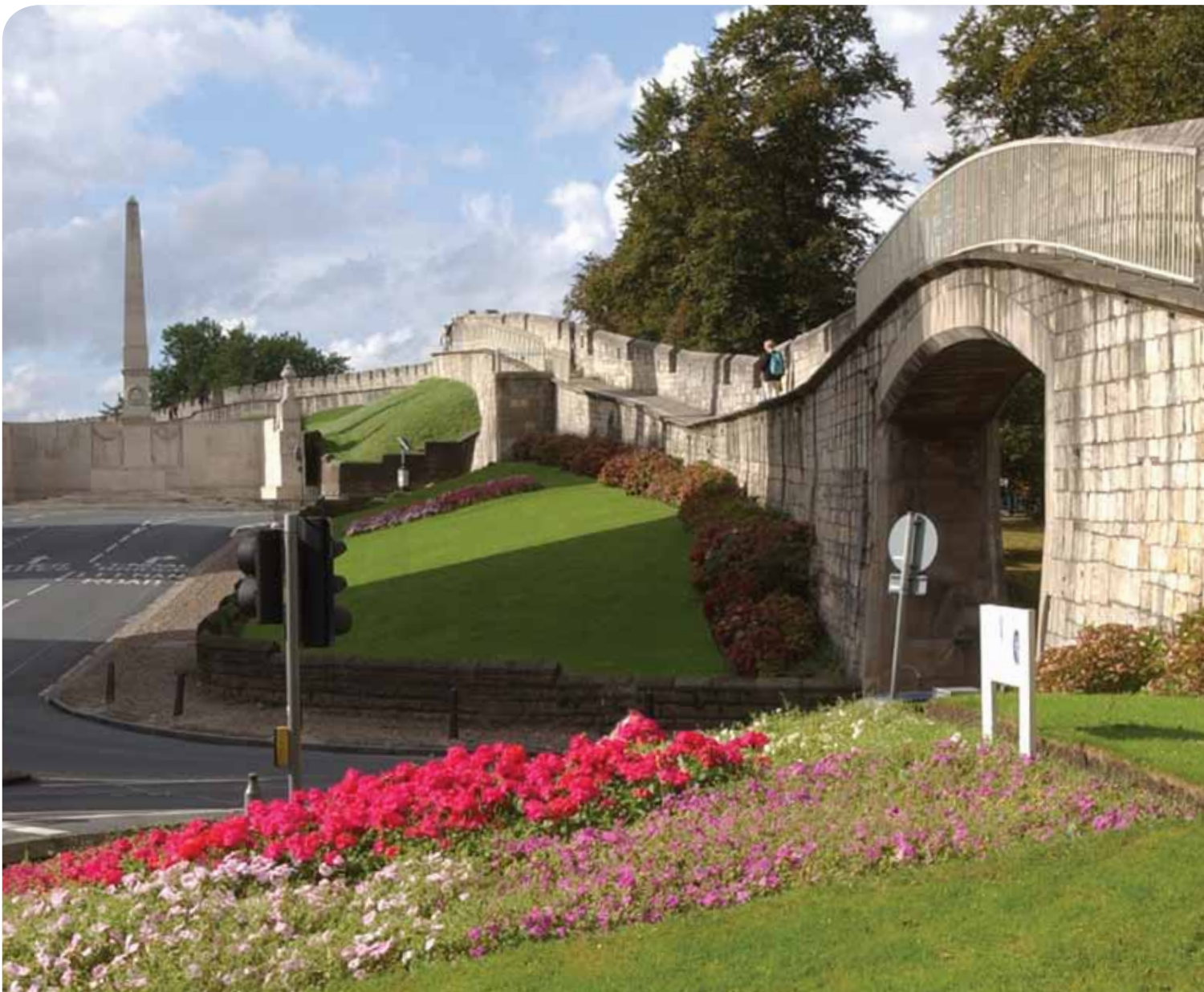


# Working with developers in plan making

Experience from York and Dacorum



# Synopsis

Working with developers and landowners is a key component of successful plan making. City of York Council and Dacorum Borough Council have been doing interesting and innovative work with developers and landowners to bring forward deliverable sites in their plans. Their experience provides valuable advice to help other councils to engage with developers and landowners in ways that will help to make the plan sound and to deliver strategic sites.

