'conceptual masterplanning' will have taken place as part of the call for sites process – usually through a vision document or similar, prepared by the promoters to support their call for sites submission. Sometimes, this will have been subject to early engagement with you as the local planning authority, but more commonly, this will be the first time a masterplan for the site will have been shared.



Vision/concept plans

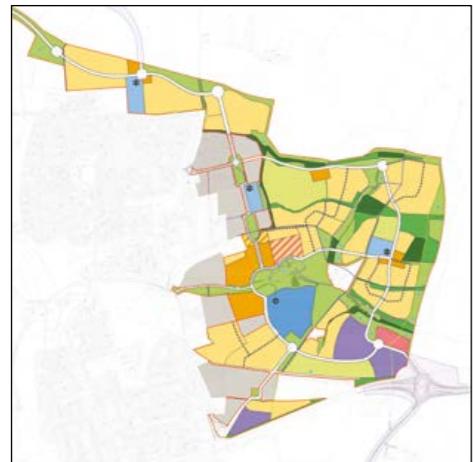
'Concept plans' or 'outline development framework plans' will give a degree of information over a number of key aspects of the development, most notably:

- development quantum (usually expressed as a range)
- indicative boundaries between where the built development areas and green infrastructure would be
- high-level disposition of land uses and indicative location of centres, schools etc
- indicative primary access and movement strategy (proposed access points; key ped/cycle or highway connections with the wider area; sustainable transport offer (such as park and ride, unlocking of off-site highway improvements, public transport strategy or similar).

This is useful information for you as local planning authority and stakeholders in helping to assess the overall acceptability of a site for inclusion in the plan (its scale, sustainability credentials and whether it could deliver other spatial and non-spatial objectives of the plan). This information is also useful in informing the drafting of a site-specific policy for a strategic site.

Including plans at this relatively early stage may be seen as overly restrictive. However, we note:

- (i) local plans regularly restrict the plans accompanying a strategic site policy to a 'red line' (usually with a reference to the need to undertake a supplementary planning document or similar). Whilst this may reflect the early stage of the evolution of the site development, it is not always helpful in upholding expectations when translating the spatial local plan policy into a supplementary planning document (which is a material consideration within planning decisions, but is considered to have less weight than a development plan, which is independently examined)
- (ii) site-specific policies for strategic sites are often criteria-based and reference specific parts of the site or area. It therefore helps to include a plan as part of the policy which articulates key spatial features or requirements.



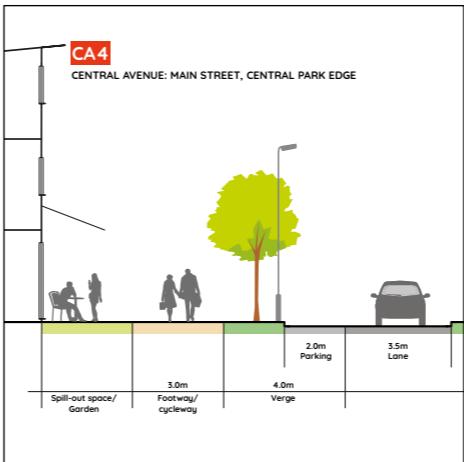
Parameter plans/development framework plan

It is increasingly common to submit a series of parameter plans – or sometimes a single development framework plan - for approval with an outline application for a strategic site. Whilst this is a reasonable approach to take, the content and specificity of such plans can vary. In some instances – and particularly where sites are subject to Environmental Impact Assessment – these show precise boundaries and areas and fix the disposition of key land uses, measurable offsets from specific features or building/storey heights, for example.

Other development framework plans are more general and may be illustrative, to be confirmed through subsequent design coding or master planning through conditions.

The route to an approved ‘master plan’ – and at what stage of the consenting process this occurs - will depend on the nature of the proposal, the attitude of the developer, your local planning authority requirements and those of local communities. For strategic sites, for any plans to be effective and not delay delivery it is important to balance the need for certainty (important for local communities) with the ability to flex details over time should circumstances change without the need to revisit the overall consent (important for local planning authorities and developers).

[Section 7](#) below addresses the detail of parameter plans in the context of the application and consenting process.



Detailed design

The need for design coding to govern reserved matters applications will generally be set out through conditions on the outline consent, although these requirements may be referenced in policy or supplementary planning document. In drafting codes – usually in collaboration with the applicant – it is important to understand not only what you want coding to achieve, but also to ascertain that your authority has the skills and resources to apply and enforce codes. If not in-house, then you may wish to outsource or acquire additional skills/resources for this activity.

For strategic sites (or for those which may have an element of commercial as well as residential development), it can sometimes speed up delivery by agreeing the submission of a hybrid application which includes a detailed first phase. Not only does this set the quality for the development and demonstrate what the scheme will look like, it allows any design coding to be ‘tested’ against a real scheme, thereby ironing out any particular issues around consequential impact at the outset – for example, adoption of non-standard materials, maintenance implications of public realm design features etc. Equally for the reasons outlined above, in circumstances where an outline planning application has been approved but requires a design code submission at a later date, it can be helpful to allow that design code to be submitted alongside the first reserved matters application to which it relates.

The National Model Design Code, published by the Government in 2021, provides helpful guidance for local planning authorities when producing their own design codes. In examples where design codes are prepared by the developer of a site, in accordance with an outline planning permission, or for a full or hybrid planning application, the National Model Design Code provides a useful tool for local planning authorities to understand what a design code should contain. Once these design codes are in place, it is essential that local planning authorities have the skills and resources to assess planning applications against them, to ensure they are effective in delivering their objectives, and for officers to be supported in their design decisions by members.



Viability

For strategic sites, viability issues arise in relation to site deliverability, the cost of infrastructure, cashflow and access to funding, and equalisation of costs and values.

Deliverability of a site

Local planning authorities often find themselves in conflict when undertaking site selection as part of drafting their development plans. Good spatial planning should be “boundary blind” and based on good geography rather than administrative or ownership boundaries. However, local planning authorities have a duty to select “deliverable sites” in order to meet their housing requirement and soundness tests, which includes demonstrating at examination that there are no impediments to delivery which cannot be effectively resolved through the planning system.

Therefore, prior to confirming a strategic site allocation, as a local planning authority you should satisfy that you have as full a knowledge of ownership constraints as possible, including requesting from the promoters information relating to any potential risks relating to overall delivery (such as ‘ransom positions’ or third party land).

Deliverability considerations

Key questions to explore with promoters when considering the deliverability of a strategic site include:

- Is the land owned outright or are there options/covenants in place which may affect the terms on which land is made available for development?
- What is the basis upon which the promotion of the land is structured (at what point in the planning process does the landowner/investor/promoter seek or expect a return on their investment)?
- How is land to be transferred and built out (wholesale land sale to a third party with outline consent (and with obligations to

deliver future infrastructure), or sale of co-ordinated serviced land parcels to a multiplicity of housebuilders once the primary developer has funded and built the common infrastructure)?

- Is the promoter adopting a ‘patient capital’ approach (where long-term value uplift is more important than short term returns), or does the promoter need to secure a certain level of return year on year from day one and cashflow will need to be managed accordingly?
- Does the landowner/promoter need or have access to third party funding and preferential borrowing to forward fund infrastructure?

It is worth engaging early in the process to work with promoters of strategic sites to understand the basis upon which their deliverability case is predicated, and what the risks might be to deliverability at each stage of the planning process. For strategic sites, changes in market context/external factors or the land ownership position could affect delivery which are not foreseeable, so continued dialogue is important throughout the delivery process.

Viability considerations

A critical aspect of the delivery of a strategic site is viability. A developer’s attitude to viability and cashflow has a material influence over how a site is designed, phased and its infrastructure is delivered.

Viability will be a key consideration at the plan making and at the decision-taking stage. Many local planning authorities are now well versed in preparing local plan viability evidence, using consultants as necessary to provide specialist expertise, and there is a plethora of guidance and best practice available to guide methodologies. This Toolkit does not replicate this guidance but provides some pointers to navigating viability aspects of a large site through the planning process.

In general terms, viability should be approached on an open book basis wherever possible. This enables local planning authorities, an Inspector and the public to understand the infrastructure costs of a development, how viability has been approached when negotiating s106 agreements, and how infrastructure will be delivered or funded as development receipts are received.

In most cases, both the local planning authority and site promoter will have engaged a suitably qualified viability specialist who is required to undertake an independent review of viability and, if a chartered surveyor, to do so within the terms of the Royal Institution of Chartered Surveyors code of conduct.

Viability at plan making stage

Viability at the plan making stage generally relies on a ‘typology approach’ using average value and cost assumptions based on site characteristic groupings – for example, greenfield or brownfield, size and use. Landowners, developers, affordable housing providers and other stakeholders should engage with local planning authorities early in the planning process and seek to agree a common approach to undertaking viability in this context.

The basis upon which viability appraisals are undertaken for strategic sites can differ from the standard local plan viability assessments. Current government and the RICS guidance on viability appraisal and the standard ‘residual land value’ approach to calculating viability for residential development does not provide direct advice in considering strategic site viability.

By their nature viability appraisals are a ‘snapshot in time’ and can only give a view of viability against the prevailing economic circumstances. Viability assessments can be more reliable for smaller sites where significant changes are less likely over the life of the delivery period. But for larger sites with longer build out rates, changes in the cost of borrowing, infrastructure, residential land values and building regulations can have a materially significant impact on the viability of a development (although

such changes can be positive as well as negative). Viability is also susceptible to external factors such as changes in the tax regime, availability of skills and labour, and the wider economy and property cycles.

In this context, we suggest that the following approach is helpful:

- Wherever possible, standard local plan viability assumptions should be the starting point for a strategic site viability appraisal.
- Where it is then necessary to adjust or make a different assumption, or take a different approach to the appraisal, then this should be made clear together with the reasons for doing so.
- Where any difference in appraisal approach between the parties does arise, the common ground between parties should be set out as part of a statement of common ground and presented to an examination at the plan-making stage, so that the matters of debate can be tightly defined.

The question of scheme viability was a material consideration in the local plan examination into the North Essex Garden Communities (GCs). As a result of the way in which the National Planning Policy Framework (NPPF) requires viability to be considered (largely aimed at smaller scale developments), and due to the uncertainties around the factors which influence viability when considering development over decades rather than years, only one of the three GCs was found to be viable. The Inspector recommended the removal of the two GC sites which were more ‘standalone’ in nature and reliant on significant public transport infrastructure investment to deliver on their sustainability objectives, on the grounds of a lack of soundness in relation to demonstrable viability.

Viability at planning application stage

At the decision taking stage applications will be measured against the viability assessment which informed the local plan and will be required to comply with adopted policies by utilising standardised appraisal inputs, as defined in the Planning Practice Guidance. However, site-specific inputs, such as abnormal development costs, are often unknown at plan-making stage. For strategic sites some assumptions will have been made regarding infrastructure costs and known ‘abnormals’ but these will have been high-level. As such, value and cost assumptions will inevitably fluctuate and may need to be adjusted.

Where any changes in the viability of a scheme are advanced by the developer, then it is legitimate for a new assessment to be undertaken, and appropriate for local planning authorities to ask for evidence to justify any change in viability position. It is, however, up to the decision maker how much weight they give to this evidence. There is no obligation for this to be taken into account at (or post) the application stage, as set out in the NPPF.

It is worth considering viability over time when drafting conditions and s106 agreements for strategic sites. Government guidance states that “Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities’ ability to seek compliance with relevant policies over the lifetime of the project” (Planning Practice Guidance paragraph 009 Ref ID: 10-009-20190509), therefore it may be beneficial to both sides to introduce a review mechanism which facilitates flex or adjustments over the life of a delivery timetable to maximise the ability to deliver an overall policy compliant development once completed.

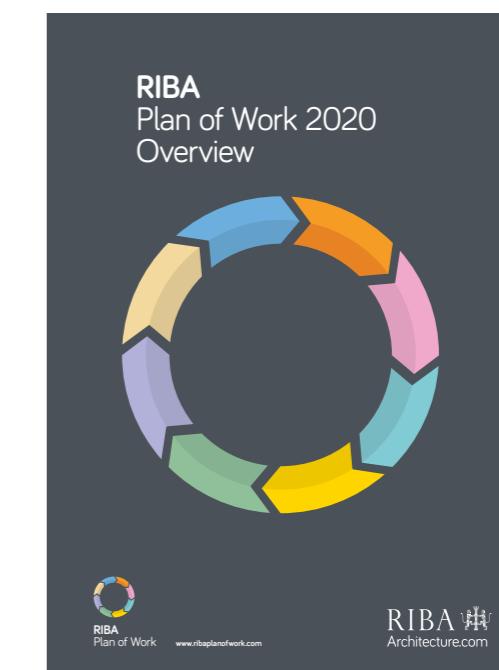
A review mechanism triggered for example by a certain percentage change in the relationship between costs and values, rates of borrowing or cost of infrastructure could also provide a workable solution for both sides. Improved viability could trigger increased levels of affordable housing on site, or early warning of a reduction in viability may allow the local planning authority and developer to work together to seek grant or loan funding for key infrastructure, or to revisit its phasing relative to land sales.

Infrastructure delivery planning

Delivery plans are a common component of outline planning applications for strategic sites. They set out what infrastructure will be provided by the development, and when it will be provided (usually expressed as a ‘trigger point’ in the development). These infrastructure items are costed, and thus are intrinsically linked to the viability of the development proposed.

Infrastructure delivery plans are also required at the plan making stage, either as part of the allocation, or as part of any supplementary planning documents (see section 4 of this Toolkit). This infrastructure delivery plan should clearly set out what infrastructure is expected to be delivered by the development, and when this is expected to be delivered.

It is important to consider ‘whole site’ infrastructure delivery for strategic sites. This is especially critical for sites with multiple landowners which will either be subject to equalisation or collaboration agreements to deliver common infrastructure or will be delivered in multiple standalone planning applications (either outline applications or full planning applications), each with their own infrastructure bill.



Equalisation and collaboration agreements

On sites with multiple land ownerships, it is particularly important to understand whether, and what sort of, development agreements are in place between the different parties.

In terms of delivering ‘common infrastructure’ across a site – those land uses or services which are located on one part of the site but serve the whole site (schools, playing fields, sustainable urban drainage systems and community facilities are frequent examples) - complications can arise unless there is a signed agreement to ‘equalise’ the land and delivery costs between the parties.

For example, if one landowner has a school on his land (a ‘nil value’ land use for viability purposes), then he will need to be compensated (financially or ‘in kind’ by the transfer of land) from the other landowners who rely upon this infrastructure for their development, but do not have to provide land for it. The way in which this is calculated can be very complex. Unless agreed up front it can delay the consenting of development/s106 agreement. The absence of a collaboration or equalisation agreement can also frustrate the effective ‘whole-site’ master planning earlier in the planning process as developers debate what land uses are to be placed on what part of the site, or whether land uses ‘straddle’ two land ownerships.

Similarly, with roads and services which cross the site to serve all landowners, unless legal requirements are put in place to secure the timing of this provision to avoid disadvantaging one party or delaying the bringing forward of one part of the site through lack of ability to connect to key infrastructure/utilities, this can also impact delivery.

There are a number of options for resolving landownership constraints for strategic sites. The local planning authority can request but not insist upon a legally binding equalisation agreement through the planning process. Similarly, collaboration agreements are usually undertaken voluntarily between landowners, again outside the planning process.

Therefore, to minimise the adverse impact of land ownership constraints at the consenting or implementation phase, it is worth securing the following at the relevant points in time:

- A requirement in local plan policy for a single outline application for the whole site.
- A comprehensive ‘ownership blind’ master plan to be agreed in the local plan policy or through supplementary planning documents prior to the submissions of applications.
- Clearly setting out the site and wider infrastructure requirements in local plan policy and indicating how these will be funded or on what basis (% land/dwelling numbers/floorspace?) such contributions are made.
- Conditioning different outline planning applications within a strategic site on the basis of a common suite of approved plans, or considering whether there is a need to structure the conditions of an overall outline planning application with more than one applicant to be partially discharged so each application/landholding can progress independently of the others to a common consent.
- Adopting a ‘per dwelling’ tariff-type s106 agreement where each landowner makes contributions to infrastructure costs, apportioned taking into account the mix of ‘in kind and financial contributions’ to be made on each landholding.
- The local planning authority taking a more proactive role as infrastructure provider on site, using preferential borrowing to build common infrastructure itself, ‘reimbursed’ by the receipts from ‘per dwelling’ developer contributions.



Engagement and consultation

Community and stakeholder engagement and consultation is an essential part in delivering strategic scale sites. Consideration must be given to both wider community engagement and direct political engagement with elected members, as both of these elements will critically affect the selection, allocation and delivery of strategic sites.

Throughout the allocation and delivery process the relationship between local planning authority and developer is critical to success; but is also under close scrutiny. As a general rule, wherever possible transparency is key - in dialogue between the local planning authority, developers, stakeholders and the wider public.

Whilst clearly not all elements of the process will be able to be publicly available (commercial viability considerations or s106 negotiations for example), effective communication and updates, especially around key stages within the process (allocation, outline planning applications, detailed design work, detailed planning applications etc) will often go a long way in ensuring trust in the process is maintained. Each stage of the process should be accompanied by explicit opportunities to shape outcomes where possible, but should set clear parameters for the role and remit of each stakeholder, and make explicit the central role the professional planner has in balancing competing interests.

Direct and effective community engagement

Effective engagement and understanding what stakeholders and the public really want or expect from the delivery of a site can go a long way to ensuring a smooth(er) process from site inception to delivery and formation of a new community.

Whilst there are many statutory instruments which require consultation and engagement (Regulation 18 consultation in local plan making or statutory consultation on a planning application submission, for example), going above and beyond these statutory processes for strategic sites can be an effective way of

generating positive outcomes, and generating greater trust in the process.

Engagement at Plan Making Stage

However, the initial stages of consultation are often 'remote', with the developer submitting development proposals to the call for sites process which the local planning authority and others 'receive' and review in isolation. This is often when action groups are formed in opposition to large scale development as a reaction to the perceived 'threat' of development. The need to provide an objective evidence base, and for the local planning authority to be seen to be impartial, can often mean that local planning authorities are reluctant or prevented from early engagement with site promoters, especially before a draft plan is published.

Once positions become entrenched, this can have a detrimental impact on the successful allocation and delivery of a large site. Very often developers are keen to undertake early engagement to seek initial local views to shape emerging proposals. If you as the local planning authority can facilitate early direct dialogue between the developer and local communities – even if this is on a 'without prejudice' basis - then this helps greatly in establishing a dialogue and getting to a common understanding of what is proposed and how it can be shaped by local input.

Engagement at SPD/Planning Application Stage

In our experience, when councils push hard for early and continual 'three way' engagement with the developer, local planning authorities and local stakeholder groups in the same room, the outcomes are much better.

Where the local planning authority has to 'keep the two sides separate', then getting to a commonly-understood position, and agreeing what is technically possible, preferable and deliverable on a site takes much longer and can be fraught with confusion and 'mixed messages'. The local planning authority can end up having to resource twice as many meetings – once with the development team, then again with local stakeholders.

Similarly, a local planning authority trying to mediate between the two sides 'after the event' - making changes to plans or proposals to respond to local concerns, but without the detailed site knowledge that developer's team has; or trying to communicate specific site constraints to local people without the developer's technical team present - can result in less than satisfactory outcomes which both delay and erode confidence in the process from all sides.

In worst-case situations, and increasingly in recent years, intransigent local objectors can slow down progress or stop delivery on a planned site through lodging judicial review or challenges to the process.

Conversely, working alongside and co-ordinated with developers to create innovative methods of engagement which strive to seek input from all local stakeholders including under-represented groups (and avoiding over-representation by a narrow or single-issue demographic), can foster a sense of collective endeavour and establish effective working relationships.

Ongoing Engagement

A common issue with strategic development is the feeling that 'promises are not being kept' as sites move through the promotion and consenting process to when they begin to deliver on the ground.

Effective updates - through newsletters, public exhibitions or other mechanisms - can ensure that stakeholders and new occupiers feel informed and understand where and how to engage with ongoing development processes.

In the best-case examples we have come across, the way in which dialogue is established through the planning application process is continued by the developer once on site, and the establishment of ongoing focus or stakeholder groups regularly meeting with the on-site development team can be very helpful in sharing information and concerns, as well as giving local communities a sense of ownership and pride in their new surroundings.



Hover over a consultation method below for a description on how each can be used.

Toolkit table #2

Stage	Proformas	Questionnaires	Presentations / Public Meetings	Workshops	Focus Groups	Written Responses (Letters)	Public Exhibitions	Newsletters
Call for Sites	X					X		X
Site Selection/ Consideration		X	X	X			X	X
Issues and Options	X	X					X	X
Examination and Allocation	X	X	X			X	X	X
SPD and Outline Planning Applications			X	X	X	X	X	X
Detailed Planning Applications				X	X	X	X	X
Monitoring and Delivery		X				X	X	X

Whilst these consultation methods are well known and widely recognised, often many of them are underemployed, or employed in a manner which does not reach under-represented groups, which is particularly important when considering strategic sites which serve a community not yet present.

Local planning authorities should look to set out clear consultation requirements through pre-application discussions, through supplementary planning documents or local plan policy, setting out expectations regarding the statement of community involvement submitted with planning applications.

Digital engagement techniques

As access to the internet and computers becomes more prevalent in society, the opportunity for digital engagement grows exponentially. Digital engagement can be effective in ensuring those who many have less opportunity to physically engage are able to do so (eg those unable to travel, those without time etc). Many of the consultation techniques set out in the table above can be undertaken both in a physical and digital format.

