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strategic land promotion in the planning process

Peter Jones and Daphne Comfort look at the characteristics of strategic land promotion and provide some case study illustrations of the range of schemes that strategic land promotion companies have pursued – and offer some reflections on the process

'Colin Muller invests as much time and effort into getting planning for my land as I do farming it.'
David Holdcroft, Houndings Lane Farm, Sandbach, Cheshire, quoted on the Muller Property Group website ('About us' page), www.muller-property.co.uk/

Strategic land promotion, 'the identification, acquisition and promotion of land through the planning system',[1] has become an important element in contributing to government targets for new housebuilding. The National Audit Office's 2019 report, *Planning for New Homes*,[2] recognised that 'the planning system is vital to providing new homes as it helps government and local authorities to determine how many, where and what type of new homes are built'.

However, neither this report nor the latest version of the National Planning Policy Framework (NPPF)[3] made any explicit mention of strategic land promotion. At the same time, Richborough Estates,[4] one of the UK' s leading strategic land promotion companies, has argued that 'it is impossible for the majority of housebuilders to promote all of their sites through the planning system and the role of the land promoter becomes fundamental to the delivery of housing'.

With this in mind, this article summarises the characteristics of strategic land promotion, provides some outline case study illustrations of the range of schemes that strategic land promotion companies have pursued, and offers some concluding reflections on the process.

Strategic land promotion

In general terms, land promotion has been described as 'the catch-all phrase used to describe the various different ways in which planning permission can be secured',[5] and many of the companies involved define strategic land and their role in promoting it a number of ways.

For King West,[6] for example, 'strategic land is usually greenfield in nature and located on the edge or close to existing settlements, especially those sustainable towns and villages with good transport links and local facilities. Usually, such land doesn't have planning permission but has the potential in medium to long-term, to achieve planning permission.' Adalta Real[7] describes residential strategic land as 'land that has a prospect of being successfully taken through the planning process for residential development', and the company emphasises that 'we use our market knowledge to identify areas where demand exists for housing development and then select suitable sites, which we feel have a genuine prospect of obtaining a satisfactory planning consent'.

Wallace Land Investments[8] claims that 'our extensive experience in the promotion and delivery of strategic land allows us to guide our clients through the ever changing and complex planning process' and that 'our goal is achieving the maximum potential asset value for our clients through the planning and land promotion process'.

There is a variety of specific approaches to strategic land promotion, but Richborough Estates[4] has proposed a staged model of its approach to land promotion, which encapsulates the main general features of the process.

This model embraces a number elements. Site identification is the first stage. Once a site has been identified and agreements have been made with the landowner, Richborough Estates then begins promoting the site. The company suggests that its

approach to the promotion of a site is based on a realistic view of the site's planning risks and prospects, and here the approach might, for example, involve the promotion of the site through the Local Plan process in an attempt to secure a housing allocation, or the submission of an immediate planning application. Once an application for outline planning permission is submitted, Richborough Estates will often undertake post-planning technical work and will look to market the site to housebuilders. If detailed planning permission is secured, the housebuilder takes over responsibility for the construction and sales phase of the development process.

A number of companies are involved in strategic land promotion, and many emphasise their distinctive approach and report on their success in securing planning consents. Gladman Land[9] describes itself as 'today's market leader in the promotion of strategic housing land' and claims that 'our approach is both refreshing and innovative, and is a true partnership where we seek to achieve optimum land value whilst balancing the need for a high quality development in keeping with its surroundings'. The company has a national profile and has mapped its success in achieving planning permission on over 70 sites, in locations ranging from the North East to the South West of England between 20015 and 2018.

Dandara[10] describes itself as 'one of the largest and most diverse independent property development and land promotion companies in the United Kingdom' and that claims 'we understand the UK land market'. Catesby Estates[11] claims to be 'one of the foremost experts in land promotion and infrastructure delivery in the UK' and suggests that its 'land promotion portfolio is diverse including both greenfield and greenbelt sites delivering from 45 to in excess of 3,000 plots'.

Nexus Planning[12] claims 'a strong track record in the successful promotion and delivery of large scale strategic residential land and is currently promoting a portfolio of sites across the UK which is capable of delivering more than 20,000 new homes'. Furthermore, the company claims the key to its success 'is an appreciation, not just of relevant planning issues, but of the importance of both national and local politics and an ability to develop strategies to successfully navigate the planning and political arenas'. The DowsettMayhew Planning Partnership[13] claims to 'identify and help to acquire strategic land opportunities of any size. We can manage the process from site finding, through acquisition to development concepts and presenting evidence at local and neighbourhood plan Examinations.'