This case study has been prepared for PAS by Gordon Halliday.

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# Working with developers

Working with developers and landowners is a key component of successful plan making, to ensure the efficient use of resources and to identify and deliver suitable sites for sustainable development. In this guide, the work of City of York Council and Dacorum Borough Council is showcased to illustrate what can be achieved. Ten top tips have been highlighted at the end of this case study.

Care needs to be taken to ensure that there is no undue influence by those with a vested interest in the decisions. These dangers can be easily avoided by ensuring that there is a clear audit trail in the policy making process and that all decisions are properly recorded.

# The case studies

## City of York Council

With a population of 198,051 already, York is a fast growing and economically prosperous city. Its unique heritage attracts over 7 million visitors each year. The majority of land outside the city has been designated as draft Green Belt since the 1950s. Regional Spatial Strategy policies that deal with the York Green Belt remain in force.

The City of York Local Plan aims to deliver new homes and continue the economic success of the city. This must be done in a way that fits with sustainable development, respects the high quality townscape and allows the Green Belt status of the surrounding countryside to be formally recognised.

An important part of the Plan's vision is to ensure sustainable growth patterns and seek to link economic and housing growth. To achieve this the Plan seeks to deliver 22,000 additional homes, and should provide sites and infrastructure to deliver over 16,000 additional jobs between 2012 and 2030.



City of York Council want to ensure that the strategic sites within the Local Plan are viable and deliverable, as required by the National Planning Policy Framework (NPPF)

The Council has developed a Framework for engaging with developers and bringing forward strategic sites in the Local Plan. This Framework sets out key milestones leading up to the submission of the Local Plan for examination and the proportionate evidence base that is required to justify the inclusion of a site within the Plan.

The Framework has 4 stages. For each, a checklist sets out what the developer needs to provide to the Council, the level of detail required depending on when the site will be delivered. The Framework gives potential developers a general understanding of what the Council needs by when. It is also intended to assist developers in future discussions and negotiations with the Council during the plan preparation, to ensure that a robust evidence base is provided to support the plan.

Martin Grainger, the Council's Head of Planning and Environmental Management, explained that 'the Framework was established to streamline the process of engaging with developers on a large number of sites over a short period of time. The starting point was what the NPPF says or does not say and what this means in practice about working with developers to deliver strategic sites.'

Stage 1	Stage 2
<p><b>Confirming the principle</b></p> <p>We need a general understanding of what your site will deliver and for you to confirm that this site should be included within the plan.</p> <p>We need to know that the landowner/ developer is willing</p> <p>Checklist for this stage:</p> <ul style="list-style-type: none"> <li>• Set out the vision and aims for your site</li> <li>• Explain the relationship to the Local Plan Vision</li> <li>• Confirm that the Landowner/developer is proved to be willing and working together for delivery</li> <li>• Demonstrate you are aware of any potential ‘showstoppers’ or critical issues affecting deliverability, inc.viability</li> <li>• Set out potential levels and timescale of delivery; i.e. indicative numbers, phasing, density</li> </ul>	<p><b>Review</b></p> <p>We need to have confidence that the site can stay in the Local Plan.</p> <p>We need to understand and agree when the site can potentially be delivered</p> <p>We need to know how any ‘showstoppers’ can be dealt with</p> <p>Checklist for this stage:</p> <ul style="list-style-type: none"> <li>• Likely trajectory for delivery inc. phasing and delivery</li> <li>• An understanding of general, key infrastructure issues for the site</li> <li>• An understanding of key constraints and potential ‘showstoppers’ and critical issues</li> <li>• Addressing issues raised through Local Plan Preferred Options Consultation</li> </ul>
Stage 3	Stage 4
<p><b>Pre-submission</b></p> <p>Where the site is to be delivered early on in the plan period, we will need to know the site is deliverable and viable. In other cases, we will need to know how we will work towards delivery</p> <p>We need to know when and what you are going to deliver</p> <p>Checklist for this stage:</p> <ul style="list-style-type: none"> <li>• ‘Showstoppers’ are capable of being addressed within the timescales set out for delivery</li> <li>• Delivery trajectory and phasing is understood</li> <li>• Where sites are coming forward early in the plan period: <ul style="list-style-type: none"> <li>◦ An indication of high level viability.</li> <li>◦ An indicative concept plan</li> </ul> </li> <li>• For sites proposing delivery later in the period: we will need a general ‘route map’ to delivery of how key issues will be addressed</li> </ul>	<p><b>Submission and beyond</b></p> <p>We need you to submit your evidence to prove deliverability. For early deliverable sites we will need to demonstrate site viability and for others, an indication of what issues are outstanding</p> <p>Preparation of an outline application / early delivery</p> <p>Checklist for this stage:</p> <ul style="list-style-type: none"> <li>• Evidence to include: <ul style="list-style-type: none"> <li>◦ Aims and objectives</li> <li>◦ Identification and mitigation of show-stoppers</li> <li>◦ Land-uses and proposals</li> <li>◦ Infrastructure needs</li> <li>◦ Phasing and delivery</li> <li>◦ Implementation route map and key milestones</li> </ul> </li> </ul> <p>NB: the level of detail required in relation to the above will depend on when the site is likely to come forward.</p>

