

How to work with landowners and the development industry

Putting the pieces together



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1 Introduction

This resource will focus on how to effectively engage and work with landowners and developers during the preparation of your neighbourhood plan. It will answer:

- who are landowners and developers?
- why is it important to work with them?
- how do you identify them?
- how do you work with them?

If you are new to neighbourhood planning you are strongly encouraged to read the [Locality Roadmap](#) which explains the process of preparing a neighbourhood plan. It will provide useful context to this resource which focuses on the 'how.'

2 Who are landowners and developers?

Quite often people assume that these are one and the same and although a landowner can also be a developer (and vice versa) they are not the same. Both can play an important, but different, role in the neighbourhood planning process.

2.1 Who are landowners?

Landowners are people and businesses that own or have an interest in, the various parcels of land and buildings in your neighbourhood area. Examples might include vacant or derelict sites or buildings, farmland, residential property, industrial units, shops, or woods and green space.

2.2 Who are developers?

Developers are people or businesses that invest in development projects such as the redevelopment of existing buildings or the construction of new ones. Developers are essential to turning development proposals and plans for change into reality.

Developers can come in all shapes and sizes from the well-known large scale house builders, all the way through to a local resident that wants to develop a small plot of land. Development is also undertaken by organisations such as social housing providers, retailers and even your local planning authority. Anyone who submits a planning application could be described as a developer so keep an open mind about who they may be.



3 Why should you work with landowners and developers?

Keep in mind that you are trying to produce a neighbourhood plan that can be used to deliver the future vision you have for your community. Your plan will be delivered by people putting in planning applications.

Early engagement and open discussions with landowners and developers can help them to understand what you hope to achieve and can influence their thinking about what is appropriate development.

Early engagement will also help you to pick up on any issues that may lead to an objection to a policy or policies in your plan. You can then explore and seek to resolve these through discussion. If agreement is not possible, you have valuable information that should guide the final content of your neighbourhood plan and reduce the likelihood of unexpected objections during the pre-submission publicity and consultation period on your plan.

3.1 Why engage with landowners?

A neighbourhood plan, once made, sets out policies against which planning applications will be assessed and may also allocate land for specific development. A plan's policies will have an impact on landowners. It may set how they can use their land, which in turn affects its value, so landowners are likely to have a strong interest in your plan. It is essential to engage with them on certain matters to help to ensure your plan will meet the basic conditions. Landowners can also provide useful input during plan production and here are some of the reasons why you should engage with them:

- **To identify potential sites for development:** Although neighbourhood plans do not have to allocate sites for development many have done so. Part of the process is to identify all potential sites that could come forward and then to assess the sites to determine those most suitable for the type of development proposed. Contacting landowners is one of the ways to begin identifying potential sites for development.
- **To identify any site constraints:** Landowners can be essential to identifying constraints on a site that may have an impact on how, or whether, a site can be developed (e.g. access, gradient, or presence of contamination). If there are constraints to the development of a site, the landowner may have considered what might be necessary to overcome these. You can use this information when developing your plan.
- **To secure their agreement:** If you are intending to allocate a site for a specific development you need to engage with the landowner to make sure that the land is likely to be available for your proposed use during the plan period (i.e. the site is available and achievable). You cannot force a landowner to relinquish their land for the development you have identified.



There have been some instances where owners of potential sites have raised concerns over the extent to which they had an opportunity to be involved in the process of site selection. During one [examination](#) it emerged that a landowner had no intention of making a site available for development over the plan period. This resulted in the examiner removing the site allocation from the plan.

- **To overcome potential objections at a later stage:** Many neighbourhood plans seek to allocate land as [Local Green Space](#). If you wish to allocate land as Local Green Space you should ensure it meets the [criteria for designation](#). A number of neighbourhood plans have sought to designate areas of Local Green Space which are not in fact available for public recreational use and as a result the proposed allocations have been deleted. Early conversations with the landowner can help you to assess whether the proposed sites meet the criteria for designation and enable you to ascertain whether your intentions match those of the landowner.