However, care must be taken to ensure that digital methods do not solely replace physical consultation methods, as people can feel ostracised without an ability to physically participate.

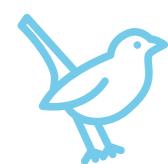
Effective political engagement

Getting political buy-in as well as senior officer support is critical to strategic site delivery. However, because of the scale of development proposed – and the length of time strategic sites take to build out – political opposition to large scale growth is often quite significant. This is not helped by development projects which are promoted as deliverable to secure an allocation or SPD through the development plan process, but then when planning consents are negotiated and s106s drafted, viability issues or technical constraints are unveiled which affect delivery. This all undermines confidence in strategic sites as a development model to meet year-on-year housing need, which can cause other problems, as often these sites are essential to meet five-year supply or housing delivery test requirements.

Similarly, local planning authorities can be viewed by local communities of being ‘overly influenced’ by developers if a site is drawn to reflect ownership boundaries; and yet, if a strategic site comprises ownership which is fragmented or has multiple owners with very different views about if/what should be developed, then its delivery can be compromised at a relatively early stage. Given this, it is critically important to understand land ownership at an early stage, and that this ownership is transparent where it affects development decisions.

In areas where political control commonly shifts at elections, cross party relationships are key to ensuring that political changes do not affect the delivery of strategic sites, which will be delivered over multiple political terms. Establishing these relationships can be challenging, but are helped by ensuring members of both parties are involved in key decision making processes, or at least aware of them, and the reasoning behind decisions, at an early stage. Again, establishing direct and open dialogue with developers is important: once a site is consented the developer and local planning authority have the same primary objective: to successfully deliver homes and infrastructure on site.





Environmental impact and mitigation

The testing of environmental impact is a necessary and robust process but can sometimes be seen as cutting across other considerations of plan making and development delivery.

It happens at three points in the process, but in very different ways:

- (i) At the plan making stage, through the sustainability appraisal (and also though local plan modelling work on specific elements such as transport and net biodiversity gain, for example). This is high level analysis and, in the case of sustainability appraisal in particular, is to a degree subjective.
- (ii) At the consenting stage (both outline planning application and reserved matters), through the formal Environmental Impact Assessment process required for the vast majority of strategic sites. Comprises detailed survey and analysis, usually based on a specific development proposal or key development parameters, and identifies significant impact and the ways in which it can be mitigated.
- (iii) At the monitoring stage of construction or occupation, where previously agreed mitigation measures are reviewed to ensure environmental requirements and objectives are being undertaken or met.

Planners often find themselves at the fulcrum of decision making in this regard. In communicating the process to the wider

community as well as members, therefore, it is helpful to restate that planners should be supported in their decision-making to balance a range of potentially conflicting views around what is acceptable in planning terms, and to recognise that this may well be a balance between environmental and other social, economic and community factors.



Key consideration

Delay can occur when planners are not supported in their professional view and as 'mediators' between competing and single-issue views. Instead, case officers can become 'post boxes', simply passing on the received views of statutory consultations to the applicant without offering a view as to the appropriateness of the comments or whether they conflict with those of other respondents. The applicant is then simply expected to address all the issues raised, and to make decisions themselves between competing interests. Case officers should be supported by colleagues to undertake the mediator role and respected by statutory agencies in the role they have to perform in coming to an overall balanced view.



Resources and skills

Ensuring that the right resources and skills are available at the right stage of the process is an important, and often challenging, aspect of both delivering and supporting the delivery of strategic scale development.

Planning application fees for strategic development are a useful tool to fund officer resources, however they are not received until relatively late in the process (once a planning application is made). Also, with complex sites, these fees can often be insufficient to fully cover the costs of officer input into the process.

Agreeing a planning performance agreement (PPA) with a developer, landowner or promoter is an effective way to secure funds earlier in the process, which can be used to ensure effective pre-application engagement and to ensure sufficient resource is available during application determination. However, there are skills and resource implications associated with the PPA route for strategic sites, and PPAs have broken down due to insufficient time, consistency or quality of officer input.

As site delivery begins, it is likely that significant local planning authority resource is required not only for monitoring the development, but for dealing with the likely influx of planning applications related to housing, infrastructure or other forms of development (schools, retail, commercial etc). When negotiating a s106 agreement, whilst a contribution toward a monitoring officer is common, consideration should be given to whether a contribution to an implementation officer is also appropriate. This can be used to effectively 'fund' a dedicated planning officer (or officers) for the lifetime of a project, to deal with the applications once submitted in a consistent and knowledgeable manner.

It is important that, where possible, continuity of officer from the outset is maintained when dealing with a site. This is particularly important in strategic sites, where issues are often complex, can take a long time to reach a solution, and can re-occur throughout the process. Whilst clearly planning policy and development management officers will need to be involved throughout the process, if a continuity of officer can be maintained for these two disciplines, it enables an easier handover between the two as needed. Major projects teams – which include cross-disciplines within a council – have been effective in this regard, and this can be helped by the PPA process especially if several strategic sites are in place, as it allows consistency of funding and approach.

This continuity can also be equally important in a political sense, as different members or political parties might have different aspirations for an area or site at different points in its progression, leading to changes in decision making processes or decisions themselves which can undermine delivery. Whilst practically unworkable to enforce through the planning process, issues can be minimised by maintaining officer consistency and effective project recording, and through effective communication between parties (officers and members, but also where appropriate, with developers also).

Consistency of resource and having the correct skills are not only important within planning teams dealing with strategic sites, but also within wider disciplines which have key inputs to planning decision making (highways authority, lead local flood authority, ecologists, heritage, regeneration, housing etc). Whilst some of these disciplines may not be within the control of a local planning authority (especially in non-unitary authorities), encouragement to keep resources as consistent as possible in these matters is important for project continuity, and to enable issues (especially those which are complex and time consuming) which arise to be dealt with consistently.

Other sources of funding, such as government grants (eg garden communities/eco-towns funding etc), can also be used for either officer resources or to bring in specialist resources, including Homes England, which may not be available in-house.

Case Study: Welborne, Fareham



Key consideration

The delivery of strategic sites is complex and invokes the need for a wide and varying skills set. Whilst many of these skills are transferable in different contexts, they will be ever evolving and honed over time. Therefore, it is often beneficial to retain officers in certain positions, to enable them to use skills developed again and again (eg by forming a major sites team, or having a dedicated major sites officer). This can speed up processes in locations with multiple strategic scale sites, in cross border locations, or if further strategic sites are required as part of a later development strategy.

Case study: Halsnead, Knowsley

Development delivery

Policy and plan making

PAGE 22

PAGE 26

PAGE 35

PAGE 39

PAGE 50

PAGE 43

PAGE 53

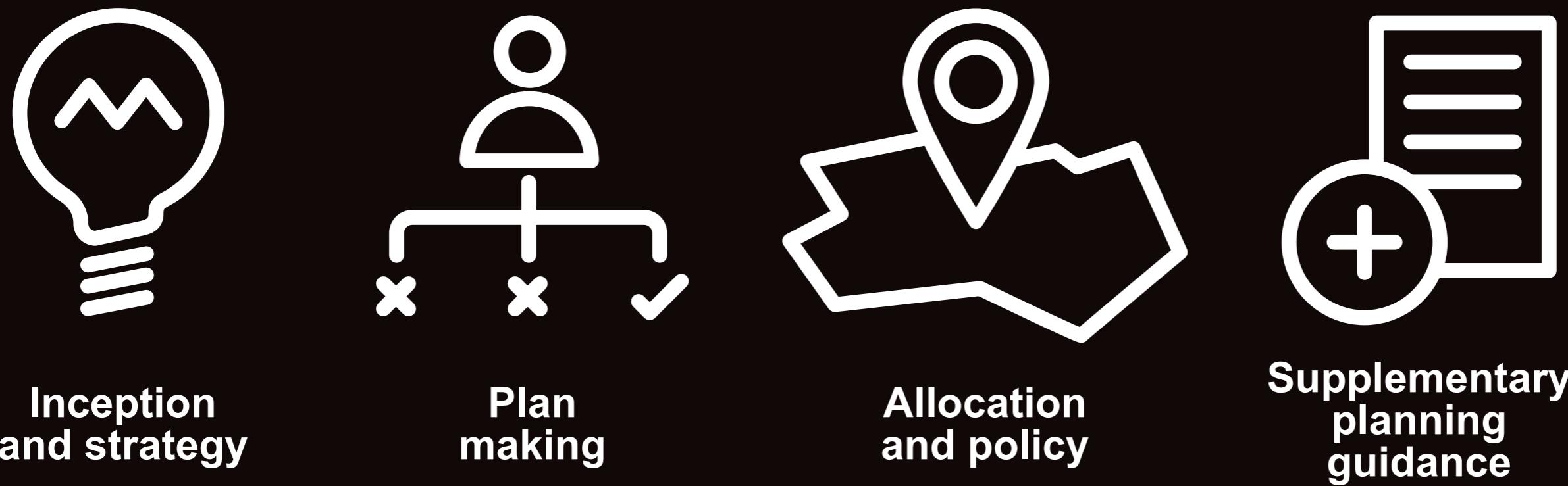
PAGE 58

PAGE 61

PAGE 64

PAGE 67

Part 1: Policy and plan making





Inception & strategy

Contents

<u>Context for a strategic site strategy.....</u>	23
<u>Prioritising objectives for a strategic site strategy.....</u>	25
<u>Statutory vs non-statutory spatial strategies.....</u>	25



Inception & strategy

Context for a strategic site strategy

A crucial aspect of the delivery of a strategic site is work that is undertaken at the plan making stage. This work sets the context, vision and narrative for the delivery of a site, and effort here can save countless hours and prevarication going forward into later stages of delivery.

Selecting the right site (or sites) in the right place, and with the right characteristics, is essential to both enabling a site to be successfully delivered and achieving the benefits of delivery. Early decisions taken can be undone, but often at the cost of time, resources and trust in the process. Maintaining this trust is critical to ensuring obstacles can be surmounted at a later date. Therefore, starting the process in the right manner is essential.

Decisions around how to deliver growth in your development plan, and whether to pursue strategic sites as part of this, is one which should absolutely be led and taken by you as local planning authority.

The ‘public facing’ commencement of a local plan process usually begins with an invitation or ‘call’ for sites exercise. However, this does not have to be the case. As local planning authorities, you can begin to gather baseline mapping and background evidence about your area and use this to consider alternative spatial growth strategies prior to any call for sites process.



Interrelationship between local plan and other council plans

This work could help shape the starting point of the plan, and ensure the plan is aligned with other strategies of the council or wider area – the first ‘tier’ of sustainable development considerations which may influence choices around competing development locations or site allocations. In turn this would help structure the sustainability appraisal objectives, and provide a clearly defined and defensible rationale underpinning your position for the whole strategic planning process, which then can influence how your ‘invitation to engage’ and selection of sites through the call for sites process happens.



Key consideration

Importance of buy-in at outset. High risk in commencing a strategic sites growth strategy if resources/time/political will is not present (especially if this moves away from your previous spatial planning strategy focused on smaller/edge/dispersed sites).

Recommendation:

Maintain robust conversations with members at outset on the positives and negatives of pursuing a strategic site approach.

Whilst the LDS outlines the key stages in the process, you will benefit from setting out what governs each stage of plan-making – the ‘audit trail’ shaping decisions about allocations and types of development.

This approach would be particularly useful if your authority is in the following circumstances:

- An area with high growth aspirations.
- An area with significant amounts of potentially-developable land over and above that required to meet current requirements (and therefore clear choices to be made about the location or type of growth).
- An area subject to significant cross-border development or strategic infrastructure opportunities, or impacts.

The first port of call should always be the council plan or other corporate strategic policy documents, where many of your cross-departmental policy objectives will be set out and which are expected by your colleagues and Members to be supported, enacted and realised through local plan policy.

Wider policy – such as the local economic partnership (LEP)’s economic strategy, county or local transport partnership’s sustainable transport objectives, council climate change emergency declaration, or community and housing strategies – can also have a bearing on shaping the call for sites outcomes and will legitimise and evidence any choices you make about the location and type of new development when engaging in briefing and consultation activity.

Objectives will also be shaped by a mix of spatial and non-spatial elements, which should be identified as part of the local plan evidence base.

As an example, see the Leicestershire Strategic Growth Plan (2018), prepared by the nine partner authorities and the LEP to provide a long-term vision. It is a non-statutory plan but sets out an agreed strategy for the period to 2050, to be delivered by these partners through their Local Plans.

Spatial elements

Could include: The physical characteristics of an area (pressures, constraints, opportunities, conflicts), planned strategic infrastructure, travel to work patterns/cross border influences etc, ‘missing links’ in infrastructure/green infrastructure networks etc.

These should always be articulated in plan form.

Case study: South Essex Strategic Growth Locations Study

Non-spatial elements

Could include: Local demographic or economic characteristics; pressures on district wide infrastructure and services; housing affordability; climate change objectives etc.

Much of the evidence required to identify these elements is often already available to the local plans team from elsewhere within the council, but may need to be supplemented by evidence studies (to update data, or to quantify or rebut a ‘perceived issue’ expressed by local stakeholders). If so, these studies should be commissioned at the initial early stage – and where synergies between issues occur – consideration should be given to commissioning of joint or a series of linked studies undertaken at the same time with interaction and sharing of analysis to ensure cohesive decision making which does not create internal policy conflicts.

The first ‘interpretation activity’ is for the local planning authority to translate the needs of the local area identified through data and evidence, plus the corporate policy aims objectives of the council, into a series of growth/development objectives. Wider and subsequent discussions over local plan spatial or site options can then be evaluated and measured against these key objectives, and can also shape the sort of questions and evidence that can be asked for at the call for sites stage (see below).

This can then form the basis of the initial stages of plan-making (the ‘issues and options’ stage of plan making, prior to the publication of the Regulation 18 Plan). Alongside the issues and options consultation material, it may also be beneficial to provide a non-technical summary or overarching short document suitable for a lay/member audience, which brings the headlines of the technical evidence together to explain the ways in which the local plan can assist in achieving your identified objectives.

This allows the ‘audit trail’ underpinning decisions about growth and development to be easily explained and referenced further down the line (at examination in public, for example). For strategic sites, this also allows people to understand better how development in certain areas might be supported because they deliver better outcomes for the district as a whole.



Key consideration

To justify the basis for assessing spatial and non-spatial local plan and site options, whatever overall growth objectives you select must be supported by published background evidence/source documents which have determined them.



Key consideration

In order to be effective and meet its purpose, prior to issuing the call for sites to elicit potential development sites, the starting point for your local plan should be the identification of some overall growth objectives.

Prioritising objectives for a strategic site strategy

If there is more than one option – or location – for new development at scale within your district, then as part of the invitation for call for sites, local planning authorities could consider setting out an explicit ‘criteria-based’ set of objectives which site promoters must respond to.

These would explain how a specific site or growth location would meet specific council objectives agreed through corporate plans or other policy documents – and strengthen the links between the two sets of policy. This should be explained to and agreed with members and key decision makers in advance, so that in selecting sites subsequently, it is clear from the outset what spatial and non-spatial objectives these sites are expected to meet.

It is also important to set out why this matters, in order to secure wider council policy, and will give a clear context for the drafting of site specific local plan policy down the line.

Statutory vs non-statutory spatial strategies

In the absence of statutory spatial plan-making at a national, regional or subregional level, it can be difficult for local planning authorities to legitimise and advocate spatial plan-making outside the formal local plan process. However, a number of authorities have recognised the need to plan ‘beyond their boundaries’, joining forces with adjoining authorities and LEPs to explore functional spatial geographies and how infrastructure, environmental constraints and Green Belt policy impact on an area’s ability to deliver sustainable patterns of growth.

[Case study: Milton Keynes Strategy for 2050](#)

The majority of strategic plans produced to date are non-statutory; however, most contain a spatial element to help meaningful decision-making about future local plan strategies and allocations. Commitments have been made by the councils concerned to take these strategic plans into account when drawing up individual local plans.

Where no strategic plan has been produced, then plans produced by Local Economic Partnerships, growth boards or similar can also provide a meaningful context for shaping growth decisions. Similarly, environmental agencies and utilities providers also produce spatial plans covering a wider area – catchments or landscape character areas – which can provide useful spatial evidence to underpin conversations about growth.

We urge local planning authorities to make early and sustained engagement with such organisations so that spatial growth and infrastructure strategies can be aligned with local plan making and allocation of strategic sites.

We note that as the time of writing, central government has expressed its commitment to producing a strategic Spatial Framework for the Oxford-MK-Cambridge Arc. Although the area covered will be larger than most spatial plans produced to date, it is currently intended that this will have equivalent statutory weight to the NPPF. As such, if your local planning authority is one of the numerous councils within the Arc area, once approved, this document will provide a high level spatial influence shaping your future local plans. It may be that this form of high-level spatial plan will be replicated in other parts of England in due course.

Examples of the types of strategic spatial plans which could influence local plan objectives

[Water Resources Management Plan – Anglian Water](#)

[Oxford to Cambridge Local Nature Capital Plan](#)

[The Oxford to Cambridge Arc – Economic Prospectus](#)

[Leicester and Leicestershire Strategic Growth Plan](#)



Plan making

Contents

<u>Call for sites – process and evidence ..</u>	27
<u>A point about mapping.....</u>	29
<u>Selecting sites</u>	30
<u>Deliverability of site allocations</u>	31
<u>Visioning for large sites</u>	32
<u>Testing of strategic site policy at examination</u>	33
<u>Relationship between local plan and outline planning application activity.....</u>	33
<u>The role of the sustainability appraisal.....</u>	34



Plan making

Call for sites – process and evidence

Following the publication of the overall growth objectives developed as part of the early consultations the **call for sites** process is commonly employed as the next stage in plan making.

It should be noted that undertaking a call for sites is neither a required or a prescribed process. There is no standard requirement for a call for sites invitation, and in our experience both the process and the information requested by each local planning authority varies considerably. As a consequence there is a great disparity in the level of detail and evidence submitted at this stage of the planmaking process to different authorities, and yet as local planning authority you are expected to make wide ranging and frequently financially impactful decisions on the basis of the material submitted to you.

A call for sites is a helpful tool in gathering both technical and delivery evidence about sites. Whilst simple information such as site size, indicative capacity, any known designations etc. can easily be gathered, we would recommend also asking for more detailed information about landownership (including a clear understanding about what interests lie in the land). Depending on the outcome of the government's call for evidence on the [data on land control](#), this information should be much more readily and publicly available.

In the main, the call for sites process is 'market led', meaning it is a developer, promoter or landowner which provides the majority of evidence for a call for sites submission, and indeed puts their sites forward for development. However, in a true strategic sense this is not always the best way to drive decisions around where development in your area might be located, as it relies on the right sites being promoted by the right developer in the right location and for the right mix of uses.

Case study: Halsnead, Knowsley

If you have growth objectives that would be best served by alternative sites, land uses or growth locations coming forward, there is nothing to stop you as local planning authority [other than maybe resources – see later] after reviewing the call for sites submissions, approaching owners of other land/sites to ascertain why these sites have not been promoted, or whether there are previously unknown constraints which affect site delivery and means the sites cannot be considered further.

Similarly, if there are sites being promoted through the call for sites which you not only consider are unsuitable for the development proposed but which would better serve wider growth objectives by having more policy protection for their existing use or value as a local asset, then this should be raised explicitly early in the process.



Key consideration

The call for sites process does not have to be limited to prospective development sites. As part of the call for sites process you can also ask for submissions from local stakeholders setting out what is missing from an area (a 'missing link' in a green infrastructure network, for example, or a underused play area with redevelopment potential?), or whether there are buildings or land that would benefit from positive policy protection, which could be equally valid in shaping a spatial growth plan.

Be prepared also to investigate and include those parts of your area not put forward for development, if this would help deliver or unlock wider growth objectives.

Toolkit table #3

Typical questions in a call for sites exercise	Optional additional questions, answers to which will benefit/assist decision making and policy formulation for strategic sites
Contact details	Land ownership (and more importantly, control arrangements): ie single or multiple; individual, development company or investor owner; promoter (including on what basis); consortium arrangements (formal Joint venture or informal partnership); housebuilder interest assigned.
Site location	Proposed delivery model: ie land trader; infrastructure/master developer; serviced sites to third parties; direct delivery by housebuilder).
Site size	Access/servicing proposals including extent of new access or utilities required.
Indicative capacity (all land uses, not just dwellings)	Likely method to overcome any technical or infrastructure constraints including any requirement for third party funding (grant/forward funding or borrowing).
Known technical constraints	Background technical reports/notes/mapping in support.
Known infrastructure constraints	Background technical reports/notes/mapping in support.
Current use of site	Track record of landowner/developer/promotor elsewhere.
Likely timing and phasing of delivery	<p>Anticipated project programme and delivery trajectory (requested to mirror the local plan progression/adoption/plan period dates – promoters could be asked to complete a local planning authority-issued spreadsheet for ease of comparison and reference).</p> <p>(NB for the vast majority of call for sites strategic sites the above info will have already been requested by the landowner when selecting potential promoters for the land through the bidding process, so will have this information already).</p>

A point about mapping

Technology can be a huge help in this sifting process, with GIS Mapping able to review sites quickly in a less resource-intensive manner. This GIS Mapping can also be opened to the public in later stages, which can be an important part of the dissemination and public consultation process.