Richborough Estates[4] has reported that it 'concentrates its efforts on promoting small and medium sites and therefore facilitates the entry of SMEs, a key government aspiration to ensuring that the market is more diverse'. The company also reported selling some 1,500 plots to housebuilders during the period April 2016-April 2017, which accounted for 'approximately 1% of the total new build completion in the same period'.[4]

While the principal focus of strategic land promotion activity has focused on new housing, some companies have been involved in mixed development. In June 2018, the CWC Group, for example, reported that its recent record of accomplishments included almost 900 houses and 200 acres of employment land at Castle Donnington in Leicestershire, 200 houses and 32 acres for commercial development/distribution/school use at Dartford in Kent, and 400 houses and 65 acres of employment/office space at Didcot in Oxfordshire.

While many strategic land promotion companies are freestanding, Hallam Land Management is the strategic land and planning and promotion arm of the Henry Boot Group of companies. It reports having secured planning consent for almost 50,000 plots across 28 English counties as well as at sites in and around Edinburgh and in Ayrshire and Lanarkshire in the west of Scotland. The focus of the company's business 'is to promote and develop land opportunities through the complexities of the UK Town and [Country] Planning system', and the company claims that it looks 'to work with the local planning authorities in helping landowners who are seeking to develop or promote land through the system'.[14]

Working in partnership with landowners is a strong feature of the strategic land promotion process, and many of the companies involved emphasise their partnership work with landowners. Gladman Land,[9] for example, claims that 'our interest is totally aligned to you as landowners', that by 'partnering with us, using a Promotion Agreement, you will achieve planning permission quicker and receive a far greater sum for your land', and that such a promotion agreement 'is heavily weighted to the landowner at all times'.

Furthermore, the company carries all of the costs throughout the process and only receives its agreed fees from the landowner once the sale of land to a housebuilder is formally completed. In a similar vein, Catesby Estates[15] 'works collaboratively with landowners to bring forward land to the market with planning consent for housing', and here 'landowners can be involved in the land promotion process as little or as much as they like', and 'some landowners leave the process entirely to us, whilst others have a more hands-on approach'.

A number of the strategic land promotion companies are understandably keen to proclaim positive testimonials from the landowners, as illustrated by the quotation at the start of this article. Gladman Land,[9] for example, published such

a complimentary endorsement from Sindy Bostock, a landowner at Linton in Derbyshire: 'Gladman have been working on a development for us of around 110 houses, which is owned by several family members. From the start of the Promotion Agreement and during the planning process, their approach has been highly professional, keeping us informed through all the planning stages.' In a similar vein, the Spedding Family from Clitheroe in Lancashire wrote that 'we would have no hesitation recommending Gladman. They keep you in touch every step of the way. We have been extremely satisfied with their professionalism and their expertise in dealing with all matters regarding every aspect of the planning procedure.'[9]

Case studies

A number of outline case studies provide illustrations of strategic land promotion schemes in a range of settings in various parts of the UK.

Gladman Land successfully secured planning permission for 292 dwellings at Oak Road, in the market town of Halstead in Essex in 2015. Here, the granting of planning permission involved the provision of affordable housing, ecological mitigation, and the provision of new footpaths and road widening. At Warmingham Lane at Middlewich in East Cheshire, Gladman Land successfully gained planning permission for 194 dwellings on an 18 acre site previously owned by a local farming family. The site was sold to Morris Homes in 2014, who built a mix of one-, two- and three-bedroomed mews homes and three-, four- and five-bedroomed detached houses on the site. At Snowley Park at Whittlesey near Peterborough, Gladman Land completed a promotion agreement with the landowners in April 2013, and, although an initial planning application for 150 houses was refused because of concerns about flooding risk and inadequate highway capacity, a revised application was approved in September 2014, subject to drainage and transport conditions being met.

Wallace Land has successfully promoted land at West Edge Farm, five miles to the south east of the centre of Edinburgh, for 260 homes via a revised planning application. Here, despite opposition from Edinburgh City Council, Wallace Land was able to demonstrate that the site was in a sustainable location, that the development would have no adverse effect on the wider Edinburgh Green Belt, and that any infrastructure constraints could be mitigated. Following a successful planning appeal the site was sold to Persimmon and Miller Homes, and a range of two-, three-, four- and five-bedroomed houses are currently under construction. Wallace Land is currently promoting land at Stretton to the south of Warrington close to junction 10 of the M56 in the North West of England, for some 600 dwellings. Some 30% of the homes are to be classed as affordable and the scheme is to include the provision of green infrastructure. Wallace Land estimates that that the site may be a five-to-ten-year development.

At Saunderton, a village in the Chiltern Hills in Buckinghamshire, Dandara secured planning permission for 42 dwellings on a site within the Green Belt and the Chilterns Area of Outstanding Natural Beauty that had previously been in use an industrial yard. Dandara was able to demonstrate that the development would have no increased

impact on the openness of the Green Belt and the development, which included a range of two-, three- and four-bedroomed houses, was completed in the autumn of 2018. Dandara also successfully promoted development of over 500 two-bedroomed apartments and two-, three-, four- and five-bedroomed houses on a 40 acre site surrounded by over 200 acres of ancient woodland, at Knights Wood on the fringe of Royal Tunbridge Wells in Kent.