## So what has happened so far in practice?

For Stage 1 the Council invited the public, developers, landowners and businesses to submit details of sites that they considered could be suitable for development or redevelopment through a 'Call for Sites'. Approximately 300 sites were submitted through this process. Sites from earlier work were added and in total 730 land parcels were identified and evaluated. Sites and their suggested uses were then assessed for their sustainability, suitability and deliverability, to evaluate if they fitted the spatial strategy and whether they should be taken forward.

When the council were consulting on the Preferred Options in July 2013, they held a workshop for developers and landowners of the strategic housing sites. At that stage the Council had already been working for some time with ATLAS on the former British Sugar and Manor School sites to the north west of the city centre. The Council invited ATLAS to help to facilitate the event, including delivering a presentation on creating a robust strategic site allocation. Steve Hill of ATLAS was **'pleased that the Council was being proactive in engaging with developers'**. However, there were some concerns that, **'the number of strategic sites was large and some were very controversial. There was a need to prioritise these and set out a trajectory for their delivery in order, for example, to assess the implications for infrastructure provision'**.

**"Developers were keen that the Council should facilitate consultation with statutory agencies. For their part the agencies were happy to commit the time up front in order to save time later on".**

**Rachel Macefield, City of York Council**

**"The panel reviews took a holistic approach akin to 'speed dating' for sites".**

**Martin Grainger, City of York Council**

A key message from the event was that developers wanted it to be easier to engage with the full range of Council services and the statutory agencies.

The Council responded to this in the Review stage which is where the council is now at.

In November 2013 a series of Panel Review workshops was held. 14 sites were dealt with individually over a three day period. For each site developers and landowners were invited to attend two workshop sessions each lasting 60 or 90 minutes depending on the complexity of the site. The first workshop dealt with design and environmental issues and the second with infrastructure issues. The panels comprised Council officers from all relevant services and representatives of the key statutory agencies, including English Heritage, Natural England and the Highways Agency.

In some cases more than one potential developer or landowner had proposed the same site or parts of the same site. Where this happened the Council invited the different parties to attend the same workshops. The aim was to encourage the developers to work together to a common vision and to bring forward holistic, comprehensive proposals for the site. Clive Brook considered that this approach worked very well and was welcomed by his clients.



“The approach has been one of the most positive, exhaustive and impressive I have ever seen. The original boundaries of our site were driven by constraints and land ownership. We have been able to use the advice offered and the thorough evidence base to modify the site and our proposals. This will save time and money for everyone at the Examination”.

**Clive Brook, Director,  
Johnson Brook**

the Council is **‘breaking new ground by taking the lead on viability and deliverability in a way that is innovative and inventive, and trying to apply some intelligent planning to the selection of strategic sites.’**

“York are taking an enlightened approach, the like of which I have never come across before”.

**Mark Lane, Planning Director, DPP**

been set up to oversee the preparation of the plan. The Working Group agreed the four stage Framework. They have not been involved in the workshops or in the discussions with developers so as not to prejudice their role in decision taking on policy and site selection.