The starting point should be a good base map of the district area, including land beyond its boundaries for context. Existing constraints mapping should then be overlain. For those with green belt (GB) within their district, then depending on the extent to which GB review is an issue for the local plan, then a ‘policy on/policy off’ commentary should be included with a separate mapping layer.

Sharing of information should be explicit, transparent and easy to access. In presenting the information, you will need to consider:

- ease of use of site references and links to information submitted
 - avoid just mapping ‘red lines’ in isolation (doesn’t give clues as to the extent, land use or nature of development proposed and the extent of a red line site can be misleading for strategic scale development which includes much green infrastructure. Technology will now allow better mapping of submitted vision or master plans for sites (made clear that this is on a ‘without prejudice basis’) on the district plan base
 - public sharing of information about a site – including data around land control
 - should also map any areas where further policy protection is proposed or to be considered to allow promoters to consider building this into iterations of their proposals – especially useful for strategic sites.
- Once a more consolidated list of option sites has been developed, as local planning authority you can take the lead in facilitating initial liaison and discussions with relevant landowners, developers and promoters. This is essential to establish the key issues surrounding the development capacity and delivery of a site. Issues identified at this stage could go a long way to deciding whether to proceed with selecting this site as part of a spatial strategy and potential allocation for development, particularly if phasing and delivery is a key consideration.
- It is notable that there is a vast difference in approach by local planning authorities to early engagement. Some authorities are accepting of early meetings with those who have made call for sites submissions, whereas other authorities refuse to meet any promoters until relatively late in the plan making process.
- To overcome any issues around probity, we suggest that some ‘rules of engagement’ should be set out at the start of the call for sites process:
- where any missing information is sought from the local planning authority having reviewed the original call for sites submission, this should be requested and received before a meeting is offered
 - all strategic sites should be offered a meeting with local planning authority officers following their call for sites submission
 - all meetings should follow a common agenda agreed in advance
 - where possible, for consistency members of a common local planning authority policy team should meet all promoters (and certainly those of strategic sites)

- it should be made very clear that these conversations are being held on a ‘without prejudice’ basis, and entering into dialogue should not be taken as the local planning authorities’ acceptance of the site as a development location
- members should be kept informed of the incidence of meetings, via an agreed reporting system and taking account of any confidentiality terms.

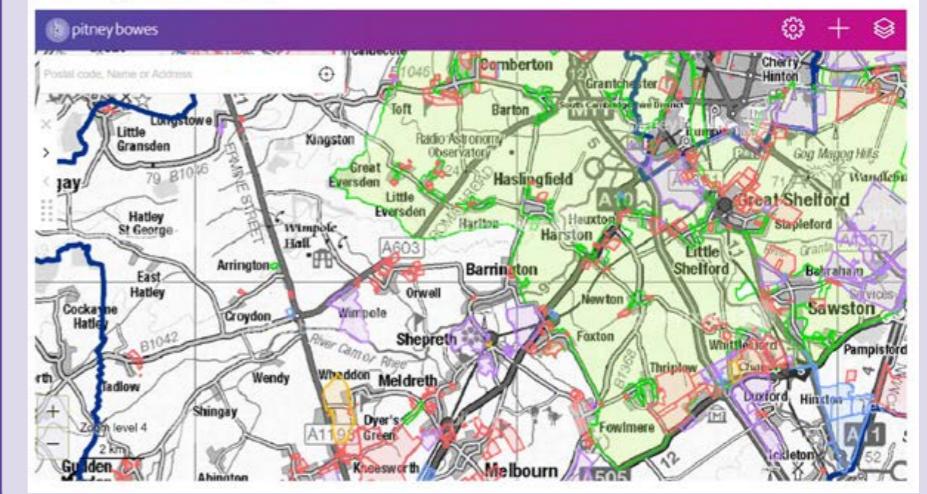
Example of a thorough and easily navigated call for sites mapping system.

South Cambs / Greater Cambridge shared planning

Site submissions

Please wait for the site map to download.

Guide to using the Site submission map



Selecting sites

Following the submissions received under the formal call for sites process, the process of testing alternatives and selecting possible sites can begin in earnest.

Once all sites have been mapped and referenced, the first stage in this site selection process will be to remove outliers which clearly do not conform to growth aspirations or visions for the area. These issues of suitability will depend on the context for development and growth in a locality, and the amount, aims and objectives of this growth.

To ensure a clear link between evidence, stated growth objectives and selection of sites, the call for sites submissions should be reviewed against growth objectives in this context, supported by additional evidence gathering as necessary. The sifting process should be recorded accurately and to a common format.

An alternative approach to the call for sites assessment (before the sustainability appraisal stage) might look like this:

“When set against the Council Vision:

- Does your strategic site sit within one of the council's broad directions for planned growth (if these are articulated spatially or economically in a vision)?
- Would the site deliver something which is missing from the area such as a new infrastructure link (road, footpath, new GI links), or re-balance homes close to jobs or services, or direct investment to a part of the district which is currently lacking?
- Would it support existing sustainable transport services (rail station, key bus services or P&R), or facilitate patterns of more sustainable/less travel? Would it benefit from already-committed investment in strategic infrastructure?
- Could it incorporate land to create new green infrastructure to maintain settlement separation, or the character of individual places? If not, as part of strategic site planning, could the council allocate or put in place added policy protection on adjacent land for this purpose?
- Is the site big enough to be self-contained or to deliver the new on-site infrastructure needed? If not, is it of a complementary scale and location to existing places given the settlement hierarchy? Would it change the settlement hierarchy – and could this be a good thing?

- Would it spread investment from other places or stop other places growing – and is this a good or bad thing when reviewed against overall council plan objectives?
- Would it be a first phase of, or open up, a longer-term growth location beyond the local plan period?
- Could the site deliver better outcomes if it was allocated as part of one larger/combined site?
- If it requires removal of land from the Green Belt (GB), are there compensatory/complementary GB additions you could consider which would better serve GB purposes elsewhere in the district?”

Then, the traditional assessment tools – principally, the Sustainability Appraisal addressing issues around land use, physical and environmental characteristics - could be balanced against a planning assessment against other agreed council objectives (spatial or otherwise).

Up to and at the examination, this would give stakeholders and the Inspector the wider content for development and growth decisions, and issue a clear message that the decision making process involves weighing the site allocations and site-specific criteria against other council /local area growth objectives.

To ensure a clear link between evidence, stated growth objectives and selection of sites, the call for sites submissions should be reviewed against growth objectives in this context, supported by additional evidence gathering as necessary. The sifting process should be recorded accurately and to a common format.

Deliverability of site allocations

The growth aspirations or vision of a council will have a significant impact on the site selection process, as well as the sites which are put forward for development themselves. However, often it is important for the deliverability and soundness of any potential allocations that a range of sites are considered and included as part of the local plan process.

The benefits of allocating strategic sites to help meet growth needs are well documented. However, reliance on a few large sites to meet a large proportion of development needs (or to rely on land under the control of one or a limited number of developer/promoters), can seem (and sometimes prove) a high-risk strategy. As well as sustained objection throughout the examination process (by those directly affected by large sites, and from a large number of ‘omission sites’ not allocated), there is a risk that if a ‘single site’ approach is found unsound or risks around delivery are given weight through a local plan examination, the spatial strategy for the plan may be undermined and the whole plan found unsound.

Thus, if a ‘strategic site’ strategy is being pursued, it is worth considering at this stage whether there are any phasing or policy mechanisms which you could employ to minimise this risk. For example, identifying a self-contained first phase, or allocating part of the site for development within the plan period but with a committed ‘reserve phase’ to follow (the ‘white land’ approach). This may help overcome criticism from competitor sites in terms of risk to overall delivery, but would still give confidence to the promotor that strategic scale growth is supported, thereby enabling the proper planning of long term infrastructure and utilities (including by statutory agencies).

The question of scheme viability was a material consideration in the local plan examination into the North Essex Garden Communities (GCs). As a result of the way in which the National Planning Policy Framework (NPPF) requires viability to be considered (largely aimed at smaller scale developments), and due to the uncertainties around the factors which influence viability when considering development over decades rather than years, only one of the three GCs was found to be viable. The Inspector recommended the removal of the two GC sites which were more ‘standalone’ in nature and reliant on significant public transport infrastructure investment to deliver on their sustainability objectives, on the grounds of a lack of soundness in relation to demonstrable viability.



Key consideration

It is usual to feed back the results of call for sites to members and parish/town councils through workshops and committee presentations. However, we have found the extent to which local planning authorities engage with promoters at this stage is very variable.

So, consider the benefits of early and proactive engagement with strategic site promoters (on an ‘agreed protocol’ and/or ‘without prejudice’ basis for each one for consistency of dialogue and engagement) to find out more about their emerging plans and proposals – it does not commit you to making an allocation.



Key consideration

Be prepared also to investigate and identify land not being put forward for development, if this would help deliver your growth objectives.

Visioning for large sites

When the preferred option for growth involves one or more large sites, it is important to consider at the outset the vision and narrative within which development could be acceptably brought forward.

This process should be led by the local planning authority but in conjunction with the promoter team. It is usual for some sort of “vision document” to be submitted as part of the call for sites process, but this is often prepared by the promotion team in isolation (which means that the Vision may not take into account the need to meet wider growth objectives being worked up by the local planning authority internally/in parallel to site selection as part of the initial plan making stages).

At this stage, the vision is also unlikely to have been subject to meaningful local or external stakeholder consultation. Local planning authorities often decide not to recognise or engage with promoters’ consultation activity on potential sites in advance of their identification in a draft plan, which means promoters often decide not to run public consultation in advance of any draft allocation.

However, the local planning authority will review (and perhaps respond) to the promoter’s vision document as part of the review of the call for sites evidence base. It will also be made publicly available as part of the local plan process.

For strategic sites which are to be taken forward to preferred option stage, local planning authorities should provide some feedback to promoters about the acceptability or otherwise of the vision at this stage. If the vision is to become a ‘common vision’ for the purposes of plan-making (ie accepted or relied upon by the local planning authority either in principle or as regards its technical detail), it should demonstrate how it can help deliver the local planning authority’s agreed growth objectives (and commit to how it will do so) whilst demonstrating that the vision is deliverable and viable.

As a minimum, the local planning authority should satisfy itself with regard to the following questions:

- a. Why is this site a sustainable location for growth?
- b. How does this site deliver against the wider strategic objectives of the area/local planning authority?
- c. What does this site need to deliver to be sustainable both in land use and infrastructure terms?
- d. Why does this site perform better than alternative options?
- e. Does the overcoming of any constraints on site lead to opportunities?
- f. What are the risks to delivery and how can these be minimised?

If further information is required from promoters to answer these questions, then dialogue should continue.



Engagement and consultation

Consultation and engagement on strategic sites is vital to achieving a ‘common vision’ at plan making stage.

It is worth considering who leads this process? Who should be consulted? And what can realistically be agreed at this stage?

It is advised to seek engagement – with the community, members and landowner/developer team – at the local plan stage. You may find that because of the need for developers to demonstrate deliverable schemes at an early stage, the amount of upfront work and decisions they undertake means it is hard to alter the principles of the scheme if engagement does not take place until the planning application stage

[Case study: Langley, Birmingham](#)

[Case study: Great Haddon, Peterborough](#)

Testing of strategic site policy at examination

Testing of strategic sites at examination can be complex for the following reasons:

- the level of available site data (it is more costly to undertake detailed or intrusive survey for a large area, and unrealistic for these to be undertaken ‘speculatively’ by promoters in advance of the confidence of an allocation)
- the trajectory and build out often extends beyond the plan period, so a proportion of the development (and potentially, the infrastructure) will be delivered some years from now
- it is likely that the viability picture will also vary over time (through changes in background circumstances more likely over a longer delivery period)
- the community who will benefit from new homes and investment in improved infrastructure and facilities are often not ‘present’ yet to support strategic growth options (so strategic sites often tend to attract a disproportionate level of opposition from existing residents which is unable to be balanced with support from those future residents yet to find a home).

Relationship between local plan and outline planning application activity

In terms of speeding up delivery, there are a number of considerations relating to the timing of a strategic site planning application alongside the local plan.

Toolkit table #4

Concurrent local plan and outline planning application	Sequential local plan and outline planning application
Advantages Degree of detail in an OPA can provide answers to questions about the impact of development raised by statutory consultees/local stakeholders at local plan (LP) stage, and reassure Inspector of its merit and ability to mitigate any perceived ‘harm’. Master plans and DAS information can show the extent of built development and GI and the design details proposed, which can allay concerns of those most directly affected by the proposed allocation. Quantum of development has been ‘tested’ so that LP policy can be more definitive about the capacity of the site and mix of uses in LP policy. Can speed up the delivery timescales between adoption of LP and consents/start on site.	Advantages LP Policy designed to establish the principles only; risks having an overly prescriptive policy which may need to change (for good reason) at OPA stage. Considerable upfront risk and abortive work for promoter if site is unsuccessful (Inspector recommends removal or wholesale policy change). May pre-empt or override subsequent policy guidance (SPD/technical guidance/master plan/development brief etc) – this is where public consultation is often focused. Removes ability for local engagement to influence the scheme at SPD/OPA stage?
Challenges Running the two processes concurrently can be confusing for the public, especially if local plan and outline planning application consultation activity overlaps.	Challenges Can lead to failure of subsequent supplementary planning document or outline planning application to meet high level policy requirements (albeit for good reason), thereby undermining trust in the process.
If site is multiple ownership then outline planning application process may be more complex; suggesting policy testing and supplementary planning document adoption should come before any consideration of piecemeal or phased applications. Risk to developer in terms of potentially abortive work/cost if plan fails or site not allocated for the development proposed.	There may be insufficient detail in local plan evidence to demonstrate that key issues can be overcome to satisfaction of Inspector. The process of local plan (and then supplementary planning document) progression to adoption can be considerable, as can the consenting process to secure OPP for strategic sites, thus the overall planning process is elongated, slowing delivery.

The role of the sustainability appraisal

The sustainability appraisal is a complex exercise, but a critical part of the evidence base in plan making. There is a raft of available guidance on sustainability appraisal available for you as local planning authorities and given the complexity of the issue – and the fact that delays associated with the sustainability appraisal are not exclusive to the delivery of strategic scale sites - this is not a topic which is focused upon in this Toolkit. However, as is apparent and obvious, ample time needs to be attributed within the process for this complex exercise to occur, and its results and implications carefully analysed.

Suffice to say that for strategic sites, the sustainability appraisal analysis is only part of wider sustainability considerations, and having clear plan-wide aims and objectives also set out in the plan as ‘criteria’ to be achieved through strategic site allocation will assist the rationale and evidence supporting the choice of site selection alongside sustainability appraisal considerations.



Viability

The ‘viability test’ for proposed site allocations at the local plan stage focuses on demonstrating that each typology of site can deliver the quantum of development when set against the policy requirements of the plan and still deliver a reasonable return to the developer. Because of the specific viability considerations of strategic development, we recommend that a specific typology should be identified for strategic sites rather than attempting to model strategic sites on the same basis as smaller developments.

At examination, the focus should be on agreeing a common position with site promoters in respect of the high-level cost assumptions in the local plan viability evidence (often the infrastructure delivery plan (IDP)). However, the following should also be made explicit:

- where there is a need or reliance on third party funding (either to pump-prime delivery or assist cashflow), (together with the level of certainty, and any ‘fallback’ position)
- the headline costs in the IDP may be subject to adjustment through the OPA/EIA, scheme design and s106/CIL process as the development details and mechanisms for delivery are firmed up (and that to have this element of flex can benefit the local planning authority as well as the promoter)



Allocation & policy

Contents

- [The benefits of joint planning 36](#)
- [Drafting of policies for strategic sites .. 36](#)
- [Agreeing policy wording 37](#)
- [Other non-planning allocations and their role in delivery 38](#)



Allocation and policy

There are a vast array of ways in which policies for strategic sites are drafted in local plans. Whilst there is no ‘right’ or ‘wrong’ answer, the commentary below offers some considerations to assist you in producing effective and proportionate local plan policies.

The benefits of joint planning

The first element to consider is the characteristics of the strategic site. Does it straddle your administrative boundary? Or if it is on the edge of your district, does it have infrastructure or environmental impacts which affect your neighbouring authority?

If so, then it is worth considering the setting up of joint policy arrangements. This could be as simple as a ‘mirrored’ policy in adjoining local plans to ensure coordination of design and delivery; or more comprehensive arrangements such as shared officers, joint committees, or more formal joint planning units for policy making, development management and delivery purposes to ensure co-ordinated s106 and implementation mechanisms.

Toolkit table #5

Policy Type	Advantages	Disadvantages	Examples
Full ‘part’ of local plan – examined by the Planning Inspectorate.	Comprehensive, giving clear expectations what is acceptable to the local planning authority for developers. provides certainty regarding quantum and type of development to be delivered. Provides clear infrastructure requirements. Certainty enables community and political ‘buy-in’. Examination process allows comprehensive interrogation of key issues, and adds weight to the plan once adopted. Opportunity to include plans to ‘fix’ spatial elements.	Time consuming, resource intensive and expensive process. Seeks to ‘fix’ elements at an early stage, which reduces flexibility to respond to context changes later in the process. Policies which may be relevant at time of drafting become irrelevant if context changes, which leads to additional work to demonstrate conformance with these policies, both from a developer perspective and a local planning authority perspective. Leads to duplication of other parts of development plan. Difficulty to renew policies alongside future local plan process – would require review of entire plan.	The Welborne Plan, Fareham Borough Council.
Single planning policy in local plan – Comprehensive.	Sets out clear public and political expectations for site delivery. Provides clarity to developers over requirement for delivery on site. Common, and therefore easy for local plan Inspectors to understand. Can be adopted as part of a ‘part one’ or a ‘part two’ local plan.	Requires robust evidence as part of evidence base, to justify policy requirements. Can be inflexible if circumstances change during local plan period.	Lancaster South Broad Location for Growth – Policy SG1 Lancaster Local Plan Part One. Waterbeach New Town, Policy SS/6 South Cambridgeshire Local Plan.

Drafting of policies for strategic sites

In circumstances where a two part local plan is being undertaken (strategic policies and site allocations), strategic sites can be effectively dealt with at the part one stage, due to their central role in meeting the vision and housing delivery targets of the plan.

In other circumstances – especially where a strategic site is in multiple ownerships – a criteria-based policy which sets out very clearly the overall policy requirements to be met on site is beneficial. This should set out requirements for supplementary planning documents, comprehensive master planning, application and s106 requirements pertaining to the site and how these will be determined, if possible.



Key consideration

Consider joint policies for strategic sites. Are you content to influence, consent and deliver only that part of the site within your administrative boundary? Or are the planning issues so interrelated that a more formal consenting mechanism is needed? If so, what might be the best way to secure effective delivery?

[Case study: Boots Site, Beeston, Nottingham](#)

For example, a cross border site on the NW Leics/ South Derbyshire border at Woodville Woodlands was delivered through effective joint working of the two local authorities on master planning and development management over several years, despite site allocations which originally limited development to employment in one authority and housing in the other.

Policy Type	Advantages	Disadvantages	Examples
Single planning policy with basic masterplan/concept plan incorporated.	Similar to single local plan policy option, but allows 'fix' of masterplan.	Masterplan fixing here can reduce flexibility later on in process.	Land at Berinsfield, Policy STRAT10, South Oxfordshire District Council Local Plan 2034.
Single policy in local plan – Basic.	Allows flexibility as scheme evolves over time. Requires less evidence to support it at Examination, therefore easier for local planning authority to adopt earlier on in the process.	Provides insufficient certainty over key aspects of development. Pushes decisions over key parameters further into the future. Less testing of evidence leads to less robust planning framework, which can lead to greater difficulty to progress policy through examination and difficulties moving forward through consenting and delivery stages.	Strategic Urban Extensions, Plan:MK 2016–2031.
Joint local plan – Cross boundary policy (or policies).	Similar to the single local plan policy option above, but allows opportunity to tackle strategic scale issues through joint plan making.	Can be more complex (and time consuming) to progress through examination, due to consideration of cross boundary issues.	Deenethorpe Airfield, Policy 14, North Northamptonshire Joint Core Strategy.

Primary site-based policy wording is critical. If it has not been carefully crafted and is either too detailed or not specific enough, then the time taken to move from an adopted policy to an approved supplementary planning document/development brief or outline application for approval can lengthen considerably.

In our experience, the most effective site-based policies are criteria based and structured as follows:

- **First, a paragraph setting out the overall expectation for the site's development – the 'vision' or overall objectives for development at the site.**
- **then, a list of criteria the development must achieve (with cross reference to "in line with" other local plan policies, rather than duplication; and include headline s106 policy requirements).**
- **then, a paragraph setting out how subsequent design details will be decided and approved (requirement for supplementary planning document; single planning application; design coding – including who prepares these documents, how they are sequenced and what status they have once approved).**

Agreeing policy wording

The preparation of local plan policy for strategic sites often works best when promoters of strategic sites and you as the local planning authority work together in the drafting of the development plan and in the run up to the local plan examination.

It is reasonable to ask promoters, developers or landowners to share as full a suite of technical information prior to the Regulation 19 stage as possible, to help shape an effective corresponding policy. Whilst agreement might not be reached on the precise drafting – and this can be debated at examination - the dialogue which takes place can help both sides to understand what the policy is trying to achieve and can be 'trialed' prior to examination so that there is a clear rationale to put before an inspector as to why wording has evolved or changed through the process.

It is also important for planners to structure the policy so that comparable weight is given to all the criteria to be met. We often see policies where a certain criterion has obviously been drafted by a statutory consultee and included verbatim, and in length or detail is far in excess of other criteria which may have equal weight from a planning policy perspective.