3.2 Why work with developers?

Developers are key to turning plans and development proposals into reality. Like landowners, they can provide a lot of useful input during the production of your neighbourhood plan.

Some of the reasons why you are recommended to engage with developers include:

- **To seek advice on a sites capacity for development:** Developers can be an excellent resource to help you understand how suitable the site you have identified is for the development you propose. This might be in terms of how much development can go on a site or whether there is a market for the uses you propose.

When allocating sites within a neighbourhood plan you must be confident of the capacity of the site. This can be difficult for those outside the development industry. Developers are experienced in making these types of assessments and could assist you. This is particularly important if there are constraints present that may reduce the sites' ability to accommodate development, such as a steep gradient or an awkward shape.

Failure to accurately assess the capacity of a proposed site allocation can cause difficulty at examination. In a [recent examination](#) it emerged that a particular site could not accommodate the number of homes the neighbourhood plan stated it would deliver.

- **To ensure your plan can be delivered:** Where you use your plan to allocate a site for particular development, this is only likely to happen if a planning application is submitted, often by a developer. A developer will want to ensure the value of a development when sold, covers their costs and provides an adequate return on any investment. If the land or building cannot be delivered in a way that generates reasonable profit, then the development will not happen. The level of profit a site may generate is influenced by a number of variables including the policies in your plan. These may restrict the use of land or buildings, or make the development dependent on meeting a number of criteria, that can add to costs. Working with developers will allow you to develop policies and



allocate sites in a way that meets your aims, but does not undermine a developer's ability to make a reasonable profit. This ensures that your plan is [deliverable](#), is more likely to succeed at examination and can be used effectively to determine planning applications.

- **To assist in drawing up site specific schemes:** When allocating sites for development, some groups have specified significant [detail](#) in terms of layout, design and infrastructure. If a developer has been identified for a specific site, work with them to draw up this detail. They may provide resources and expertise to help you with the task. Working collaboratively on this will ensure a scheme can be developed that is not only supported by the wider community but can also be delivered by the developer.
- **To gather information on the market for different types of development demand over the plan period:** Developers may be able to provide information on the likely demand for particular types of housing in your area, or what type of space businesses are looking for locally. Developers often have information on the issues you may want to address, such as whether there is a demand for more shops.

4 How do you find landowners and developers?

Identifying who the relevant landowners and developers are within your neighbourhood can be tricky. Here are some tips on how to get started:

- **Publicise your intentions:** You should be [publicising](#) your intentions to produce a neighbourhood plan in order to raise interest and awareness within your local community. Try and do this in a way that will also get the attention of landowners and developers, as you may find that they then come to you.
- **Go through their agents:** Most of the larger landowners and developers will be represented by third parties such as [planning consultants](#), [estate agents](#) or solicitors. Getting in touch with local agents and letting them know that you are producing a neighbourhood plan that may have an impact on their clients' interests, is a good way of identifying who the landowners and developers are in your area. Going through agents or others will not only help you understand who they represent but they may also arrange an initial meeting with their clients.
- **Speak to your local planning authority:** It is likely that your local planning authority will be able to provide information on developers and landowners in your area. It is likely to have engaged with them as part of the [Local Plan](#) process or will have knowledge of them through the planning application process. If this is not forthcoming, you can review the local planning authority's planning register. This is a record of all planning applications submitted to the authority along with contact details for both applicants and agents.
- **Organise a "call for sites":** Some neighbourhood planning groups, such as [North Tawton Town Council](#) and [Thakeham Parish Council](#), have organised a ["call for sites"](#) which has assisted in identifying landowners and developers.
- **Look up their details on the Land Registry:** The Land Registry registers the ownership of land and property. You can use the Land Registry [website](#) at a cost to find information



about a property in England and how far its general boundaries extend including the owner's details. You can then use this information to contact the landowners.