The statutory agencies welcomed the opportunity to engage with developers early in the plan making process. As Ian Smith of English Heritage explained: **‘we were able to explain to both the Council and developers what had to be done to conserve the special historic character and setting of York. Having other statutory agencies at the workshops was also helpful as there are often synergies between the different environmental interests.’**

The NPPF emphasises the importance of working with developers on the viability and deliverability of their plans. The Council also invited all developers of the strategic sites to attend viability and transport infrastructure workshops led by specialist consultants who had been engaged to deal with areas where there was insufficient in-house expertise. Consultants were selected having regard to their track record in delivering innovative solutions. Martin Grainger considers that

This is echoed by Mark Lane who considers that there will be no doubt about the deliverability of sites at the Examination, if developers follow the advice that is being given by York officers and the statutory agencies.

How have councillors been involved in this process? A Local Plan Working Group has

## Dacorum Borough Council

The Core Strategy was adopted in September 2013. The housing strategy includes Strategic Sites to be developed in the early years of the plan period and Local Allocations in the Green Belt to be developed after 2021. It plans for 11,320 new houses to be built between 2006 and 2031. 8,800 of these will be in Hemel Hempstead, the largest town in the borough with a population of around 86,000. Most new houses will be in built-up areas but about 1,550 are being directed to Green Belt land. The Inspector at the Examination for the Core Strategy agreed with the housing proposals subject to the Council committing to an early review of the Plan.

At the Examination developers and landowners made few outright objections to the soundness of the Plan but perhaps understandably tried to persuade the Inspector either that their sites should be included instead of those allocated, or in addition to these. Those with interests in the Local Allocations wished to persuade the Inspector to allow for their immediate release. The Inspector supported the Council's approach on the basis that the adopted policy makes provision for sites to be released earlier than programmed if needed to maintain a five year land supply.

The Local Allocations will be delivered through the Site Allocations Development Plan Document (DPD) where detailed planning requirements will be established. The two largest sites are at West Hemel Hempstead and Marchmont Farm that together will provide up to 1200 new homes. The Council is working with developers and landowners on master plans for each site, to accompany the DPD.

The approach that Dacorum Borough Council have followed in working with developers and landowners is illustrated by looking at two of the Local Allocation sites.

West Hemel Hempstead (LA3) is the largest site. Around 900 new homes will be provided, along with a new primary school, doctor's surgery and neighbourhood shops. The second site Marchmont Farm (LA1) will cater for 300 new homes.

Extensive discussions with representatives of the landowners took place during the preparation of the Core Strategy. Joint discussion and agreement covered technical work and future consultation concerning the Core Strategy and planning process. The evidence base was extended where appropriate. This led to the preparation and agreement of a Statement of Common Ground for each site that was submitted to the Public Examination. The conclusion of the statement for LA3 stated:



“The housing allocation LA3 at West Hemel Hempstead will be a suitable extension to the existing town. There are no impediments to development either in terms of ownership control, infrastructure or environmental considerations. The Concept Plan illustrated in this statement will form the basis for detailed master planning.”

The Local Allocations are shown as symbols on a Vision Diagram in the Core Strategy, with precise boundaries to be determined through the Site Allocations DPD. The Master Plans for each site will be submitted as supporting evidence for the Site Allocations Examination.

In May 2013 the Council held community workshops for the LA1 and LA3 sites. This was followed in July by a public exhibition for the larger LA3 site held at a local community centre. These provided the opportunity for local communities to influence and shape the proposed developments in ways that would help meet their aspirations and concerns. The developers and landowners took part in these events. The aim was to identify areas of consensus whilst allowing for a variety of opinions and ideas to be put forward.

Following the adoption of the Core Strategy, work on preparing the Site Allocations DPD and the master plans has moved forward. Despite the sites not being required immediately, the Council has been pleased that landowners and developers have seen the benefits of preparing the master plans at an early stage, as Laura Wood explains.

“In this way the sites will be ready to be brought forward, if required, earlier than anticipated. Whilst there is an agreed framework for the master plans themselves, there is no hard and fast approach as to how this joint working takes place. Project teams for each site have been set up and who does what is divided up according to the needs of the sites and the developers”.



The project teams include Council officers from a range of services, statutory agencies and representatives of the developers and landowners. Mark Jackson, Gleeson Homes, has found the regular contact with the Council to be of great benefit in preparing the master plan for LA1, highlighting in particular the value of having an officer from Development Management as well as Strategic Planning involved at this early stage in the process.