It is therefore advisable to engage with statutory consultees and key technical stakeholders on policy wording, so that each party can have a positive role to play in resolving any potential conflicts between different policy criteria prior to the finalisation of policy in the adopted plan.

If it is legitimate that certain site-specific criteria take priority over others, then we suggest that for clarity the policy is structured to reflect this and includes both 'essential' and 'desirable' policy elements.

The benefits of including a spatial plan with a strategic site policy are clear, but many policies do not include any plan other than a red line allocation boundary.

We suggest that in addition to the site boundary, a plan is included within strategic site local plan policy, and comprises:

- sufficient site context to allow an understanding of the surrounding area, connections and green infrastructure which may influence site design and development
- primary points of access/connection which are anticipated (even if their location is 'asterisked' rather than fixed)
- an indication of the high-level split between the broad location of built and open development within the site, with indicative 'offsets' shown between existing and new development, if this is necessary.

This will give the site a clear spatial context for its development and is likely to reflect a balanced position between all the interests on site at the highest level. It will allow the supplementary planning document or subsequent outline planning applications to be drafted within this context, so that 'first principles' are not revisited subsequent to the local plan, and allow policy to be effectively and speedily translated into further approval of details and consents.

Other non-planning allocations and their role in delivery

Other, non-planning, allocations can also have a positive effect in boosting delivery rates of strategic sites, particularly for previously developed land or sites within urban areas. Enterprise zones can be helpful in delivering strategic employment allocations, which in turn can speed up infrastructure delivery, which can be utilised for both the employment provision and also provide for the delivery of new homes.



Masterplanning and design

At the allocation stage, it is beneficial to work with promoters to agree a spatial plan to be inserted into the main policy text. This should be high level but clear in what it is designed to 'control' spatially so that the key parameters for the allocation are universally known, agreed and fixed through the local plan process. To give confidence in the process, these parameters should not be changed by either side at subsequent stages of planning.

Skills and resources

Government funding sources can be used to resource dedicated officer provision, to commission specific studies to aid the delivery of a site, or to 'buy-in' certain skills which might not be present within a local planning authority.

[Case study: Welborne, Fareham](#)



Supplementary planning documents

Contents

[Prescription vs flex](#) 40

[Move from policy to application](#) 41



Supplementary planning documents

“Supplementary planning documents should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development.” (National Planning Policy Framework)

The above extract sets out clearly the scope and purpose of supplementary planning documents (SPD). Depending on the specific circumstances of a strategic site, it is worth considering whether an SPD is necessary.

SPDs can vary greatly in content and detail so there are a range of options and choices open to you around what and when to prepare SPDs to support effective primary policy or to provide a ‘bridge’ between policy and applications.

SPDs for strategic sites are generally a useful tool to move from fixing the principle of development in the local plan and fixing key spatial development aspects. They can also agree mitigation and infrastructure provision and design and placemaking principles, against which planning applications can be considered. You could choose to prepare SPDs alongside local plan progression (it could help at the examination), or once a site has been confirmed in an adopted plan.

In our experience, the most critical aspect to consider in agreeing the content and structure of a SPD is understanding how the development is to be brought forward. For example:

- a single application/landowner – SPDs should focus more on phasing and delivery of infrastructure and how to manage placemaking and design across a large site
- multiple landowners concurrently pursuing a co-ordinated master plan – a key focus for a SPD is how key facilities are to be distributed across the site (especially schools which

are land-hungry), and how site-wider infrastructure is to be designed, funded and phased to avoid potential ransom situations between landowners, or disconnects between phases and construction of key services and connections

- a suite of smaller (or third party) applications phased over time
 - SPD to consider how common infrastructure is to be funded how stand-alone schemes will be phased and co-ordinated to ensure complementary design and placemaking, and how design requirements will be overseen to remain true to the original principles over time.

Case study: Langley, Birmingham

SPDs are prepared by the council. However, to ensure their effectiveness, the drafting of the SPD should be undertaken in collaboration with the developer and key stakeholders (such as statutory agencies) before being consulted on more widely. Whilst scepticism can be raised by local communities about this sequencing, this ensures that any proposals – which could include options to be consulted on – can be delivered in practice within the remit of the ownership and control of land, and taking into account the results of survey analysis, technical limitations and viability of the site.

Prescription vs flex

If the SPD is the bridge between policy and consent, then there should be a balance between the fixing of key elements and the ability for the document to have a certain longevity as a guide for future development through building in flexibility to accommodate changing circumstances. It is likely that structural spatial issues – those relating to topography, connectivity, the extent of built and open development – will endure over time, whereas other spatial issues – perhaps relating to the mix of land uses, housing density, mix and tenures – may need to be adjusted over time within a set of guiding parameters.

It is also important to include phasing and delivery plans within SPD, recognising that whilst there should be an element of flex within what is often a trajectory spanning a number of years, there will be a set of key phasing principles to ensure co-ordinated and effective delivery can be maintained.

In terms of the drawings within an SPD, a distinctions should be made between any ‘regulatory plans’ (those fixing spatially-definitive items, such as access points/connections, protection of features, for example) and those included to illustrate design features or concepts.

The SPD should make it clear whether design coding/briefs are required in addition, that these will be imposed through planning conditions.



Key consideration

To SPD or not to SPD. Considerations will include:

- the level of detail already in the primary local plan policy
- the existence or otherwise of other SPD on key matters to supplement local plan policy (eg on design, s106 or infrastructure)
- whether an outline planning application has been progressed in parallel with the local plan and the extent to which this is likely to be delivered in conformity with local plan policy
- whether there are multiple landowners (and therefore the likelihood of multiple applications where an SPD may be needed to ensure collaboration and consistency)
- if there is a single landowner for the site, how likely this is to continue through the life of the consenting and delivery process.

Move from policy to application

The majority of outline planning applications for strategic sites are submitted following a successful allocation in an adopted plan. However, considerations around the content and detail of an outline planning application are often in train long before this point in the plan process; most strategic sites have draft applications ‘in the wings’ throughout the drafting of plans and policy, and a good number of these have already been shared with the local planning authority.

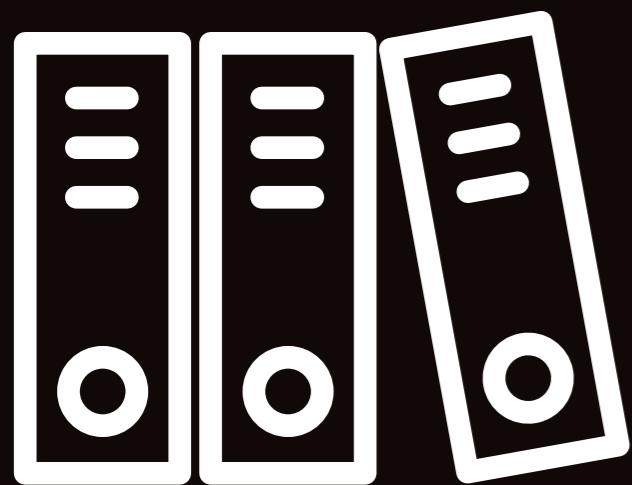
The emphasis on evidence at examination in public stage drives the need for promoters to have ‘firm’ objectives for a scheme at the time of the examination, which can be tested by the Inspector against policy and technical objection as well as viability and deliverability considerations. But this approach can risk (or be perceived to risk) circumventing the opportunity for public consultation on a level of detail normally seen at outline planning application stage: if too much is already seen as fixed through EIP and policy formulation, does this restrict opportunity for meaningful consultation thereafter? This is an important consideration and should be reviewed in the light of the consultation and engagement strategy undertaken.



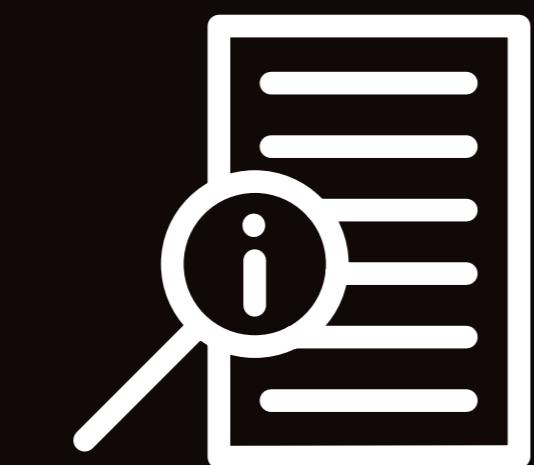
Engagement and consultation

Consultation and engagement often happens concurrently on draft plans and pre-application proposals for strategic sites. Consider whether you are happy to entertain this approach? Will it help you demonstrate the deliverability of your local plan? How can the aims and outcomes of this activity be managed and communicated? What can realistically be agreed at this stage? Can SPG be useful in this context?

Part 2: Development management



Outline planning
applications



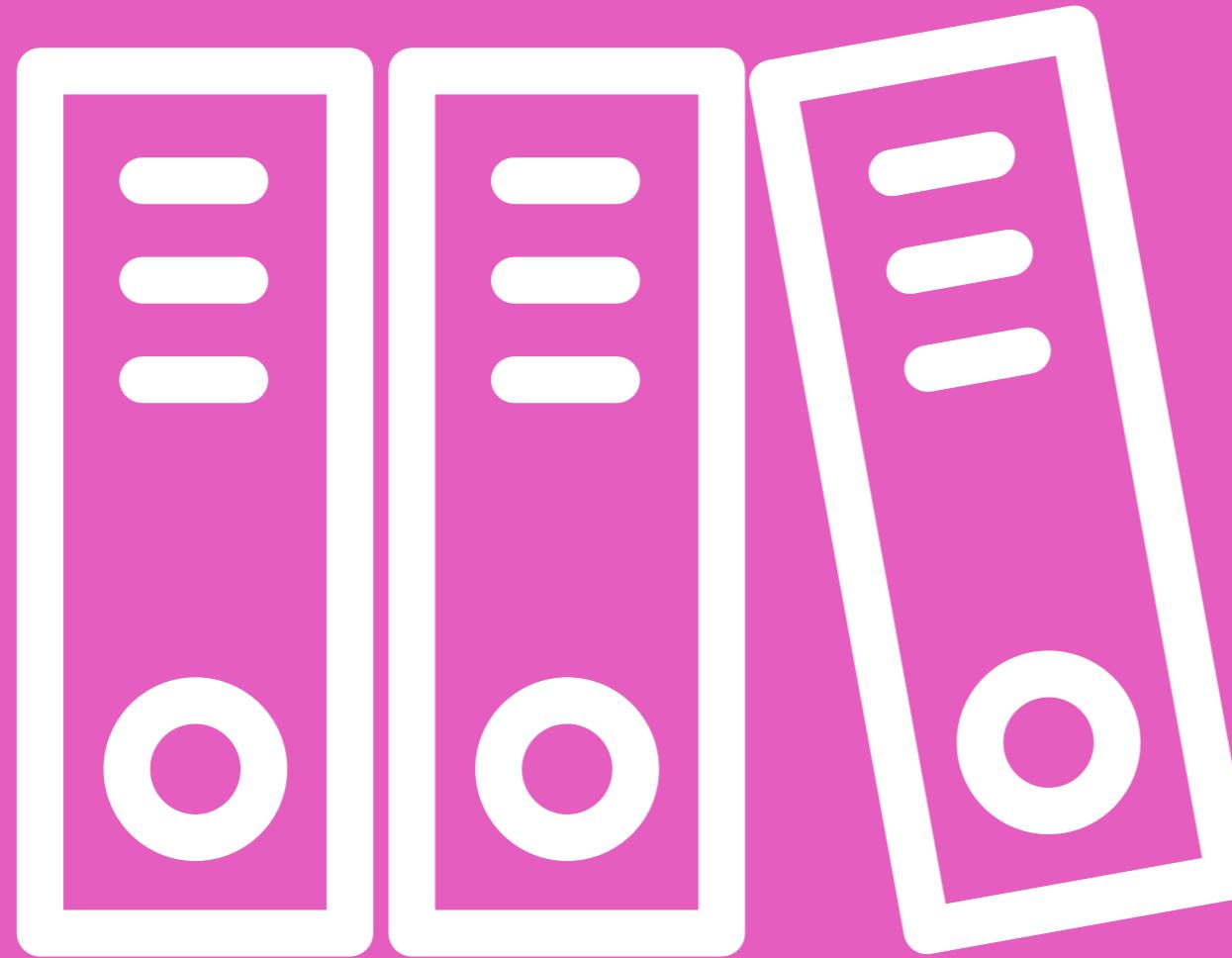
Detailed consents and
pre-commencement
conditions



Outline planning applications

Contents

<u>Pre-application activity and Planning Performance Agreements (PPA).....</u>	44
<u>Screening, scoping and Environmental Impact Assessment.....</u>	45
<u>The role of statutory consultees</u>	45
<u>Format of application</u>	46
<u>Use of parameter plans and approved documents.....</u>	47
<u>The role of Design and Access Statement and illustrative plans.....</u>	48
<u>Permission structure and conditions</u>	49



Outline planning applications

Pre-application activity and Planning Performance Agreements (PPA)

The scope and format of planning applications for strategic sites are generally more standardised than the policy and plan making aspects covered in Part One, reflecting national and local regulatory requirements. Hence, this part of the Toolkit focuses firstly on the proportionality of material submitted; and secondly, the ways in which the objectives set out in policy can be effectively translated through approved plans, supporting material and conditions to maintain the original aims and ambitions of the development.

The vast majority of applications for strategic sites will be in outline form (outline planning application). The decision whether to require a single outline planning application or to allow multiple outline planning applications within a strategic site should have been fixed through the plan making process and set out in the site-specific policy or SPD (see Part One of this Toolkit). It would be unusual for no pre-application conversations to have happened in advance of submission of an outline planning application. Pre-application discussions can be formal (through a fee-paying service or agreed PPA) or informal, in which case the advice given may not be formally recorded. The crossover between the role of policy officers through the local plan activity and development management/case officers for an application may not always be clear.

Your starting point should therefore be a formal pre-app meeting between applicants (s) and the local planning authority. This should:

- have officers from both policy and development management present (and include both planning and transport officers as a minimum, plus other disciplines as needed depending on the circumstances)
- have background material, plans and an agreed agenda shared and considered in advance
- have an agreed mechanism for recording and issuing an agreed set of minutes/action notes, within an agreed timetable.



Skills and resources

PPAs can be effective in securing funding for officers prior to the submission of any planning applications. They can also give clear targets for progression (eg determination within statutory time periods) and can provide resources to enable the provision of dedicated officers.

When a PPA is agreed, it is important that its sets out clear expectations, targets and aspirations for all parties to follow. It is important that the PPA is regularly reviewed, to ensure its functionality, effectiveness and validity as a project evolves.

For strategic sites it is advisable to nominate a specific case officer who will take the lead and coordinate the council's activity. In our experience, particularly where a strategic site is responsible for delivering a substantial part of the local planning authorities housing requirement, it is also important for the head of planning to be present at key meetings at both the pre-application stage and during the drafting and determination period.

Screening, scoping and Environmental Impact Assessment

This Toolkit does not cover the specifics of the Environmental Impact Assessment regulatory process. However, because of the scale of development proposed within strategic sites, it will be rare that Environmental Impact Assessment is not required. The screening and scoping of Environmental Impact Assessment is therefore a key element of outline planning applications for strategic sites, and this process is a useful way of establishing key technical issues and the way in which they are to be dealt with through the application submission and consenting process.

Determining the scope of Environmental Impact Assessment should be discussed firstly as part of the pre-application process. Whilst a formal screening/scoping opinion will be required, it is useful to agree how the technical information required for the Environmental Impact Assessment is best presented, and to discuss the scope and timings of survey with the relevant officers to inform the drafting of the screening/scoping request which the applicant will submit for consideration.

All too often, the Environmental Impact Assessment undertaken for an outline planning application becomes an unwieldy document which is not particularly user friendly for wider consultation. As such, a non-technical summary should be required to be submitted with the outline planning application, which sets out the principal impacts and conclusions of the Environmental Impact Assessment, and the way in which the proposals address these.

The role of statutory consultees

Once a planning application is submitted and validated, the formal statutory and community consultation process can begin. Despite having Planning Performance Agreements in place, or having an effective officer team progressing a large application with an applicant, the statutory consultee and Environmental Impact Assessment process can throw up significant challenges during the determination process which result in delay; or worse, in opposing and entrenched stakeholder views over how an issue should be dealt with or mitigated.

For strategic sites, the best way to try and head off such confrontation is for you to start informal consultation earlier in the process. Because of their scale, there is likely to have been some high-level engagement with statutory agencies – especially related to identifying infrastructure requirements to be set out in local plan site policy – but this may not have been uniformly done across all agencies; or engaged with the same statutory consultee officers responsible for development management as opposed to policy drafting.



Engagement and consultation

Even if you have limited in house resources to undertake this activity, promoters/applicants can be encouraged to undertake early engagement with key stakeholders, with your support.

This can be undertaken at an early stage, even as part of pre-application discussions (secured as part of a planning performance agreement), or when an outline application is submitted. Invitees could be both statutory consultees and local stakeholders, with a view to setting out a 'wish list' of technical, community or infrastructure improvements on a 'without prejudice' basis and to hear their other colleagues' comments. This enables early dissemination of information (both ways) and established dialogue which is then much easier to continue through the subsequent formal consultation.

[Case study: Great Haddon, Peterborough](#)

Format of application

Initial planning applications on a strategic site will set the tone for the remainder of the site, and will often be more contentious and subject to more public scrutiny than later phases, particularly if the allocation was contested at the plan making stage. With this in mind, the right approach is essential from the outset, for both the local planning authority and developer.

Strategic sites are often delivered either with a single (outline or hybrid) application for the whole site, with subsequent reserved matters applications, or smaller outline, hybrid or full applications which provide for individual parcels or phases. They may or may not be shaped by supplementary planning documents or technical guidance.

Whilst a comprehensive application which covers the whole site is often desirable, it can be difficult to insist on this for sites with a complex landownership. In these cases, it is doubly important to have a robust policy framework and supplementary planning document position to enable the vision and aspirations for the site to be well co-ordinated and phased to ensure effective delivered.

Toolkit table #6

Outline	Hybrid
Flexible approach – fixes principles and key parameters, but allows much of detail to be fixed at later stage through reserved matters applications.	Within an overall outline, detailed planning consent is secured for initial phase of development, or key initial pieces of infrastructure.
Comparatively swifter (and less costly) to compile for developer, as less detail than hybrid applications. NB if Environmental Impact Assessment is required, the costs of preparation are still considerable.	More costly than an outline, with no guarantee that the overall scheme will be consented.
Can be confusing to general public – there is an expectation that what is shown on illustrative material represents that which is to be delivered.	Allows public, local planning authority and members to consider detailed parts of a proposal, which can often be difficult to envisage / understand in an outline application.
	May take time to consider the detail but leads to quicker transition from approval to delivery as elements can be delivered without subsequent reserved matters applications.
Supported by illustrative and indicative material to explain principles and concepts.	As well as illustrative and indicative material to explain principles and concepts, a hybrid first phase can sit alongside design codes and effectively set the standard, or test the applicability of the code on a 'real scheme', thereby speeding up subsequent reserved matters.
Can leave some questions 'unanswered', particularly in terms of the provision of infrastructure and mitigation, where a 'monitor and manage' approach might be necessary.	Can still leave questions 'unanswered' over the longer term, particularly in terms of the provision of infrastructure and mitigation in later phases, where a 'monitor and manage' approach may still be necessary.

Outline vs hybrid application formats



Engagement and consultation

Planning application documents can often be highly technical, and the volume of documents for strategic sites in particular can be difficult to navigate for the general public. Applicants should therefore be encouraged to provide a non-technical information document which summarises the application succinctly or signposts the location of more detailed information.

Increasingly, developers have their own websites for a new development where much of the application material itself can be found. For strategic sites where it is advisable to secure a positive longer term relationship between applicant and the local planning authority, developers should be encouraged to provide regular updates on their own website, and to include links or references to the local planning authority's planning application website to aid sharing of information and updates.

Use of parameter plans and approved documents

It is simply not practical for a strategic site to fix the detailed design of many aspects of a development at the outline or initial application stage: the costs involved in detailed site survey, intrusive investigation works or design matters which are the responsibility of subsequent housebuilders, or fixing infrastructure which is to be constructed years into the future is neither desirable or workable at this stage in the planning process.

Nevertheless, from both a technical/Environmental Impact Assessment and consultation perspective, a degree of certainty is sought over such issues as the extent of built and open land; principal connections/accesses and routes through and with the wider area; and the broad land uses/locations of facilities expected in different parts of the site.

As such, common tools employed on strategic sites comprise a suite of ‘parameter plans’, and/or a ‘development framework plan’. These can fix key aspects of the development with some certainty – necessary not least for Environmental Impact Assessment / transport assessment purposes, whereby the parameters tested and adjusted through the assessment processes provide the technical modelling data which determines extent of impact and mitigation.

Case study: Great Haddon, Peterborough

It is recognised good practice to formally approve parameter plans as part of the grant of consent, and list them on the decision notice. Other documents – such as the transport assessment or biodiversity strategy, for example - can sometimes also be referenced, but unless this forms part of a condition (and therefore to change details within these documents, for example, would require agreement through discharge or varying of said condition), then for clarity, consistency and monitoring purposes, it is recommended that formally approved documents are kept to a manageable number.

