

Development sites - pay them a proper visit



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A guide to what to check when making
site visits



Introduction

Development sites have a tendency to throw up 'interesting issues' with almost infinite variety. It might be bats, or slow worms. It could be an adjoining owner having annexed what they considered to be no man's land. May be it's an old oil barrel full of 'something green'. Our standing advice is to 'expect the unexpected'.

If spotted early enough these issues often stay just that – 'interesting issues' that can easily be dealt with. If spotted too late, however, they can cause anything from a mild headache to a very expensive disaster.

Parties should always carefully inspect any site they propose to develop. This should always occur before they exchange to buy the land – after that point it's usually too late to pull out or re-negotiate the price. An interesting issue spotted before you have exchanged contracts is usually someone else's problem to resolve. An interesting issue spotted after you exchange contracts is almost always all yours.

So, in addition to our possibly unhelpful advice of expecting the unexpected, our more practice advice is always, without fail, rain or shine, come what may, carefully inspect.

We have set out below a checklist of the sorts of things (in no order of priority) that you should have in mind on every site visit, regardless of the site's location, size or nature. When attending a site we would suggest you take with you the following so that you can keep checking what the site actually looks like compared to what you think that the site should look like:

- a colour copy of the Land Registry title plan; and
- a copy of the development proposals (or at least an idea of what these are – e.g. location of buildings, size and height of buildings, etc.).

Whilst we hope that the following suggestions are helpful, the list is not exhaustive and clearly every site will have its own particular issues. Additionally, one would hope that some of the following matters will also be covered through other lines of enquiry, survey and/or legal searches usually undertaken – but they should still be considered on a site visit.

- access to the site – both during and after the development phase. Look at the extent of roads/adopted highway/pavements, no-entry signs, bus stops (or even post boxes)
- access across the site – is there any evidence of existing or past, private or public rights of way or common areas? Look for gates, holes in fences, worn patches in grass, play areas.
- are there any possible rights of light issues? Look for windows or other openings overlooking the site or evidence that there was recently a building on adjoining land that might have had windows overlooking the site
- services crossing the site. Do any pipes or cables cross over or under the site? Is there any evidence of a septic tank and, if so, what is the route of the drainage pipe? Look for manhole covers, junction boxes and electricity substations on or near to the site.
- what do the boundaries look like (on site and compared with legal boundaries shown at the Land Registry)? Are they clearly identifiable? Are there any party walls?
- is there any evidence of telecommunications apparatus (e.g. on roofs or buildings especially)?
- is there any evidence of or potential for species? For example, is there a pond with signs of wildlife? Could there be bats on site?



- Are there any signs of Japanese knotweed or other invasive species such as Himalayan balsam?
- if there are trees on site, consider whether any tree preservation orders exist
- where any existing structure is to remain in situ, are there any possible 'overhang issues'? Look for balconies or other parts of an existing structure that jut out over public footpaths or highways
- are there any structures or areas of land which could be operated by third parties, e.g. advertising hoardings, car-parks, substations, etc?
- is there evidence of anyone in actual occupation (e.g. short term tenants) or people using the site for any purpose (e.g. storage)?
- is there any rubbish or are there any other matters which need to be cleared prior to the vendor giving vacant possession?
- is the site vulnerable to squatting – should measures be taken to secure the site in this regard, and by whom?
- is there any evidence of (potential sources of) contamination? For example, manhole covers that may lead to underground containers, or stains on the ground from oil or other substances.
- is there any evidence of formal action being taken against the property, either by the local authority or otherwise (e.g. by way of signs affixed to boundary structures, etc)?
- is there any evidence of any on-going disputes or matters likely to give rise to a dispute?
- what adjoins the site – railways, canals/underground waterways, etc? Might they impact during or after the development phase?
- is the site made up of unusual gradients or is there any evidence of tunnels, ventilation ducts, etc?

As a development progresses different issues may 'transpire' at different stages. We would therefore suggest that you revisit the checklist on more than one occasion during the course of each project to ensure that there have not been any unexpected developments.

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