5 How do you engage with landowners and developers?

Once you have identified who they are the next step is to talk to them. Many neighbourhood plan groups are nervous of this process, not least of all because they have concerns about how this will be perceived by the wider community. This section gives you advice on how to do this in an effective and transparent manner:

- **Engage early:** Talking to landowners and developers at an early stage will enable you to identify any issues in a timely manner and allow you sufficient time to work through them. It is too late to try and address any issues once the plan has been submitted for examination. You should continue to engage with them throughout the neighbourhood plan process and as the plan progresses
- **Establish a transparent process:** Some groups have invited developers and landowners (or their agents) to attend a meeting to discuss their aspirations for particular sites. A standard agenda for all meetings can make the process more transparent and minutes should be taken. It is a good idea to send a copy of the draft minutes to the attendees to agree as this will ensure the information is accurate, you have interpreted their comments correctly and that you are not revealing anything commercially sensitive. Once agreed these minutes should then be published online, they can be included in the consultation statement and form part of your evidence base.
- **Do not meet alone:** If you do arrange meetings with developers (or their agents) take other members of your group along and consider having a third party present in order to ensure independence and impartiality. This could be an officer from the local planning authority. Don't put yourself in a position where you appear to favour a person, company or group – even a 'friendly' private discussion with a developer could cause others to mistrust your intentions. Keep a note of any meetings and calls; and make clear at the outset that discussions are not binding.
- **Be aware of commercial sensitivities:** Many developers and landowners will want to discuss options in confidence. Some neighbourhood planning groups have organised developer conferences, however, these are unlikely to be as informative as individual meetings. Developers may be hesitant in discussing their future intentions in front of their competitors.
- **Ensure the community are aware of what you are doing and why:** Your community are more likely to accept development if they understand why development is needed and they have influenced where it can go. However, developers and landowners may want initial meetings to be kept confidential if there are commercial sensitivities. Make sure that the wider community is aware of any meetings with developers or landowners and report back on the outcomes of any meetings.
- **Organise open days with the community:** Some groups have asked developers to present their intentions at 'open days'. [Uppingham](#) held one of these and invited



residents to hear directly from interested developers. This helped to demonstrate that deals were not being done behind closed doors. Residents were invited to look at the sites proposed for development, received presentations from those proposing to build and joined small group discussions on the sites of particular interest to them.

- **Invite comments from businesses and developers:** As part of the pre-submission consultation and publicity you need to invite comments from those who live, work and carry out business in the area. This will provide an excellent opportunity for you to gather comments and seek the input from developers and landowners.
- **Consider their feedback on the plan:** You should review and fully consider any comments or information provided by landowners and developers or their agents. They are likely to provide comments on whether the plan policies and allocations match their intentions, for example if they would like to develop their site, and can help to identify any weaknesses in the plan. This provides an opportunity to check information, evidence and assumptions and can result in a stronger plan.
- **Make sure your website is up to date and contact details for the group are available:** This will make it easier for developers or landowners to contact you directly and remain up to date with plan progress.
- **Memorandum of understanding:** You may wish to consider creating a “memorandum of understanding” with landowners who will be affected by your plan. This approach was adopted by Woodcote and was praised within the [examiner’s report](#) which stated “*I find this to be an exemplary approach to collaborative working and neighbourhood plan making. It provides for clarity and allows landowners and the wider community to work together towards a shared aspiration.*”

6 Conclusions

Engaging with developers and landowners can not only be useful in helping you prepare your neighbourhood plan but, in certain instances, essential to ensuring your plan will meet the basic condition and deliver the sustainable development you want to see in your area. Identifying and engaging with them in a transparent manner can be challenging but the benefits to be gained make this worth while. Remember, the more open you are, the less likely you are to receive objections or concerns over a lack of consultation. It is important that you listen, engage but do not feel pressured or intimidated. Always seek independent advice from your local planning authority in relation to any discussions and be clear with the wider community what you are doing and why.

We have produced a [video](#) with a member of the development industry which gives their view on what groups can achieve through engaging with landowners and developers and some tips on how to go about doing this.



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