Whilst for some schemes it may be necessary to include a degree of flexibility around the delivery of the elements within the parameter plans, this should be minimised wherever possible. Where inevitable, then it is best to identify these upfront as part of the consented plans – either through annotations within the plans themselves (eg “access location within 50 metres deviation”), and/or through the wording of planning conditions. This enables some adjustments to key parameters to evolve over time within the overall framework without the need to revisit the outline consent, on the proviso that any flexibility has been assessed as a part of the Environmental Impact Assessment or approved technical studies.

In hybrid planning applications, or outline applications which have non-reserved matters, separate conditions in relation to what is approved ‘in detail’ or parameters for approval must be incorporated. These should be clearly distinguished, to enable the public and stakeholders to understand what has been approved in detail, and what is yet to be determined in full.



Skills and resources

For strategic sites, it is sometimes the case that case officers forward responses received on an application to the applicant without offering a professional/technical opinion or mediating between dissenting views of responses. This may be due to a lack of training and experience, or simply a lack of resources to have the time to review and consider new or conflicting issues.

This does not help speed up determination of applications or the quality of the decision making, and can result in abortive or unnecessary technical work being asked for. It is important that the case officer is respected and given time to engage effectively on a large-scale application. A planning performance agreement can be an effective tool in this regard, but equally, as planning professionals with responsibility for balancing views and mediating opposing views, case officers should be prepared to offer a view, informed by in-house and/or expert assistance if needed, and supported in doing so.

The role of the Design and Access Statement and illustrative plans

"A Design and Access Statement is a concise report accompanying certain applications for planning permission. [it provides] a framework for applicants to explain how the proposed development is a suitable response to the site and its setting, and demonstrates that it can be adequately accessed by prospective users. Design and Access Statements (DAS) can aid decision-making by enabling local planning authorities and third parties to better understand the analysis that has underpinned the design of a development proposal. The level of detail in a Design and Access Statement should be proportionate to the complexity of the application, but should not be long". (Planning Practice Guidance, 2014)

Put simply, a DAS is intended to set out the rationale for the overall layout and master plan included within the application, to aid wider understanding of the key site factors affecting the design of development proposed.

However, we have found that DASs are increasingly used as a way of setting out the future design aspirations and details for the development – becoming a more 'visionary' and promotional document which moves a long way from the 'concise report' referenced in PPG designed to explain the evolution of the parameter plans.

At best – and particularly when a supplementary planning document (SPD) is in place – this is a costly duplication of material that should properly be required through conditions (once the design parameters are fixed). At worst (especially if the land is to be disposed of to a third party for building out), it can give a false impression of the style and character of the new development against the reality of what is then delivered, risking undermining trust in the planning process down the line.

For strategic sites, we have found that a 'tiered' approach to design is the most effective way of balancing expectation, certainty and meeting aspirations on the ground. Put simply, each tier of design coding is prepared at the relevant stage of the progression of the scheme, so that each layer of design detail can be fixed as the detailed site and market characteristics are known with a high degree of certainty.

There is a place for illustrative plans as important tools to communicate the visual or physical appearance of new development, or how a particular aspect of the site might be addressed. However, reliance should not be placed upon them as formal or technically-definitive designs. How this is communicated to the public and stakeholders is important, as illustrative plans can also lead to expectations which may not be fulfilled.

 **Masterplanning and design**

When advising on plans and supporting material, consider the level of certainty necessary or desirable to be fixed in the outline consent, and what can be negotiated as more details are known.

Given the length of delivery trajectory for strategic sites, it is often helpful to adopt a phased approach to the preparation and approval of design details, perhaps with overarching site wide design guidance. This strikes a balance between certainty over how overall design objectives set in policy or SPD are to be applied, but also a degree of flex in future phases to respond to any on-site or policy changes which may come into force through the life of the development.



Permission structure and conditions

The structure of a planning permission, and the conditions which create this structure, are critical factors which influence both the deliverability of a site, and the manner in which it is delivered.

Although the purpose and content of conditions is governed by the National Planning Policy Framework/Planning Practice Guidance, there is considerable scope to adjust and structure conditions to meet the needs of all parties. You may decide to lead the drafting of conditions, or you may wish the applicant to take the lead – either is perfectly acceptable - but whoever leads, it is imperative that discussion and drafting takes place in a shared and collaborative manner.

For strategic sites, the permission structure and conditions must reflect the delivery model to be pursued, otherwise the implementation process can get confused and delivery programme becomes elongated.

It is quite often the case that using standard conditions may not be suitable for strategic development, so to ensure a permission is secured which is fit for purpose, workshops between officers and applicants to discuss conditions are essential prior to a decision being made on a planning application. Sharing and testing the proposed structure and condition mechanisms through ‘scenarios’ is advisable. Reference to other best practice examples of strategic site permission conditions is also recommended as many will have experienced similar issues.

Following these workshops, draft conditions should be shared with the applicant on a ‘without prejudice’ basis, so a collaborative approach to drafting can be taken, cognisant of the crossover between conditions and s106.

Toolkit table #7

Delivery model	Preferred conditions structure
Multiple ownership and/or applications.	Conditions split by ownership phase (and/or capable of being partially discharged by the same ownership phase). s106 mechanisms to avoid ransom between owners and land equalisation for common/site wide infrastructure (see below). Tariff-based s106 contributions, calculated on a per dwelling basis equalised across the site.
Master developer.	Conditions allowing for standalone consenting/delivery of infrastructure, separate from the consenting/delivery of development parcels. Conditions capable of being discharged concurrently for different parts of the site if necessary (to enable parallel build out of multiple development fronts; important to boost delivery rates)
Housebuilder-led delivery.	Particular attention to fixing longer term monitoring/governance models through conditions/s106 (to avoid plethora of different management companies for different tranches/housebuilders and to ensure provision made for longer term monitoring /mitigation requirements).

Case study: Great Haddon, Peterborough



Detailed consents and pre-commencement conditions

Contents

[Change in owner/developer](#) 51

[Pre-commencement conditions](#) 51



Detailed consents and pre-commencement conditions

Once an outline consent and engrossed s106 is in place, then there are two main reasons why delivery of development can stall:

Change in owner/developer

Once a consent is ‘crystallised’ then from a developer perspective several things can happen. Some of these can have an impact on delivery:

- (i) The site may be marketed and sold on (this can take time, especially for due diligence) – and new owners may seek to renegotiate the consent (through a review of s106/conditions). Whilst this is rare for strategic sites, it can happen.
- (ii) Within PLC developers/housebuilders, the scheme passes from the ‘strategic lands’ promotion team to the project ‘development team’ (which may mean a change in regional office and will probably mean a change in personnel). Again, this can result in a change in approach, particularly when the project and cost management passes to the development delivery team, and cashflow and house sales can become more of a driving force governing implementation.
- (iii) A landowner may seek a development partner/housebuilder to enter into a joint venture for the whole site at this point to help finance infrastructure and cashflow – this can take time to set up.
- (iv) Enactment of collaboration agreements to allow multiple landowners to start independently on site without triggering ransom positions, or cementing arrangements for equalised s106 or infrastructure payments to be collected.
- (v) A different consultant team may be appointed to prepare detailed scheme designs.

Pre-commencement conditions

There are sometimes such a raft of pre-commencement requirements to satisfy prior to development starting on site that it can take a year or more before detailed applications can come forward following the grant of outline consent. Whilst some pre-commencement conditions for strategic sites will be inevitable, these should be kept to a minimum to enable an effective transition of consents to development on the ground. Pre-commencement conditions which are required should be proportionate, to prevent these conditions causing a delay to the submission of information, and to avoid lengthy deliberations around discharge of conditions once the information has been submitted.

It is worth careful consideration of the following:

- (i) Whether pre-commencement conditions are necessary and proportionate – should the discharge be done site-wide, or phase by phase?
- (ii) Particularly for time-sensitive or intrusive site survey work, can this be phased or staggered to assist cashflow and/or avoid abortive work eg. (ecological surveys have a shelf-life of around two years, so would need repeating if the phase is too large/to be delivered over a longer period)? Intrusive archaeological survey affects the ongoing activity on agricultural land (crops/tenancy agreements) so needs to be not sensitively-timed to minimise impact.
- (iii) Whether there is an ability to ‘twin track’ pre-commencement applications with the signing of a s106 agreement or consideration of the first phase infrastructure etc – does it have to be a linear process?



Skills and resources

Having a consistent case officer and key officer/team leader is invaluable when moving from outline planning application stage to delivery stage. This enables a clear oversight of the consenting process, understanding of context and consistency of decision making. It also ensures effective use of resources, as it enables less time ‘getting up to speed’ when applications are submitted.

Whilst it is clear that this is impacted by events outside a local planning authority control (eg personal circumstances), it should be protected wherever possible. Where staffing has to change, suitable time should be spent in handing over responsibilities as well as getting new officers up to speed, to avoid inconsistent decision making.

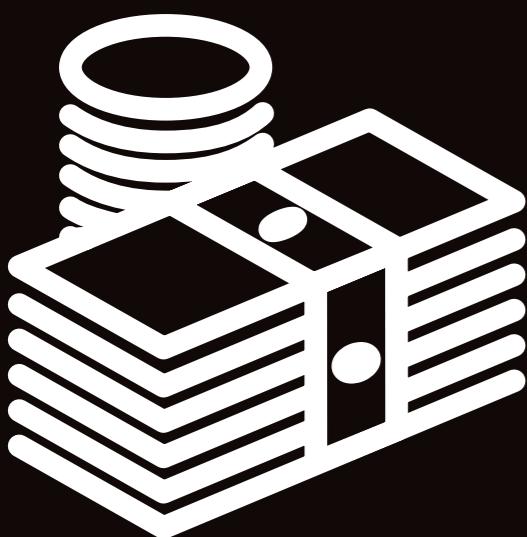
There are methods of resourcing consistency of officer, including through the s106, application funding or external funding. Options can also be explored using PPAs to pay for consistent officer time.

[Case study: The Hamptons, Peterborough](#)

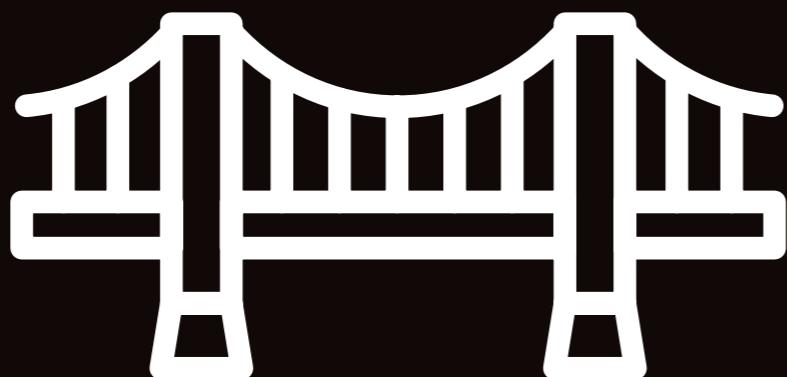
[Case study: Welborne, Fareham](#)

[Case study: Halsnead, Knowsley](#)

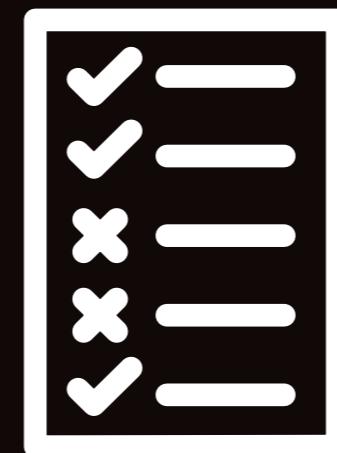
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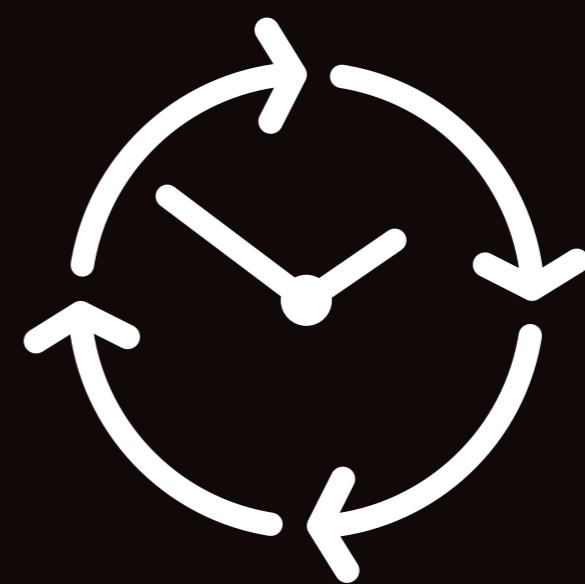
Section 106 &
Community
Infrastructure
Levy



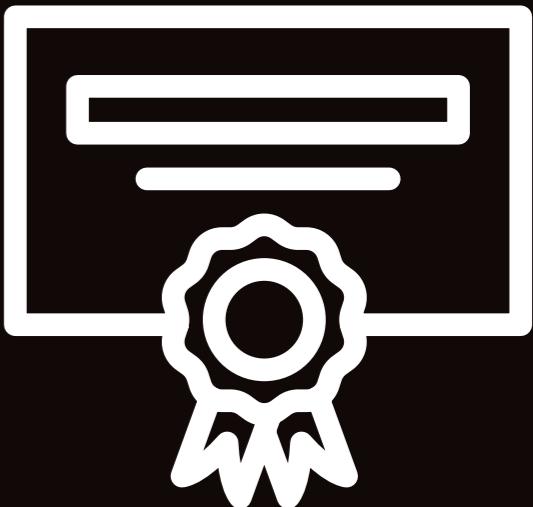
Ensuring
infrastructure
delivery



Mitigation,
monitoring
and review,
enforcement



Futureproofing
and adaptation



Governance and
ownership of
place



Section 106 & Community Infrastructure Levy



Contents

<u>S106 agreements</u>	54
<u>CIL considerations for strategic sites</u> ...	55
<u>Landowner agreements</u>	56
<u>Framework s106</u>	56
<u>Partitioned s106</u>	56
<u>'Tariff' s106</u>	57
<u>Building in future flexibility</u>	57

Section 106 & Community Infrastructure Levy

S106 agreements

There are many different formats for s106 agreements for strategic sites. As with the structuring of conditions, the structure of a s106 agreement depends greatly on the way in which the site is to be delivered, but also the length of time it is likely to take for development to be completed.

Our research for PAS/LGA suggests that issues around s106 and/or CIL are not at the top of the list of issues affecting effective delivery of strategic sites per se. However, issues relating to the provision of infrastructure and services required through s106 or condition – particularly in relation to changing viability or the need to respond/adapt to the changing requirements of service providers over time – have featured in interview responses.

Assuming that a strategic site is not covered by CIL, then there are generally five different types of provision covered in a s106 agreement for a strategic site:

Toolkit table #8

Item	Method of provision	Risks/challenges
Provision of financial contributions to infrastructure, facilities and services.	<ul style="list-style-type: none"> Fixed or 'per dwelling' financial sum paid to local authority towards district wide facilities/infrastructure or services. Usually identified in council's Infrastructure Delivery Plan or similar. Paid at a set s106 trigger, agreed in advance. 	<ul style="list-style-type: none"> Not always clear whether contribution is used for the infrastructure items or to benefit the site as identified in the s106. Difficult to recoup or reapportion if received funds not spent on the allotted item.
Provision of 'in-kind' provision of infrastructure, facilities and services, or land for infrastructure/services.	<ul style="list-style-type: none"> Provision of infrastructure scheme generally on site to an agreed specification and trigger in the s106 agreement. Transport infrastructure improvements may be adjacent/close to the site on highway land. Items usually identified through mitigation identified in the outline planning application through Environmental Impact Assessment / transport assessment survey and analysis). Potential benefits in terms of cost-savings (private sector can often deliver cheaper than public sector, especially if 'economies of scale' with concurrent construction and project management activity on site). Land can also be identified at nil, or nominal cost, to enable third parties to bring forward community or other local facilities at their own expense (Reserve sites). 	<ul style="list-style-type: none"> Difficulties with 'in kind' infrastructure if multiple landowners working to a comprehensive master plan (requires collaboration and/or equalisation to agree a 'value' for land for infrastructure, facilities and site wide open space/sports use). May run into procurement obstacles (especially with private sector delivery of public sector facilities such as schools or community buildings). Subject to changes in the 'specification' of infrastructure works over time if part of a wider or strategic network to be agreed (especially by Highways England/Network Rail, local highway authority etc). Timing of delivery may be uncertain if affected by on-site phasing or delivery rates; can be challenging for local planning authority to plan ahead.
Provision of measures for ongoing management, maintenance and governance.	<ul style="list-style-type: none"> Usually sets principles in the s106 (requirement for a management company or open space Trust, for example) with details to be agreed at a later date. May require third party involvement (eg. passing assets/funds to parish council or similar). Large sites do establish their own bespoke bodies (especially if a specific or specialist element, such as ecology mitigation) which can work well. However, must be embedded in the s106 from the outset to be effective. Opportunities for residents associations and new parish councils to take on this role on large/long term sites. 	<ul style="list-style-type: none"> Local planning authority commuted sums can be higher than other alternatives and no ability to specify or enforce a particular body. Can result in a plethora of different bodies responsible for different elements of the public realm, which is a burden for ongoing management and future residents. Costs of management companies can differ between housebuilders (again causing challenges for occupiers and operators once in place).

Item	Method of provision	Risks/challenges
Provision of affordable housing.	<ul style="list-style-type: none"> Provision on site, off site, via financial payment or direct provision. Usually provided through a nominated registered provider (RP) but can be delivered by the council themselves. Overall percentage, tenure split and percentage of affordable housing in any given phase can be negotiated, usually starting with policy requirements and taking into account viability considerations (which can include govt funding by). 	<ul style="list-style-type: none"> Viability considerations tend to impact most on the delivery of affordable housing; mitigation measures are generally less acceptable to be left unmet (and therefore PP not granted unless this is provided). As affordable housing is delivered over time (phase by phase), it is also impacted by changes over time. However, any negative impacts can be minimised through effective 'cascade mechanisms' or viability reviews built into the s106 agreement at the outset. This also builds in flex so that the mix of affordable housing can be adjusted to most accurately reflect the affordable housing needs of the local planning authority over time.
S106 Monitoring Fee	<ul style="list-style-type: none"> Usually calculated as a percentage of the overall s106 fee, but for a strategic site this can be excessive, so can be calculated based on a realistic assessment of officer time/month required to monitor the implementation of development against the s106 triggers and/or administer the receipt of s106 monies (calculated as part of a s106 officer's time). 	<ul style="list-style-type: none"> This is not always included within s106 agreements, and for a strategic site can be a significant cost to be borne by the local planning authority. It is a legitimate obligation to be requested as part of s106 negotiations.

CIL considerations for strategic sites

At the local planning stage, if you have an extant or emerging Community Infrastructure Levy (CIL) regime in place, it is worth considering whether strategic sites should be covered by the CIL areas or whether a 'Nil CIL' position should be taken.

In our experience, CIL can be very useful for securing infrastructure contributions from smaller sites, but once a proportion of the infrastructure is coming from on site or 'works in kind', then CIL starts to be less effective in delivering the infrastructure large sites need. This is generally in relation to the ability of large sites to provide 100 per cent of their own mitigation on site (highway works, ecology enhancements, community facilities, for example), and also that the development itself is subject to triggers on (or subject to conditions limiting) development until such measures are in place. If wider infrastructure is needed to satisfy the s106 obligations of a large site consent, but is subject to the local planning authority collecting CIL for a number of other sites and/or having to forward fund the mitigation itself, then this risks halting the delivery.

We generally advocate that strategic sites should not be subject to CIL, although we do recognise that in cases where the local planning authority takes a much more proactive role in delivery across a number of strategic sites [see Wokingham Case Study] it can be made to work. To give comfort to decision makers, s106 and infrastructure obligation schedules for large sites can be 'stress tested' against the equivalent CIL contribution which would arise to ensure a degree of parity.

Examples of different s106 structures:

[Case study: Great Haddon, Peterborough](#)

[Case study: Houlton, Rugby](#)

Wokingham Council has pioneered an effective model of infrastructure delivery to serve a number of strategic sites coming forward concurrently. Having a CIL rate for new development equating to an average of circa £46,000 per dwelling at current prices, the Council has been able to secure funding on the back of future CIL receipts for strategic infrastructure which it is now delivering itself. This includes funding to construct a new secondary school to serve several new development sites earlier than planned, acquiring land and funding to create strategic SANGS to serve the Borough-wide population, and delivering a new sports complex for existing and future residents.

Landowner agreements

There are two main considerations when drawing up conditions and s106 agreements for strategic sites. Firstly, if the site is subject to several applications (cross border, or phased over time or by applicant) then it is useful to know whether there are any legal agreements in place between the parties to facilitate comprehensive development.

This may be an **equalisation agreement** (whereby all the land is ‘equalised’ – put into a single ‘pot’ for valuation purposes, and each owner incurs costs and values to an agreed percentage). Alternatively (and more commonly), a **collaboration agreement** of some kind is drawn up, whereby the parties agree to each ‘pay their way’ in terms of common infrastructure, and agree to act reasonably and not ransom other parties through limiting access to services, infrastructure or holding up site-wide infrastructure triggers to disproportionately disadvantage one party.

Decisions on the format and structure of a s106 agreement will need to be made in the knowledge of what if any landowner agreement is in place.

Framework s106

In situations where a number of separate applications form part of a larger strategic development site (where the site is cross border, or split by landowner), it is advisable to draw up some sort of **framework s106** agreement in advance of consenting individual applications to cover the site wide s106 requirements expected.