Catesby Estates successfully promoted a 15 acre site, which was subsequently removed from the Green Belt, at Abingdon in Oxfordshire through the Vale of White Horse District Council in May 2016 for 200 homes, and sold the site to David Wilson Homes in April 2018. A 54 acre site at Pentland Farm at Haywards Heath in Sussex was also successfully promoted by Catesby Estates. This scheme included 235 new homes, with provision of new internal access roads and footpaths, landscaping, open access, and drainage. Here, an outline planning application was submitted in April 2013, and, although the application was initially rejected, it was eventually granted approval by the Planning Inspectorate in January 2015 and sold to Redrow Homes later that year.

'Strategic land promotion is certainly contributing in bringing a growing number of sites forward for development. However, such achievement may, in part, be at the expense of other aims of the planning system'

Richborough Estates embarked on the successful promotion of the development of 130 homes, with 40% classed as affordable, on a 9 acre site at Eccleshall in Staffordshire, early in 2014. The site, adjacent to the town, was originally farmland classified as good (Grade 3a) agricultural land. The company's aim was to see the development of a new residential environment with a recognisable identity. Stafford Borough Council approved the planning application in September 2014, and the site was sold to Bovis Homes in May 2015.

Richborough Estates also successfully promoted a 23 acre site for residential development at Maw Green on the north east edge of Crewe in East Cheshire. This site originally consisted of a mix of agricultural land and a partly restored area of landfill. Here, in the face of local authority concerns about surface water drainage, flood risks and the impact of the proposed development on the existing road infrastructure, Richborough Estates secured planning permission – which included conditions on improvements to local transport links, the creation of new footpaths and cycleways, and the creation of a sustainable urban drainage system. This promotion scheme began in 2011 and the first phase of the development, comprising 7.5 acres, was sold to David Wilson Homes in 2014.

Concluding reflections

One of the goals of the NPPF[3] is 'delivering a sufficient supply of homes', and here the focus is on seeking to ensure that 'a sufficient amount and variety of land can come forward where it is needed'. As such, strategic land promotion is certainly contributing to that goal in bringing a growing number of sites forward for development. However, such achievement may, in part, be at the expense of other aims of the planning system, and some concluding reflections merit attention.

Town and country planning has traditionally been concerned with making 'public and political decisions in respect of the planning of our places more rationally and consistent with an overarching public interest'.[16] However, the overwhelming majority of strategic land promotion schemes seek to serve the interests of a small minority of the population – namely existing landowners. Indeed the major land promotion companies emphasise the financial benefits that landowners can derive from such schemes in their corporate marketing material. At the same time these companies implicitly, and sometimes explicitly, suggest that they can speed up the planning process to serve the individual, rather than the wider, public interest.

There are issues concerning the resources available to local planning authorities, who increasingly have to work on applications being pursued by land promotion companies. There is widespread recognition that 'local planning authorities find themselves operating in a harsh environment' and that 'almost a decade of UK-wide austerity has made resourcing a serious challenge'.[17] Devoting scarce resources to schemes being vigorously promoted by well resourced land promotion companies can take local authority planers away from more mainstream planning duties and responsibilities. While many land promotion companies criticise local authorities for their failure for not having adopted a Local Plan to guide new residential development, the lack of resources and attendant staffing shortages may go some way to explain problems in drawing up Local Plans.

Some land promotion companies have looked to turn such arguments on their head. Arguing that 'the idea of risking tax payers' money on expensive planning applications and local plan promotions [is] understandably a financial risk many [local authorities] are unwilling to take', Richborough

Estates[18] has claimed that 'we are therefore working on behalf of local authorities to help them navigate this uncertain, complex and expensive process'.

The Campaign to Protect Rural England (CPRE)[19] has given formal voice to a number of these concerns, suggesting that 'self-styled 'land promoters' make lucrative profits by exploiting the planning system and working against local wishes'. More specifically, the CPRE[18] has argued that land promotion practices 'undermine confidence in the planning system, not only for the individuals and community groups that engage positively with local plans or make the effort to produce their own neighbourhood plans, but also for those landowners and developers who have worked in good faith with the community and pursued their projects through the planning process'.

Nevertheless, in the present political climate strategic land promotion looks to have a promising future and will not only provide more and more challenges for often increasingly poorly resourced local authority planning departments, but can also be seen to contribute to the privatisation of the planning system.[20] By way of a final and more general thought on strategic land promotion, Slade *et al*.'s[17] concern that 'the Government's pro-housing and pro-growth agendas have resulted in an overwhelming focus on these two issues – often to the detriment of other important agendas and a more holistic model of planning' certainly resonates.

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Notes

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