James Doe, the Council's Assistant Director for Planning, Development and Regeneration, explains that the new way of working with developers is part of a wider approach to housing led regeneration and economic growth. The Council is actively promoting a new positive 'open for business' culture that embraces both officers and members. Members expect the Council to be in charge of the process but support the new initiatives in working with developers.

**“Some local authorities are wary about working with developers. This is not the case at Dacorum”.**

**Mark Jackson, Gleeson Homes**

Mark Jackson considers that the changing culture at the Council has been of great value in developing trust and understanding between all parties.

Martin Friend, Director with Vincent Gorbings, has been acting for Taylor Wimpey, one of the potential developers of the West Hemel site.

**“The process has been helped by having a firm programme and all parties sticking to this. Organisationally the Council has done very well. Meetings are well-minuted with clear timed action points”.**

The next stage will be the submission of the Site Allocations DPD and supporting master plans. The Council is hoping that through its evidence gathering and engagement with developers and communities, the Inspector will find the plan sound. As Martin Friend explains: **‘The more you do up front, the more likely you will succeed’.**

# Top tips

Many councils are already working well with developers and landowners in plan making. But through the experience of City of York Council and Dacorum Borough Council that has been highlighted in this study, a number of ‘top tips’ can be recommended as good practice.

## **1. Establish and communicate a clear vision and objectives for the Plan at the outset.**

This will be helpful to potential developers and landowners who are submitting their sites for consideration in the Plan. A site will have a much better chance of being included in the Plan if it fits well with the council’s vision and objectives.

## **2. Maintain a dialogue with developers and landowners throughout the process.**

It is not enough just to consult with developers and landowners at the different stages of plan preparation. Effective engagement means having channels of communication that both parties can utilise as the need arises.

## **3. Promote an ‘open for business’ approach.**

The NPPF places a strong emphasis on positive planning. The council can help to achieve sustainable development and positive growth by demonstrating that it is ready and willing to engage and do business with developers and landowners.

## **4. Engage with developers in a spirit of cooperation, not confrontation.**

There needs to be a willingness to work with developers and to avoid the ‘them and us’ approach or the perception that there is a ‘them and us’ approach. This does not mean that there will be agreement on all sites and it does not mean that key parts of the council’s strategy should be compromised. But it does mean that there are benefits to be achieved if there is a willingness to look for solutions rather than taking entrenched positions.

## **5. Provide a ‘one stop shop’ for developers to engage with all relevant Council services.**

This provides benefits to both the council and the developers. The council is able to get a single message over to developers who in turn benefit from not having to chase different Council services. This may be time consuming for certain services early in the process but will lead to the saving of resources overall.

## **6. Facilitate engagement between developers and key statutory agencies.**

The council can provide an important conduit for the developers to engage with the key statutory agencies. Some agencies are more likely to have the resources to engage more effectively than others.

### **7. Be positive and proactive.**

This links with top tips nos. 2, 3, 4 and 5. The Council should not sit back and wait for things to happen but should take the lead in engaging with developers.

### **8. Maintain a clear audit trail to avoid perceptions of prejudice and bias.**

There is a danger that working with developers will be misunderstood by other interested parties including local communities in whose area the potential development will be located. Take care to ensure that there is no undue influence by those with a vested interest in the decisions. These dangers can be avoided by ensuring that there is a clear audit trail in the policy making process and that all decisions are properly recorded.

### **9. Maintain a thorough and up-to-date evidence base.**

The Council needs the evidence base to provide the basis for its strategy and policies and to demonstrate the soundness of the Plan. The evidence base should be available for developers to use in demonstrating the acceptability of their proposals. Where both the Council and developers require the same evidence there are clear benefits in having it jointly commissioned.

### **10. Require evidence proportionate to the timing of the delivery of the site.**

A 'one size fits all' approach is unlikely to be workable. More information will be needed for a site that is proposed for immediate development than a site that will not be developed until the later stages of the plan period.

### **11. Encourage developers to work together on sites in which they have joint interests.**

Sites will often have more than one landowner or potential developer. If these interests work together to a common outcome there will be benefits for all concerned – the developers, the council, local communities and statutory agencies.

### **12. Keep members informed at key stages in the planning process.**

Officers should mainly carry out discussions and negotiations with developers. But keeping members informed of key issues will aid eventual decision making.



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