The principles of the framework s106 then need to be formally agreed between the applicants as a deliverable and viable way forward, and each agrees to deliver that part of the site wide infrastructure on their site, set out in individual consents and s106 agreements. This can be very complex and delays can arise if not all parties are willing to enter into such an agreement. Unless the s106 is agreed on a common basis, then the delivery of site-wide infrastructure will be compromised.

For example, Swindon Borough Council prepared a SPD setting out how infrastructure requirements across the 8,000 home North East Villages were to be delivered. Because of the multiple landowner and application sites, the Council requires a Framework or joint Section 106 to be signed with the main landowners for the common infrastructure and to avoid ransom between parties, plus separate s106 agreements for site specific infrastructure.

Partitioned s106

Where a single application is to be consented but the land is under the control of joint applicants (separate landowners) without the benefit of a collaboration agreement, then a ‘partitioned s106’ can be a useful tool.

This adopts a framework-type approach to s106 obligations but firstly apportions the infrastructure and s106 works arising from the development to each landowner and calculates the value of these works. Any s106 obligations are then calculated on a ‘per dwelling’ basis, the amount of which differs for each landowner depending upon the value of the ‘in-kind works’ they are obligated to being forward on their land.

This is particularly useful when there are majority and minority landowners within a site.

'Tariff' s106

In Milton Keynes, where a number of strategic sites were allocated and coming forward concurrently over a period of 10–15 years or so, the council has been given leave by central government to introduce a common Tariff-based s106 mechanism for strategic sites, which allowed the authority to borrow against future s106 tariff receipts to fund district-wide infrastructure and facilities arising from the combined impact of these sites on the area.

Although entering into the Tariff was voluntary for landowners, the wider benefits of having more certainty over the delivery of common infrastructure across a number of development areas and the ability to pay into an overall 'pot' to fund council-delivery of key offsite infrastructure meant that the Tariff became a well-understood and acceptable delivery mechanism locally.

Building in future flexibility

For strategic sites, there may be resistance to adjusting standard s106 agreements to bring in the necessary degree of flexibility over future conditions within the planning consenting process.

However; building in review mechanisms to conditions and s106 agreements can be beneficial for a number of reasons, largely related to the length of time a strategic site is likely to take to be built out:

- a) to enable changes in background circumstances to be taken into account, such as wider strategic infrastructure improvements or survey conditions
- b) to allow for adjustments to provision to reflect changes in local need, such as pupil generation figures, or affordable housing requirements
- c) to enable technological improvements in the construction industry to be applied, including modern methods of construction or energy/carbon reduction technologies
- d) to capture future streams of government funding for changing priorities – recent examples such as Starter Homes/Help to Buy, for example
- e) to address issues around viability resulting from wider economic cycles (towards a recession, or more favourable economic outlook).

Embedding this flexibility into s106 agreements should be supported and can come in two ways:

The first is what is known as a '**monitor and manage**' model, where once the first phases of a development are underway with agreed conditions and obligations setting out specific mitigation or infrastructure measures to be provided, subsequent phases are subject to a degree of monitoring and reassessment within agreed parameters to reflect updated circumstances.

For example, for transport mitigation, a reassessment of background trip rates or mode shift achieved on site after the first few years of development may indicate that a different set of measures may be more effective in mitigating the impact than those identified when the scheme was first consented.

Secondly, building in specific **review mechanisms** for certain aspects or for triggers fixed at the outset – such as affordable housing or school provision – may benefit both sides. For example, triggers for school openings may be adjusted to more closely reflect the number of children being generated by the new homes (and thus enable a closer relationship between school children and their walkable school catchments as well as prevent school being opened without the necessary numbers of pupils to fill them); or the proportion of affordable housing agreed at the outset can be increased should viability improve due to the improvement of wider economic conditions in subsequent phases.

If this flexibility is not built into a consent or s106 it becomes much more onerous – and at worst, can result in the need for a new application – to benefit from changes in circumstances without risking a hiatus in development delivery.



Ensuring infrastructure delivery

Contents

Consistency, resources and skills 59



Ensuring infrastructure delivery alongside development

Consistency, resources and skills

Concerns over the timing of infrastructure delivery relative to the building of new homes is one of the principal reasons why strategic sites are considered by local stakeholders to be a more risky proposition for a local planning authority to include in a plan. This can be coloured by perceptions around past failings of local sites to deliver key infrastructure at a time when it is felt to be required.

The larger the site, the more likely it is that on-site infrastructure provision - or significant proportions of funding for strategic off-site infrastructure – will be needed.

Therefore, finance – or the ability to access it – is a key factor: not only through developers' ability to draw on capital funds but also their resilience to fluctuations in the market and their ability to access borrowing at favourable rates.

The nervousness about infrastructure funding can result in a local plan favouring a 'smaller site' strategy, especially when CIL is seen as helpful in funding district wide infrastructure improvements. However, this means that the onus is on the local planning authority to deliver this infrastructure. This can lead to problems around finding land on which to meet the demand for new schools and community facilities if unrelated to the allocated development sites, and a number of authorities have struggled to use CIL receipts for much-needed infrastructure provision when generated by a larger number of small developments.

NAHP (then 'Kickstart') funding for affordable housing was fundamental to the early delivery of Cranbrook new community. Despite the outline consent only granted on 25 October 2010, Kickstart funding was contingent on detailed planning consent by 31 March 2011. Weekly design partnership meetings between developer and Council saw a RMA for 1,100 homes prepared in 8 weeks and approved in 13, allowing infrastructure works to commence on site 9 months from the grant of outline, with the first show home opened 18 months after outline consent.

But there are other reasons for a perceived mismatch between homes and infrastructure on strategic sites:

Lead in times for securing infrastructure approval

There is no doubt that strategic infrastructure requires a long lead in time to be planned and executed, and there can be difficulties in securing commitment to strategic infrastructure proposals – particularly from statutory transport agencies such as Highways England or Network Rail – at the plan making stage. For strategic sites, building in what is known as a 'monitor and manage' mechanism into a s106 agreement can offer a more flexible solution to address contributions to (and impacts of) planned strategic infrastructure being funded by central government or through several new developments.

The 'chicken and egg' of funding support

Delivery agencies such as Homes England, for example, who often offer funding assistance to alleviate the cashflow implications of delivering strategic infrastructure on site, do not tend to offer explicit support to a strategic site proposal until it has a degree of certainty (allocation in an adopted plan, or a resolution to grant consent).

However, under the current system, unless a developer can demonstrate that a site is deliverable with the provision of strategic infrastructure, a site is unlikely to pass the 'tests' of 'viability' in local plans, or through an outline application.

This funding support can often be time dependent (ie. it becomes unavailable after a period) which can dictate the speed in which an application, or allocation, needs to be dealt with or secured. You should try and consider this factor when applying for funding support, ensuring you can confidently deliver in the timescale to prevent uncertainties about timing undermining a site's delivery.

Case study: Cranbrook, Devon

Viability vs cashflow

Although a majority of strategic sites can demonstrate their viability over the long term (the life of the project), the negotiation over the timing of infrastructure provision can mean that there are significant cashflow implications for developers.

In our experience, the two largest infrastructure burdens on strategic sites are transport works and education provision. By their nature, these costs are 'lumpy' – a large outlay is necessary at key milestones – and whilst triggers are agreed in the s106 agreement relative to the number of homes built, in practice there is a need to spend these funds up to two or three years in advance of the fixed housing completion trigger, because of the lead in time for design work, or to hit the September deadline for a new school opening, for example.

Pressure to secure infrastructure at an early stage of development can mean that triggers are agreed in the s106 agreement early in the build out programme. If at the same time the developer is also outlaying funds to service the site and pay for upgrades to services, for example, then the impact on cashflow can be extreme.

Therefore, adopting a flexible approach to the setting of triggers – and a check that several large infrastructure costs do not fall on the same phase of development – can be beneficial to both parties in terms of effective infrastructure delivery. This means the local planning authority will need to adopt a proactive 'brokering' role between services providers, especially where a two-tier authority is in place.

Flexible and temporary uses

In the early phases of development, especially in very large sites with social infrastructure delivery requirements on site (schools, GP practices, community facilities etc), there is often a situation where a specific delivery trigger has not yet been met, but there are a number of homes occupied which require access to this infrastructure. In these circumstances, temporary facilities can be provided to enable these needs to be met.

Whilst temporary buildings could be used to meet these needs, it could also be possible to use buildings constructed for another purpose and create flexible spaces within these buildings to enable early provision, such as the use of a community building as a temporary, drop-in health centre for two days a week, or using vacant retail units for community uses.

A key lesson in delivering multi-purpose community buildings is the readiness of the occupiers to receive the asset and in particular to have a viable business plan for its operation. Failure to do so can result in significant delays between completion of construction and transfer to the operator/Council department.

Provision of affordable housing

Affordable housing can also be viewed as 'infrastructure' in the context of strategic sites. Affordable housing is commonly all or mostly delivered as on-site provision and delivered to a programme agreed through the s106. Over recent years, affordable housing providers have moved between requesting the 'pepperpotting' of affordable housing throughout a development (which whilst helping making individual affordable homes indistinguishable from market housing had led to challenges in maintenance) to requesting specific small parcels to be defined for affordable housing provision (generally for groups of between 15–40 units, easier to manage but which may not sit as neatly with the appearance of surrounding market housing).

Whilst the provision of affordable housing as part of the overall housing mix for strategic sites is commonplace, the way in which affordable housing is secured can have some implications for site delivery:

- If affordable housing is delivered by a Registered Provider, then the way in which central government funding for housing delivery is managed can result in 'peaks and troughs' of funding streams. This can result in an affordable housing parcel sitting empty whilst the surrounding land is built out for market homes (which then leads to tension as new homeowners moving in do not realise the adjacent site is reserved for affordable housing and can object when reserved matters applications comes forward, or cause practical construction management problems re-opening a construction site after the surrounding homes have been completed and the market housebuilder moved off site).
- Conversely, developers may wish to take advantage of central government funding initiatives around specific affordable housing priorities, especially if the market economy slows down. This can result in an overprovision of affordable housing in a particular phase which can have unintended consequences on the housing mix in that phase or neighbourhood.
- Changing Registered Provider affordable housing requirements over time - which legitimately should be reflected in the year on year provision on site - can have significant impacts on the housing mix, type or character and design of affordable units required. This does not always align with the phasing strategy for a site – for example, if more smaller affordable units/flatted schemes are required at a time coinciding with the opening up of a lower density more 'rural edge' phase of the site planned for larger family housing – and can result in challenges in terms of design and achieving balanced neighbourhoods.

The best way of minimising these risks is:

- to engage housing colleagues within the local planning authority at an early stage to encourage a dialogue on short medium and long-term priorities affecting affordable housing and build this into the design and phasing strategy
- to ensure that flexibility is built into the s106 agreement – including where possible a 'cascade mechanism' to identify what fall back options would be supported if the priority affordable housing provision/tenure split cannot be met
- if issues of viability limit the ability to deliver policy-compliant levels of affordable housing provision in the early phases (either due to other infrastructure requirements, or market circumstances), to ensure that a review mechanism is built into the s106 so that any uplift in development values can be captured for additional on-site affordable housing provision subsequent phases, so as to achieve a policy-compliant scheme overall
- to advise the new community and local resident representatives of the affordable housing provision on site (via plans)
- to prepare and maintain an updated delivery plan and effective construction management plan to address 'infill' sites within newly-established neighbourhoods.

[Case study: Hamptons, Peterborough](#)

[Case study: Houlton, Rugby](#)

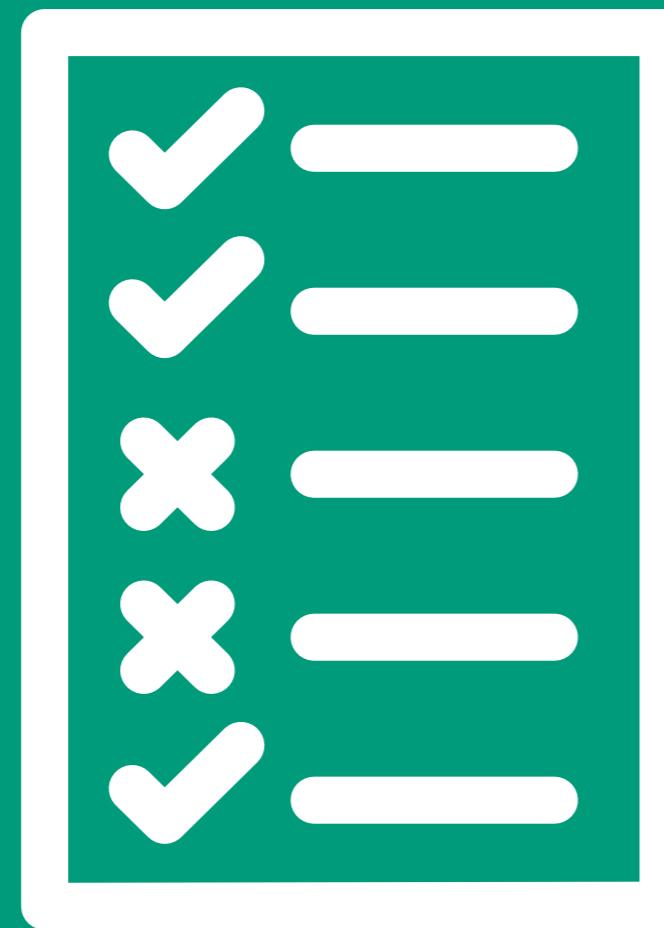


Mitigation, monitoring and enforcement

Contents

Mitigation 62

Monitoring 63



Mitigation, monitoring and enforcement

Mitigation

During the course of the determination of a planning application for a strategic site, there is likely to be a fair number of mitigation measures agreed, or required to be undertaken at the detailed stage, as a result of consultee responses.

However, it can be difficult to track these requirements from the consultation responses and agreed Environmental Impact Assessment mitigation through to the drafting of conditions, and even harder to carry forward the delivery of agreed mitigation strategies through reserved matters applications and site works.

To counter this difficulty we advocate that each required mitigation measure agreed through the Environmental Impact Assessment and determination process is set out in a comprehensive ‘table of mitigants’ designed to accompany the Environmental Impact Assessment reporting. For each measure, the table sets out how it is to be secured (whether through condition; via s106 obligation; agreed site management plan; third party responsibility as part of reserved matters submissions etc).

The table then becomes a ‘checklist’ for all parties, so that the drafting of conditions, agreeing of content for design briefs or site management plans; or an agreed programme of monitoring works is fed into the consent.

This ensures that the mitigation measures agreed at the outset do occur through the construction and occupation period, and that the results of the mitigation can be tested against the original objective.

This is particularly important for aspects of the development on the ground, where it is important that agreed policy requirements are met – for example, around installing carbon reduction measures in the built fabric of new homes; or incentives to be put in place through third party travel plans to householders.

Example table of mitigants

Table 2.3-1 Schedule of Mitigation Measures

Topic	Mitigation measures	Designed into the scheme (pre-EIA)	Designed into the scheme (post EIA)	Delivery via condition (outline/REM)	Delivery via legal obligation	Reference in the ES
Chapter 4 Socio - Economic Impacts	Provision of new homes (including affordable)	X	Incorporated into Parameter Plan Rev K ("Testing Plan")		X	Section 4.5
	Provision of new jobs through employment land and opportunities	X				Section 4.5
	Provision of new education facilities (early years/lower/middle/upper)	X			X	Section 4.5
	Provision of new healthcare facilities	X			X	Section 4.5
	Provision of new community facilities	X			X	Section 4.5
	Provision of new formal and informal open spaces and facilities	X			X	Section 4.5
Chapter 5 Transport and Access	Interim Travel Plan to encourage the use of sustainable travel modes.			X		5.7.7 – 5.7.10
	Linked highway mitigation scheme at Marston Moretaine joining the C94 / Beancroft Road roundabout and the Beancroft Road / A421 westbound slip roads roundabout into one gyratory.				X (S106)	5.7.14
	A traffic calming and public realm scheme within the centre of Marston Moretaine.				X (S106)	5.7.14
	Highway mitigation scheme for M1J13.				X (S106)	Table 5.7-2
	CEMP			X		5.7.3

Monitoring

Many mitigation measures are required to be monitored once put in place, particularly around ongoing modelling of on-site activity (eg archaeology trial trenching; water quality monitoring) or the impacts of occupations on site (eg transport or emissions modelling). Sometimes a change in the data will result in a different mitigation solution being required, or mitigation no longer being required because of other background changes.

It is important to set up how a monitoring regime is going to be agreed, undertaken, submitted and signed off by the local planning authority. This can be quite time consuming, but resources to cover this activity can be secured as a legitimate part of the case officer or s106 officer time through the implementation period. It is worthwhile considering the implications of any monitoring conditions at the time they are agreed with the applicant, and including a corresponding s106 contribution in the legal agreement.

More widely, monitoring is also essential in ensuring that development delivers as it was originally envisaged. The 'success' of a strategic site over time is often judged on how closely it has followed its original stated aims and objectives, and it can be very hard to convince stakeholders and communities to pursue future strategic sites if earlier ones have failed to deliver on their promises.

However, our research shows that the pressure of competing resources; changes of site ownership; and change in personnel over time mean that monitoring is not always effective and as a consequence the objectives, policy and quality requirements of strategic sites are not always met on the ground.

It is highly likely that for a strategic site, during the build out period there will be changes of circumstance which merit an adjustment to some of the development details. In order to maintain clarity and transparency, where justified changes have occurred these need to be effectively communicated to stakeholders proactively, either through the decision-making process of individual detailed applications, or through requests for planning applications to regularise changes (if these are not provided, enforcement action could be required).

Ensuring development delivers as expected is critical in securing community and political trust, and monitoring and enforcement is a critical part of this. Again, funds for the monitoring of development on site can be secured through a s106 agreement.

For example, with a long history of delivering new homes and jobs through strategic development areas within its Borough, Milton Keynes Council has invested in dedicated s106 and infrastructure project officers responsible for the effective co-ordination of s106 and tariff receipts and ensuring these are spent speedily and effectively to deliver a wide range of infrastructure and facilities, including city-scale, common infrastructure across several developments and site-specific infrastructure.

Elsewhere, at the Hamptons in Peterborough (where c.8,000 new homes are being built adjacent to the Orton Pit Special Area for Conservation), the s106 signed in 1993 required monitoring of specific emissions on the great crested newt and stonewort populations over time. The developer and Council's commitment to undertaking robust monitoring throughout a 20 year period has provided valuable data which confirmed that the original impact from expected increases in nitrous oxide emissions has been offset by background improvements in vehicle emissions, but has also provided valuable data to Natural England and others for comparator sites elsewhere.



Skills and resources

Ensure that s106 monies or local planning authority resources are included in the s106 and are used effectively to monitor, adjust and if necessary enforce non-compliance to ensure development delivers on its original promises or objectives.



Futureproofing and adaptation

Contents

<u>Futureproofing</u>	65
<u>Flexibility of consents</u>	66
<u>Limits to flexibility?</u>	66



Futureproofing and adaptation

Futureproofing

A key part of pursuing a strategic site development strategy is recognising that these sites are likely to continue to deliver beyond the plan period. Economic cycles, wider infrastructure improvements and changing demographic characteristics can have a significant impact on the ongoing delivery of strategic sites over time.

Similarly, the current allocation and consenting regime does not always sit well with long term strategic growth projects. Authorities may be uncomfortable allocating higher levels of growth than the level 'required' by housing need, despite acknowledging that developers may need a degree of certainty over the end state development quantum to be able to commit to the phased implementation of 'big ticket' infrastructure items.

In either circumstance, it may be advisable to consider how to 'futureproof' the delivery of key infrastructure or future development phases as part of an allocation or a consent.

This could either be through signalling in policy that future development on or near to the site will be considered acceptable in principle - the 'white land' model; where land is not allocated for development in the current plan but is earmarked for development beyond the plan, or at an agreed point in the future, based on a specific trigger or prerequisite (once a new piece of infrastructure is built, or if a current use becomes redundant). This allows current land allocations to be designed and built out in the full knowledge of what provision or capacity should be made, or land reserved, for future infrastructure works or facilities.

Similarly, the phasing of development can help 'futureproof' effective long term outcomes – for example, by allowing advance landscaping of land within later development at the outset, so that the landscaping has time to mature well before built development of that phase commences.

For example, for over two decades since the disbanding of the development corporation, Milton Keynes Council has designated 'grid corridor reserves' on the policies maps of its local plans to provide certainty to local communities that key infrastructure routes are safeguarded, and to confirm to developers that where these corridors form part of or adjoin development allocations, the design and delivery of new development areas includes grid corridors and safeguards potential corridor extensions and connections to ensure future growth options are not prejudiced.

Flexibility of consents

Another option to increase flexibility within consents is to allow the provision of ‘reserve sites’. These sites can be included within a consent in situations where confirmation of the final use will be demand-led, and therefore cannot be ascertained at the outline planning application stage. These reserve sites are usually allotted as part of the planning application parameter plan or development framework plan for the required range of uses, which can be then assessed in the Environmental Impact Assessment/technical information as appropriate.

Such sites are then ‘held’ until a particular use comes forward which meets the requirements required to release the reserve site. It is often the case that a ‘long-stop’ date for the reserve site being allowed to be brought forward for a different use is held within the s106 agreement. This allows the reserve site to be promoted for a different use, should the originally-desired use not come to fruition.

Limits to flexibility?

As long as the parameter plans and description of development cover the types and scale of land uses acceptable for reserve sites, then no further consents are likely to be needed. However, there are two considerations when drafting consents.

The first is the use of the term “approximately” in the description of development. Whilst this is a commonly used term – and in general an appropriate one – applying the word ‘approximately’ to a site of several thousand homes could start to undermine the agreed parameters of a consent. For example, does ‘approximately’ mean a margin of say, 10 per cent? In which case, a new community of 5,000 homes could find itself with five hundred homes potentially being delivered lawfully within a consent but over and above the parameters tested and agreed in the original application.

The second is the lifetime of the consent. Recognising that the construction of a new community can take well over a decade, what is an appropriate length of time to apply to an outline consent? We have found that there is a balance to be struck between:

- avoiding constraining delivery by imposing too short a time limit on a consent (especially as there is no longer a mechanism for renewing or extending the backstop date of an outline consent once started)
- allowing a permission to continue beyond such reasonable time as there will be significant policy changes or changing site circumstances which may mean the basis on which permission was granted may no longer apply.

It is worth imposing a shorter period of pre-commencement activity and a required time period within which a start on site is made. However, it is also beneficial to work through with the applicant the likely delivery trajectory, land disposal and phasing strategy once commenced. The way in which the site is opened up and the number of development fronts in operation at any one time can impact the life of the construction programme considerable. Beyond this, it is worth considering a further grace period to allow for a slowing up in the local market, or in the economy more generally, so that the development trajectory can be flexed once up and running without risking delay due to lapsing of planning consent.

[Case study: Brooklands, Milton Keynes](#)





Governance and ownership of place

Contents

Governance and legacy 68

Ownership of place 69



Governance and ownership of place

Governance and legacy

The successful delivery of a place can be judged by how it is perceived by those living within or using it. But the 'community building' aspects of a strategic site, or the future ownership and management of the public realm or common infrastructure, can be overlooked at the planning stages and provision may not be made for such endeavours through the consenting process.

There are a number of good examples of where – albeit through accident as well as design – effective systems have been put in place which result in good governance and where communities are able to take up a meaningful stake in their surroundings.

Much of what can be agreed through the planning process depends on the nature of the developer and/or applicant. Landowners and the public sector tend to want more say in, and a longer term involvement in the outcomes of, a strategic development, whereas housebuilders by their nature are focused on the construction and sale of homes and disposal of land, rather than the long-term investment in place. Either approach is entirely acceptable provided that it is made clear from the outset, then mechanisms can be put in place to ensure the common elements of a new community are appropriately managed.

The following table sets out some of the alternative models for considering long term governance and legacy. Some of the models are developer-led; others are public sector led. To a large degree, the model selected will be pre-determined from an early stage by the promoter, but it is worth knowing the favoured management and governance route well in advance of the determination of an outline application to ensure that what is designed and built is capable of being financed and well-managed over the long term.

Toolkit table #8

Model	Characteristics	Examples
'Benevolent landlord' model.	Where a landowner retains a legal or financial stake in the new community over the long term, having in-house management structures in place and continuing to benefit from a long-term return on investment.	Duchy of Cornwall at Poundbury. Bournville/Port Sunlight models. Grosvenor Estate in London
Long term patient capital.	Where an owner or promoter of land takes a long-term view of investment and return, albeit with an agreed 'exit strategy' at some point in the future. Manages the site through the life of its construction and oversees the establishment of a local management or governance body to take over once development is complete.	Urban&Civic. O&H Land.
Gifting of land and assets in perpetuity.	Where a landowner appoints a third party and transfers the public realm to that body, with a financial endowment or commercial asset to enable long term governance and management.	The Milton Keynes Parks Trust.
Third party management company.	Where an already-established management company takes over a part of the site or a particular aspect of its management.	Wildlife Trusts. The Land Trust/Green Belt Company. Housebuilder or Estate. Management Companies.
Passed to council or parish council .	Public realm transferred to the council with a commuted sum (time limited) and agreed management regime. Can be devolved to parish councils to manage. NB Less likely now for strategic sites because of the increased financial burden on the public sector.	

[Case study: Brooklands, Milton Keynes](#)

[Case study: Hamptons, Peterborough](#)

Ownership of place

It is very challenging to plan for a community who do not exist yet. Many of those involved in the inception and early stages of planning and designing strategic sites will not live there.

Some of those moving into a new community can see themselves as ‘pioneers’, and will make the place their own. Others can feel very isolated, especially in new developments where many of the residents are out at work for the majority of the working week.

Innovative solutions to building community cohesion from the outset to avoid these issues are increasingly common: from the funding of a community liaison officer to supporting new residents’ associations and the like can help new communities to establish themselves and start to generate their own sense of place and identity.

New communities evolve over time, and it is important as part of good place leadership to continue the dialogue with the emerging community once in place. This will ensure that subsequent phases and planning decisions reflect the changing make up and needs of the community as it becomes established. Depending on the delivery model adopted, local planning authorities may need to take more of a lead role to ensure this happens. Again, s106 agreements can build in requirements to help fund such activity.

At some point in the development of a new community, it will cease to be seen as a ‘new development’ and simply become a ‘part of town’. This is important to encourage; the subtle change in emphasis as people start to ‘own their place’ is invaluable for its continued success.

[Case study: Houlton, Rugby](#)





Case study

Boots Site – Beeston, Nottingham

Fact File

TYPE:

Urban redevelopment, cross border.

LPA:

Broxtowe Borough Council (BBC) and Nottingham City Council (NCC).

LANDOWNER

Boots Properties Ltd (small part of site owned by NCC).

PROMOTER/DEVELOPER:

Nottingham Enterprise Zone Development Company (special purpose vehicle led primarily by landowner).

SCALE:

130ha, residential and employment led, 1,150 dwelling allocation in local plan.

STRATEGIC INFRASTRUCTURE REQUIREMENTS:

Substantial demolition, land remediation, canal bridge and link road access.

OTHER KEY USES:

Large portion of site subject to Enterprise Zone allocation.

STATUS AND KEY APPLICATION REFERENCES:

Outline planning applications given 'resolution to grant planning consent' by Planning Committee in 2014 (NCC: 14/02038/POUT, BBC: 14/00515/OUT). S106 negotiations ongoing. Separate planning applications for infrastructure works approved and implemented (NCC: 14/02039/PFUL3, BBC: 14/00514/FUL).

Allocation and policy

- In preparation for the comprehensive regeneration of the Boots Campus, BBC and NCC jointly prepared a 'Statement of Development Principles' for the cross-border site in consultation with the landowner Alliance Boots Plc. in June 2007. The purpose of the SoDP was to establish a set of development principles to help shape activity on the Boots campus site during its projected 20-year regeneration period.
- The site secured Enterprise Zone status in 2011 as part of a wider allocation including the Beeston Business Park, the Nottingham Science Park and the MediPark site (at Queens Medical Centre) which together make up 286 acres (116 hectares).
- BBC and NCC, along with Gedling Borough Council, adopted an 'Aligned Core Strategy' (ACS) in September 2014 (effectively a 'Part 1' Local Plan for the Councils containing aligned strategic planning policies including strategic housing allocations). The Boots site is allocated under *Policy 2: The Spatial Strategy* for 550 homes within BBC and up to 600 homes in NCC, as well as significant new employment development.
- The site is significant in contributing to both councils' housing land requirement (but is appropriately recognised in NCC policy terms as a regeneration site and therefore not unduly relied upon for the purposes of housing delivery calculations).

S106, ensuring delivery, ownership of place

- Outline planning applications secured 'resolution to grant planning consent' concurrently from both authorities in 2014, and separate planning applications for advance infrastructure works have been approved and implemented (NCC: 14/02039/PFUL3, BBC: 14/00514/FUL).
- As a local employer with a long history on site and aspirations to provide a 'legacy scheme' which will cement its local reputation and pedigree as well as reinforce the site as a 'flagship R&D' location, Boots have aspirations for a residential-led development of the highest quality.
- To date it is understood they have been unable to secure a development partner who can meet these expectations, delivering the consented scheme in this location. It is assumed that the developer is unwilling to sign a s106 agreement until a development partner is in place. Whilst this has delayed implementation on site it does mean that any appointed development partner will have opportunity to shape / agree the content of the agreement. This in turn should help prevent later delays, or the need for new planning applications.

Case study

Brooklands – Eastern Expansion of Milton Keynes

Fact File

TYPE:

Urban extension, greenfield land.

LPA:

Milton Keynes Council.

LANDOWNER:

Places for People (previously in multiple ownership).

PROMOTER/DEVELOPER:

Places For People; adopted master developer model.

HOUSEBUILDERS:

Countryside, Barratt and David Wilson Homes.

SCALE:

Residential-led, 2,500 homes.

STRATEGIC INFRASTRUCTURE REQUIREMENTS:

Highway junction improvements, 2 primary schools, 1 secondary school, acoustic earthworks/bund to M1.

OTHER KEY USES:

Significant flood attenuation measures incorporated as part of green infrastructure network.

STATUS AND KEY APPLICATION REFERENCES:

Hybrid planning permission granted 2007 re: 06/00220/MKPCO with subsequent amendments approved in 2014. Reserved matters applications ongoing; full development nearing completion.

Allocation and policy

- The site was allocated in the saved Milton Keynes Local Plan (2005) as one of three expansion areas of the new city, adopted and carried through into the adopted Milton Keynes Core Strategy (2013). The Brooklands site forms part of the Eastern Expansion Area, for which a Development Framework was produced in 2005.

Planning application

- A **Hybrid application** was submitted for Brooklands to secure early consent for advance earthworks (known as 'the Ridge'), a strategic bund running the length of the site which was required for noise and air quality mitigation due to the site's proximity to the M1 Motorway. All of the remaining parts of the site, including all of the residential elements, were submitted in outline.
- Upon the approval of the Hybrid application, the delivery of the acoustic bund was completed early on in the development timeframe. This unlocked parcels which would not have been available for development without the bund in place because of the noise and air quality mitigation required in these locations.

Futureproofing and adaptation

- At the time of the determination of the Hybrid application the exact nature of the community infrastructure provision required for the site was unknown. Therefore, as part of the s106 agreement, three '**community reserve sites**' were identified within the development area.
- Each of these sites are reserved for a 15-year period to allow Milton Keynes Council to deliver suitable community uses/buildings at a 'peppercorn' land value cost. If no facilities are delivered within this 15-year period, the sites will be then be able to be brought forward for other full market commercial/residential use.

Governance and ownership of place

- Established by endowment by the Milton Keynes Development Corporation at the outset of the New Town in 1967, **The Parks Trust** manage much of the green space within Milton Keynes, funded through the ownership of local assets as well as income from leisure and recreation uses within the city's greenspace. The s106 agreement for Brooklands specified that the strategic green infrastructure was to be transferred to the Parks Trust for maintenance in perpetuity once completed to an acceptable standard.
- This enables the green space to function seamlessly as part of the wider network of green space within Milton Keynes and the development site to benefit from the Trust's established management regime in the area. As much of the greenspace at Brooklands also serves as flood alleviation/surface water attenuation, the space is reviewed and 'signed-off' by the Internal Drainage Board prior to transferring to the Trust.

Case study

Cranbrook – Devon

Fact File

TYPE:

New Community.

LPA:

East Devon District Council.

LANDOWNER

A number of farms and small landholdings.

PROMOTER/DEVELOPER:

Persimmon Homes, Hallam Land Management & Taylor Wimpey.

SCALE:

3,500 homes (approved); expansion to 7,800 homes proposed.

STRATEGIC INFRASTRUCTURE REQUIREMENTS:

Bypass linking the A30 and B3174 (under airport runway extension), district heating network and energy centre, railway station, 2 primary schools, one secondary school and town centre.

OTHER KEY FACILITIES:

Local centre, sports pitches, pavilion and country park. Additional facilities proposed as part of expansion areas incl. additional schools, sports facilities, employment land, suitable alternative natural greenspace (SANG) and recreation facilities.

STATUS AND KEY APPLICATION REFERENCES:

Outline Planning Application approved in October 2010. First reserved matters for 1120 dwellings approved April 2011. First completion in June 2012. 2,450 completions by June 2021. 03/P1900; 13/1752/MFUL

Allocation and policy

- Cranbrook is the consequence of a consistent and longstanding policy commitment to meeting the needs of East Devon and Exeter in a sustainable new community east of Exeter.
- First included in the Devon Structure Plan in 1999 with criteria set out for the site of the new community, successive East Devon Local Plans have settled its location. The current East Devon Local Plan (adopted January 2016) defined the current extent and subsequent guidance for the new community and its expansion is set out in the Cranbrook DPD, the subject of an ongoing Examination.

Detailed consents and conditions

- Development Framework Plan approved under outline consent defining the locations of key land uses. Guidance on the delivery of the settlement set out in a series of Strategies approved by the LPA prior to the determination of the application incl. Strategic Design Guidance; Landscape Biodiversity and Drainage Strategy; Archaeology; Employment; Phasing; Housing and Sustainability.
- Conditions attached to the consent setting out the requirements for additional information for each sub-phase of development.
- Reserved matters applications then submitted for infrastructure/ phases of development in accordance with the framework plan and the supporting strategies. RMAs all approved under delegated powers.

Ensuring infrastructure delivery

- The initial outline consent was accompanied by expectations of significant public funding (in total some £40m), comprising:
 - £6 million grant from Growth Point Fund
 - £12 million loan from SWRDA Infrastructure Fund
 - £16 million NAHP funding for first 300 affordable units
 - £4 million from HCA low carbon fund for CHP scheme (which would not have been viable without it).Little public funding has subsequently been directed to the development.
- Growth Point and SWRDA revolving Infrastructure Fund (paid back as completions progressed) enabled early delivery of the bypass, critical infrastructure required before the completion of 500 dwellings (but delivered much earlier); delivery of the first Primary school (open before the occupation of 30 dwellings); completion of the first community building – accommodating sports leisure, meeting rooms and offices, temporary GP and pharmacy – before any housing occupations. All were delivered by the development consortium.
- The delivery of the primary school was assisted by the relocation of the small primary (30 pupils) from the adjoining village into the new facility.
- The proportion of affordable homes in the initial phases and the attractions of early on-site infrastructure resulted in high rates of delivery achieved from the outset (350 completions and occupations in year 1 and over 500 in both years 2 and 3).
- Successful infrastructure implementation was also the result of committed and proactive highway and education authority: delivering (with developer contributions) a new railway station, secondary school and education campus (first phase) before the completion of 1,000 dwellings.

...continued overleaf



Case study

Cranbrook – Devon

Fact File

TYPE:

New Community.

LPA:

East Devon District Council.

LANDOWNER

A number of farms and small landholdings.

PROMOTER/DEVELOPER:

Persimmon Homes, Hallam Land Management & Taylor Wimpey.

SCALE:

3,500 homes (approved); expansion to 7,800 homes proposed.

STRATEGIC INFRASTRUCTURE REQUIREMENTS:

Bypass linking the A30 and B3174 (under airport runway extension), district heating network and energy centre, railway station, 2 primary schools, one secondary school and town centre.

OTHER KEY FACILITIES:

Local centre, sports pitches, pavilion and country park. Additional facilities proposed as part of expansion areas incl. additional schools, sports facilities, employment land, suitable alternative natural greenspace (SANG) and recreation facilities.

STATUS AND KEY APPLICATION REFERENCES:

Outline Planning Application approved in October 2010. First reserved matters for 1120 dwellings approved April 2011. First completion in June 2012. 2,450 completions by June 2021.
03/P1900; 13/1752/MFUL

Futureproofing and adaption

- Future expansion of Cranbrook was envisaged from the outset. By necessity, the initial consent was limited to the local plan requirement (2,900 dwellings by the end of the plan period), rather than an 'end state' new town.
- Flexibility to ensure 'end state' scale infrastructure and facilities has been secured through the inclusion of a large scale (12 ha) mixed use town centre from the outset. The town centre proposals have been refined over time and the full social and community needs of the town twice its original size assessed. 10 years on from the original consent, there is a high level of confidence that future town centre uses can be met, thus enabling higher density new homes to come forward without any concern that other necessary supporting uses would be squeezed out.
- A further useful innovation is the consideration being given by the district council to the purchase of land in the new town centre to increase the ability for future flexibility.
- Highly successful management of open spaces through the now formed Town Council and the local precept which (by the avoidance of commuted sums), has allowed the delivery of more and additional community benefits.

Skills and resources

- Joint working between the County Council, District Council and the East Devon New Community partnership from its inception. Regular monthly meetings still held with the Chief Executive, councillors from the new Cranbrook Town Council and relevant officers. The section 106 provided funding for a new community planning officer, and there is now a team of 4 officers working on Cranbrook.



Case study

Great Haddon – Peterborough

Fact File

TYPE:
Strategic Urban Extension (greenfield).

LPA:
Peterborough City Council (PCC).

LANDOWNER
O&H (majority, freehold), Marlborough Developments (option), Barratt Strategic (option).

PROMOTER/DEVELOPER:
Great Haddon Consortium (members as above).

SCALE:
Residential-led, 5,350 homes (adjacent to an established new community of 8,000 new homes at The Hamptons now nearing completion).

STRATEGIC INFRASTRUCTURE REQUIREMENTS:
Junction Improvements (motorway/A roads, reconfigured A15 to provide local 'bypass'), 3 primary schools, 1 secondary school.

OTHER KEY USES:
District centre, local centres, sports facilities, multi-use community centre, leisure centre, cemetery.

STATUS AND KEY APPLICATION REFERENCES:
Outline Planning Approval 2018, pre-commencement works underway PCC 09/01368/OUT.

Allocation and policy

- A broad area which included the site was identified as an opportunity for strategic growth in the Peterborough Sub-Regional Study (Nov 2003), reinforced through the RSS for the East of England (2008).
- Following the abolition of the RSSs, although the site was not specifically allocated in the 2005 Local Plan, as strategic growth in this location was supported work commenced on an early planning application in tandem with the preparation of the Peterborough Core Strategy, an approach wholly supported by the council.
- Great Haddon was identified as one of two urban extensions in the LDF Preferred Options (May 2008) and an application was submitted in November 2009, prior to the EIP in 2010 and adoption of the Core Strategy in Feb 2011.
- The Core Strategy include a single criteria-based one-page Policy (CS5) for the two urban extensions, cross referring to other district-wide policy requirements and without any plans other than the proposals map which showed the site boundary.

Outline planning application

- No specific policy requirement to submit a single outline application. However, policy required comprehensive masterplanning, planning and implementation.
- The site design and masterplan was 'ownership blind', and a single application and environmental impact assessment for the whole site was prepared and submitted on behalf of the three promoters in November 2009.
- The application included a suite of 8 Parameter Plans to a common format – Development Framework; Primary Movement Network; Public Transport Network; Ped/Cycle/Equestrian Routes; Density; Building Heights; Open Space; Landscape Framework - all approved as formal plans.

Engagement and consultation

- Because of the scale of development, the Consortium organised a 'Stakeholder Conference' in November 2007, well in advance of a confirmed local plan allocation or preparation of the application. Designed to help shape input to the design and nature of the scheme, the half day conference included a wide range of service providers, statutory and local organisations who would not usually be involved prior to receiving an application.
- Feedback through workshops was positive and proved valuable in shaping the development proposal significantly. The approval of the scheme design at outline application stage resulted in expediting the subsequent consultation processes once the application was submitted.

S106 and infrastructure delivery

- Each promoter had a different interest in the land from the outset – one freehold landowner (@70 per cent of the site), one with a promotion agreement on behalf of an investor landowner (@20 per cent), and one agricultural landowner with an option to a housebuilder (@10 per cent). Despite all parties committing to a single comprehensive scheme this slowed the s106 process significantly, affecting the drafting of conditions, s106 and preferred delivery mechanisms.
- Resolution to grant consent was issued in March 2013 subject to further design detail of the key highway infrastructure, a viability review mechanism for s106, and agreeing the level of AH provision. Protracted negotiations with the council, county council, adjoining district council and parish councils these matters were not agreed until January 2015.
- Due to the need to 'partition' the conditions so that each party could implement their landholding independently to a common scheme, and share the costs and values in an equitable manner, it took another three years to issue a consent.
- The consent included a partitioned s106 for each party, with a 'per dwelling' s106 'tariff' apportioned to each landowner to reflect the extent of their infrastructure provision.



Case study

Halsnead Garden Village – Whiston, Merseyside

Fact File

TYPE:

New community, greenfield site.

LPA:

Knowsley Council.

LANDOWNER

Over 40 landowners on site, with varying scales of landholding and experience of development (eg. from housebuilders to garden plots).

PROMOTER/DEVELOPER:

Various, due to landownership position.

HOUSEBUILDER:

Various (not all site is optioned).

SCALE:

Residential led, 1,600 homes, 22.5ha employment land, Country Park.

STRATEGIC INFRASTRUCTURE REQUIREMENTS:

Improvement of 9 highway junctions, primary school.

STATUS AND KEY APPLICATION REFERENCES:

Given 'Garden Village' status and funding in 2017. First planning applications submitted in 2018.

Inception and strategy

- Akin to many of the Local Authorities in the Merseyside area, Knowsley's urban area is constrained by Green Belt at its edges. Therefore, when the decision was undertaken to provide growth as part of effective local plan making, it was clear that the Green Belt would need to be reviewed and sites released from it in order to deliver sustainable development at the most appropriate locations.
- However, rather than seeking to allocate the bare minimum of land to meet their own needs, the council made the corporate decision to allocate more land to ensure ample land availability to enable choice in the market and to provide enough homes to meet needs into the longer term. This led to the allocation of nine urban extensions, all of which required Green Belt release, which were secured through the local plan process.
- Land for the Halsnead Garden Village was allocated in the [Knowsley Local Plan Core Strategy 2016 Policy SUE2c](#).

Supplementary planning guidance

- Given the complex landownership position on the site, the Council took a hands-on co-ordination role, leading the production of the [Halsnead Garden Village Masterplan SPD](#), (produced by consultants).
- The SPD covers the entire Garden Village site and set out clearly the infrastructure requirements and connections for development parcels brought forward by individual landowners/developers so everyone is aware of the infrastructure required to be provided on their land to ensure comprehensive delivery of the site.
- It does not prescribe phasing, relying on landowners and developers to collaborate and demonstrate that deliverability is not prejudiced where strategic infrastructure will be required to cross ownership boundaries.

Skills and resources

- Halsnead Garden Village is one of several strategic sites allocated in the same Local Plan to be developed concurrently. In order to provide the necessary skills and resource to deal with the large number and complexity of planning applications on these sites, a 'Major Development Team' was formed.
- This team consisted of not only planning officers, but also highways/ drainage officers, ecologists, regeneration officers and officers from other council departments (as a unitary authority there is the ability to control a wider range of statutory functions). These officers worked exclusively on these major sites, which enabled both skills and in-depth knowledge of the sites to be developed.
- The council placed great weight on the value of the Major Development Team and has succeeded in maintaining the team in the face of increasing pressure on resources and staffing.



Case study

Houlton – Rugby, Warwickshire

Fact File

TYPE:

New community, developed on former radio station site between M1/West Coast Mainline and A5.

LPA:

Rugby Borough Council.

LANDOWNER

Urban&Civic, Aviva Investments.

PROMOTER/DEVELOPER:

Urban&Civic; adopted master developer model.

SCALE:

6,200 homes, up to 106,000sq.m of employment floor space.

STRATEGIC INFRASTRUCTURE REQUIREMENTS:

Highway improvements (new link road and canal bridge) 3 primary schools, 1 secondary school.

OTHER KEY USES:

District Centre (including conversion of the C Section Listed Building and re-use of existing farm buildings) and community buildings. Other Radio Station land on the east side of the A5 within West Northamptonshire is the subject of a related but separate Development Consent Order for a Strategic Rail Freight Interchange (incl. up to 731,000 square meters of rail-served logistics).

STATUS AND KEY APPLICATION REFERENCES:

Outline Planning Application approved in January 2014. First 4 Key Phases defined and initial phases occupied (c.500 occupations). Original outline: R11/0699, amended via S73 application reference R17/0022.

Allocation and policy

It took 15 years of land promotion following the identified closure of its radio station activities before the site was allocated as a Sustainable Urban Extension in Rugby Borough Council's Core Strategy, adopted in June 2011.

Policy CS4 was a straightforward criteria-based policy, seeking a range of dwellings between 5,000 and 6,200 and placing considerable emphasis on the synergy between homes and employment as a key economic driver for the growth needs to 2026 and beyond. A high-level indicative plan was included within the Policy setting out the broad alignment of the link road and fixing the overall extent of built development.

The in-built flexibility of this policy allowed for a swift process to an outline consent (less than 3 years from development plan adoption).

Detailed consents and conditions

- As part of the **Outline Application, a 'Key Phase' approach to delivery** was agreed in advance. This meant that the approved scheme at outline stage was set out in a single high level parameter plan with very few items 'fixed spatially', and much of the key social infrastructure required identified in indicative locations which could be flexed without going beyond the parameters of the outline consent.
- The 'key phase' approach includes an additional 'tier' of consent between the outline application and reserved matters, in which:
 - a Key Phase relates to a specific part of the site and is first defined on a plan and agreed with the planning authority
 - for each Key Phase, a greater level of design guidance, delivery plans and technical information is provided prior to reserve matters submissions
 - each reserved matters application must comply with the key phase consented material.
- This tier allows reserved matters applications for individual parcels or infrastructure to be considered and determined against the design specification for that Key Phase.

Ensuring infrastructure delivery

Two major items of infrastructure have been delivered on site in advance of the triggers set by the s106 agreement and outline conditions, both facilitated through funding from Homes England:

- a link road connection from the development towards Rugby town centre was brought forward seven years earlier than fixed in the s106 (following a £35 million Homes England investment) providing key sustainable transport links into the town centre and allowing early development parcels to be opened up
- early delivery of Houlton Secondary School (due to open Sept 2021) in advance of the s106 trigger, including redevelopment of the listed C Station building as part of the school campus. Early school provision will stimulate the delivery of the adjacent District Centre at the heart of the new community.

Futureproofing and adaption

The structure of the consent (outline and key phases) and attitude of the master developer has allowed development to adapt to the market without compromising on quality. For example, when redundant farm buildings were converted to community facilities and a café and exceeded expectations to became a focal point of the community, the masterplanning of the site was able to be adjusted to capitalise on this success and expand this area rather than introduce another local centre elsewhere, without wholesale unpicking of the original permission.

Governance and ownership of place

The developer has invested heavily in the new community, employing dedicated staff to engage with residents and involve them in planning community facilities, and actively finding ways to ensure new facilities are made fully accessible to Houlton residents.

Skills and resources

The development has benefitted from the oversight of experienced planning officers at Rugby Borough Council who have ensured consistency of approach throughout. A protocol was established at outline stage that set out which future applications would need to be referred to Members or otherwise, thus ensuring a level of transparency, speed and predictability for applicants, RBC officers and Members. Infrastructure and housebuilder applications have been determined under delegated powers in the context of an open and collaborative relationship with knowledgeable RBC officers.



Case study

Langley – Birmingham

Fact File

TYPE:

Strategic Urban Extension (greenfield, Green Belt release).

LPA:

Birmingham City Council.

LANDOWNER

Multiple landowners with a mix of freehold and optioned land.

PROMOTER/DEVELOPER:

Consortium of development interests (included landowners plus developers/housebuilders with option agreements).

SCALE:

Residential-led, 5,350 homes (adjacent to an established new community of 8,000 new homes at The Hamptons now nearing completion).

STRATEGIC INFRASTRUCTURE REQUIREMENTS:

Junction improvements (motorway/A roads, reconfigured A15 to provide local 'bypass'), 3 primary schools, 1 secondary school.

OTHER KEY USES:

District centre, local centres, sports facilities, multi-use community centre, leisure centre, cemetery.

STATUS AND KEY APPLICATION REFERENCES:

Outline Planning Approval 2018, pre-commencement works underway. PCC 09/01368/OUT.

Allocation and policy

- As one of the largest development sites in the City, the decision to release the land from the Green Belt for approximately 6,000 homes was driven by the council's desire to create new communities with all supporting infrastructure.
- After a protracted process, including the imposition of a Government holding notice on the local plan meaning it could not be officially adopted until January 2017, the Langley Sustainable Urban Extension (SUE) was formally released from the Green Belt, and is allocated in the Birmingham Development Plan (Policy GA5). The delivery of Langley SUE and its associated wider infrastructure is being coordinated with a 71 hectare (ha) employment site at Peddimore.
- The allocation is a comprehensively worded policy but does not include a plan other than a site allocation boundary. Rather, the requires approval of an SPD setting out further details.

Engagement and consultation

- Because of the need to secure the removal of the land from the Green Belt, the extent of the site was defined by Green Belt policy considerations rather than landownership or delivery influences.
- This has meant the site is subject to multiple land ownerships with differing land and development interests. Despite early and sustained engagement between the council and the developer consortium prior to the local plan and in the years since its adoption, it has proved challenging to move beyond the SPD to an agreed application scheme and the council still awaits the submission of the single outline application required to progress delivery.

Supplementary planning guidance

- At Langley, master planning was commissioned by the council to inform the drafting of its SPD. The SPD was prepared in-house by the council, informed through consultation with the Consortium.
- In addition and in recognition of the fact that Langley SUE will be built out over a 20 year period by a number of different developers, the council has included in the SPD a requirement that a single planning application is required for the whole site. Furthermore, a Design Framework is also required prior to submission of the application, seen as essential to embed key design, quality and sustainability principles to coordinate and guide development.
- The Design Framework will form a suite of design information required to be submitted by outline planning application stage. It should clearly set out how place-making and character will be delivered across Langley SUE and for each of the neighbourhoods, and how this relates to development phasing.



Case study

Milton Keynes Strategy for 2050

Fact File

TYPE:

Non-Statutory Strategic Plan.

LPA:

Milton Keynes Council.

LANDOWNER

n/a.

PROMOTER/DEVELOPER:

n/a.

SCALE:

Looking at growth options for a doubling of the population of the Milton Keynes between 2018 and 2050 or thereabouts.

STRATEGIC INFRASTRUCTURE REQUIREMENTS:

Full suite of city-scale infrastructure investment including exploration of city-wide rapid transit options.

OTHER KEY USES:

n/a.

STATUS AND KEY APPLICATION REFERENCES:

Adopted as Council Strategy (December 2020).

<https://www.mkfutures2050.com/>

Inception and strategy

- As part of the preparation for the new city of Milton Keynes reaching its half century, the Milton Keynes Futures 2050 Commission – a group of nine individuals, chaired by the Vice Chair of Cranfield University, with other commissioners being either experts in their fields or local champions – produced a series of reports entitled 'Milton Keynes: Making a Great City Greater'.
- The Commission process was supported by council officers and political group leaders attended the Commission meetings to be able to contribute to the debate. The group discussed the issues, challenges and opportunities facing Milton Keynes and the global drivers that will influence placeshaping in the future.
- The Commission's role and recommendations were much wider than planning policy and spatial planmaking. The importance of 'inclusive growth' was emphasised to ensure that the benefits of growth will be across the whole community – not just those living in new areas or working in newly created jobs. Education and mobility were identified as fundamental to the future prosperity of the city and addressing those two issues were recommended as a priority.
- As part of delivering its 2050 vision, the Commission recommended Six Big Projects, two of which – 'Growth and Strategy' and 'Smart Shared Mobility' – have a direct relationship with spatial planning.
- The role of the MK Futures 2050 Commission came to a formal end in July 2016 once its report was published.

Planmaking

- Following the Commission's recommendations, the council commissioned a series of evidence base studies including a strategic growth study to progress the Six Big projects and inform the preparation of a Growth Strategy for 2050.
- The growth study took forward the ambitions expressed through the Futures work and the council plan 2016–22 – which already advocated planning for the growth of the Milton Keynes area to a population of 500,000 people by 2050 – to analyse how this level and type of growth might manifest itself spatially and over time.
- A particular spatial priority for the growth study was to examine the links between planned growth and a shift to more sustainable travel. This resulted in recommendations around the optimum scale and direction of growth to support a city-scale rapid transit system.
- Other priorities – such as health and education – were factored in to spatial considerations whilst acknowledging that other council policies would take the lead on delivery of objectives.
- Due to the need to look further ahead than local plan periods, have an eye to cross-boundary issues, and to encompass other strategies and policies of the council, the council elected to bring together this evidence with other council strategy documents to pursue a non-statutory growth plan.
- Whilst not forming part of the statutory development plan, the MK Strategy for 2050 is now adopted as council policy and will be a material consideration in the preparation of further rounds of local plans.

...continued overleaf



Case study

Milton Keynes Strategy for 2050 (continued)

Fact File

TYPE:

Non-Statutory Strategic Plan.

LPA:

Milton Keynes Council.

LANDOWNER

n/a.

PROMOTER/DEVELOPER:

n/a.

SCALE:

Looking at growth options for a doubling of the population of the Milton Keynes between 2018 and 2050 or thereabouts.

STRATEGIC INFRASTRUCTURE REQUIREMENTS:

Full suite of city-scale infrastructure investment including exploration of city-wide rapid transit options.

OTHER KEY USES:

n/a.

STATUS AND KEY APPLICATION REFERENCES:

Adopted as Council Strategy (December 2020).

<https://www.mkfutures2050.com/>

Engagement and consultation

- The growth study identified a number of opportunities for planned cross-border growth related to Milton Keynes. Although the strategic growth study was commissioned jointly by Milton Keynes and two of its neighbouring authorities, MK Council prepared and adopted the subsequent Growth Strategy to inform strategic growth needs and priorities within its own administrative boundaries, identifying where cross-boundary considerations would come into play.
- An Engagement Draft of the Strategy was published, and a year-long programme of broad consultation took place which focused on local stakeholders and hard-to-reach groups, particularly children and young people (those likely to shape and benefit most from a 30-year growth and investment strategy).
- This has ensured that the Strategy has a far wider reach than traditional planning documents and is already shaping wider stakeholder plans and strategies.

Ensuring delivery of infrastructure alongside development

- MK already has its own infrastructure ‘tariff’ to ensure that the number of concurrent strategic development area allocations can fund district scale infrastructure. The Strategy for 2050 has supported the council in exploring ways in which the tariff model could be developed to lever in and capture more uplift in land value for infrastructure.
- Planning proactively for significant levels of long term growth and development has also meant that the council has been able to open up conversations with central government about other funding and delivery mechanisms which might be possible to ensure city-scale infrastructure is delivered to support well-planned growth.

Futureproofing and adaptation

- In the Milton Keynes tradition, it is recognised that the Strategy is a beginning and includes some high-level spatial masterplans only in the sense they provide a strategic framework within which to consider future development and infrastructure options, allocations and delivery.
- But as with all good strategies it defines the main objectives whilst retaining flexibility to allow adjustments to new situations or technologies as they develop. This means that the Strategy can influence planning for longer than a single plan period, and can also draw together the different strands of council responsibility – transport, housing, education, health and green infrastructure for example – to test different policy and plan options against a set of agreed social, economic and environmental outcomes.



Case study

South Essex Strategic Growth Locations Study

Fact File

TYPE:

Strategic growth study incorporating co-ordinated analysis and evidence gathering at a strategic scale, precursor to a joint plan for South Essex.

LPA:

Association of South Essex Local Authorities.

LANDOWNER

n/a.

PROMOTER/DEVELOPER:

n/a.

SCALE:

Meeting development needs to 2050 (potentially up to 150,000 homes).

STATUS AND KEY APPLICATION REFERENCES:

No statutory status but published as part of the evidence base to inform subsequent stages of planning policy formulation.

<https://www.southessexplan.co.uk/south-essex-plan/what-is-the-evidence-base>

Inception and strategy

- The SGLS was prepared to establish a level of understanding of the potential for growth change and investment across a South Essex, a diverse geography facing considerable challenges in meeting growth needs. This was preparatory work to inform a potential joint plan which would in turn inform the local plans for each authority.
- This work followed a commitment to joint working established through the signing of a memorandum of understanding between authorities in January 2018 and work on a joint Vision for South Essex.
- One of the agreed strategic priorities was developing a spatial strategy for South Essex. The SGLS provides a robust and entirely objective assessment of the potential scale and location of development that could theoretically be accommodated across South Essex.
- The SGLS included a development capacity study assembling and mapping constraints to inform an assessment of broad development potential as a precursor to identifying development scenarios. Through GIS mapping of commitments, constraints and infrastructure provision (existing and planned) the study provided a consistent baseline against which to test development scenarios with flexibility to 'sieve' through different mapped layers and input policy options.
- The assessment was valuable in levelling and depoliticising the baseline position necessary to secure meaningful co-operation between neighbouring authorities and beginning to flush out whether there is sufficient common ground to commit to a statutory joint plan making process.



Case study

The Hamptons – Peterborough

Fact File

TYPE:

New community (brownfield land).

LPA:

Peterborough City Council.

LANDOWNER

O&H.

PROMOTER/DEVELOPER:

O&H, adopted master developer model.

SCALE:

Residential-led, 8,000 homes.

STRATEGIC INFRASTRUCTURE REQUIREMENTS:

Junction improvements (A road), railway overbridge, 4 primary schools, 2 secondary schools, protection/mitigation of adjacent SAC (largest UK GCN popn.).

OTHER KEY USES:

312,000 sq.m employment floorspace, 26,000sq.m retail floorspace (district centre), local centres, reserve land for rail halt, sports facilities, hotel, church, multi-use community centre.

STATUS AND KEY APPLICATION REFERENCES:

Outline planning approvals 1993, 2006, 2007, 2015. Total homes now occupied c.6,350.

Allocation and policy

- Following the closure of the brickworks in the 1980s the brownfield site was designated as the fourth planned 'township' of Peterborough New Town.
- Allocated as a cross-border site in the Cambridgeshire Replacement Structure Plan (1989), consent was secured in 1993 for 5,200 homes. Peterborough City Council became the lead authority following a boundary change, releasing the site from Hunts District.
- Very little local plan policy guidance in the early 1990s to govern land uses or design. Outline consent has outlasted several iterations of the local plan and has adjusted its delivery to reflect changing local plan policy requirements.

Outline planning application(s)

- Outline approval period was originally set at 25 years (1993-2018). However, since 1993 there has been a renewal of the outline consent to extend this period, new consent for an additional 1,700 units within the site, s106A consents, and consents for an additional c.1,000 units on adjacent brownfield land in the same ownership.
- A single 'Development Plan' was approved under the outline (fixing broad disposition of land use, open space and infrastructure), with Development Area Briefs required under the outline consent for each phase to fix land use details, phasing and design.
- Master developer model since 1996 has implemented site wide infrastructure, services and facilities, selling serviced land parcels to housebuilders.
- Although not mandatory, landowner prepared detailed design codes and site briefs for specific parts of the site (eg. local centres, specialist housing sites) and used design as one of the bidding criteria in selection of housebuilders.

S106, futureproofing and adaptation

- Deeds of Variation to the original s106 (s106A) took place to reflect changes to infrastructure requirements. Triggered by changes to

background infrastructure priorities (eg. changing Network Rail priorities for the East Coast Main Line); and updated needs for district-wide facilities (eg providing a second secondary school on site, offset by reduced affordable housing provision). All were negotiated and approved through effective collaboration.

- Site includes three areas of custom-and self-build units (instigated by the landowner as not required in the consent).

Skills and resources

- The 1993 s106 agreement specified the 'ringfencing' of 3 full time planning officers to deliver the development. Although staffing has reduced over time, the principle remains in place and the Council funds officer time.
- The s106 includes a monitoring fee to cover officer costs of monitoring triggers, transfer of funds and s106 expenditure against completions. 'Ready reckoners' are produced and shared with the Council to inform and check against the AMR.
- Consistency of officer has been a key benefit; several officers remained in post for over a decade, plus regular team meetings between developer, officers and statutory agencies. Quarterly Director level meetings with the Council ensure delivery is consistently supported.

Governance and ownership of place

- On-site community support officer funded through s106 (housed in a portacabin, the first CSO was a police officer who started the first Hampton scout group). The CSO and temporary 'hall' became the general welcome and enquiry point for new residents.
- The s106 identified that the council would adopt public realm and open space. However, a bespoke management company was set up to fund the long term management of green infrastructure and community facilities
- Residents formed the Hamptons Allotment Association to manage the first allotments on site. This morphed into the Hampton Residents Association and then turned into Hampton Parish Council, which now covers the first two completed neighbourhoods.



Case study

Welborne – Fareham, Hampshire

Fact File

TYPE:

New community, given 'Garden Village' status and funding in 2017.

LPA:

Fareham Borough Council.

LANDOWNER:

Welborne Land Ltd (previously in multiple ownership).

PROMOTER/DEVELOPER:

Single promoter since 2018 (Buckland Development Ltd), ambition to undertake master developer delivery model.

SCALE:

Residential-led, 6,000 homes.

STRATEGIC INFRASTRUCTURE REQUIREMENTS:

c.£75m motorway junction improvements, 3 primary schools, 1 secondary school, substantial Suitable Alternative Natural Greenspace (SANG) provision.

OTHER KEY USES:

105,000m² of employment floorspace, village centre, district centre, reserve land for rail halt, sports facilities, hotel.

STATUS:

Outline planning application submitted March 2017. Resolution to grant received at planning committee in October 2019.

Allocation and policy

- Fareham Borough Council (FBC) dedicated an entire section of their Local Plan to policies related to the delivery of Welborne Garden Village, known as the '[Welborne Plan](#)', in recognition of its strategic importance to delivering growth in the Borough. Some 43 site specific policies, discrete from other planning policies in Borough.
- The local plan policies also reflect the complex land ownership provision which was present at the time of drafting (the site has since been acquired in majority by a single developer), as well as the requirement to deliver a new motorway junction to service the development.
- The Welborne Plan adopted in 2015 following a full Examination in Public, with comprehensive evidence base prepared. An Infrastructure Delivery Plan with estimated costings and land values was produced alongside planning policies to ensure policy aspirations were deliverable.
- [Welborne Design Guidance Supplementary Planning Document](#) was adopted by FBC in 2016. Both strategic and detailed design coding is required as part of the Outline Consent (see below).

Outline planning application(s)

- Single Outline Planning Application for allocated site, submitted by Buckland Development Ltd. Application originally included significant portion of land outside Buckland Development Ltd control, which was acquired during application determination by sister company, Welborne Land Ltd.
- Application includes detailed access proposals from the A32 and improvements to M27 J10.

Resources and skills

- In considering the proposals for Welborne Garden Village, FBC have ringfenced the Outline Application planning application fees to pay for two dedicated planning officers. These officers commit the vast majority of their resource and time to the Welborne Outline Planning Application.
- Garden Village funding, received from Central Government, has been used to commission specific strategies related to the delivery of the Garden Village (incl. Community Formation Strategies, effectiveness and cost study for sustainability methods). This has been helpful in areas where skills and knowledge is specialist, and therefore not always available at the council, using this knowledge to guide future decision making.

