



**Prosperous Communities
Committee**

12 September 2017

Subject: Brownfield Land Register Part 1

Report by:

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Purpose / Summary:

To provide an overview of the new requirements
of the Town and Country Planning (Brownfield
Land Register) Regulations 2017
To set out how the mandatory Part 1 of Council's
Brownfield Land Register will be implemented
To inform Members of requirements in relation to
Part 2 of the Council's Brownfield Land Register

RECOMMENDATION(S): That members note the content of the report

IMPLICATIONS

Legal: it is a legal requirement for the Council to collate and publish a Brownfield Land Register by 31st December 2017. The two key pieces of legislation which apply to this report are;

- The Town and Country Planning (Brownfield Land Register) Regulations 2017; and
- The Town and Country Planning (Permission in Principle) Order 2017

Financial : FIN/72/18 None as a result of this report.

However the Council were awarded a DCLG grant of £14,645 to support this new burden on Local Authorities.

Work will be delivered from within approved staffing resources.

Staffing : Recruitment process currently underway for Planning and Housing Monitoring Officer who will carry out the work in relation. Technical support will be required from Development Management existing staff resource.

Equality and Diversity including Human Rights :

Risk Assessment :

Key risk – Part 1 not published within required timeframe.

Mitigation – recruitment process underway which will provide staff resource to carry out the task within the required timeframe

Climate Related Risks and Opportunities :

Title and Location of any Background Papers used in the preparation of this report:

Wherever possible please provide a hyperlink to the background paper/s
If a document is confidential and not for public viewing it should not be listed.

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

Executive Summary

1 Introduction

- 1.1 1.1 On 16th April 2017 the Government's Town and Country Planning (Brownfield Land Register) Regulations 2017 came into force which introduced a requirement on Local Planning Authorities to publish and maintain a Brownfield Land Register (BLR). Brownfield land refers to land which has previously been developed and is or has been occupied by a permanent structure. The Government's definition of previously developed land is set out in the glossary at Annex 2 of the National Planning Policy Framework (NPPF)
- 1.2 The purpose of a register is to provide up-to-date, publicly available and consistent information on sites that local authorities consider to be appropriate for residential development having regard to the criteria set out in the aforementioned Regulations. This will provide certainty to developers and communities, encourage investment in local areas, bring forward derelict and underused land for new homes and ultimately speed up the development process.
- 1.3 The purpose of a register is to provide up-to-date and consistent information on sites that local authorities consider to be appropriate for residential development having regard to the criteria set out in the aforementioned Regulations.
- 1.4 Part 1 – which is mandatory includes details of all sites within the District which are categorised as previously developed land irrespective of planning status and meet the following criteria:
- a) The land must be at least 0.25ha and have capacity to accommodate at least 5 dwellings
 - b) The land must be 'suitable' for residential development
 - c) The land must be 'available' for residential development
 - d) Housing development on the land must be 'achievable'
- The terms 'suitable', 'available' and 'achievable' are defined in regulation 4. In summary 'suitable' in that there is an existing site allocation, planning permission or permission in principle, or the Council considers that the land would otherwise be suitable for residential development, 'available' in that the landowner has expressed an intention to sell or develop the land or the Council considers it could otherwise be made available, 'achievable' in that new housing development could realistically be achieved on the land within 15 years
- 1.5 There is a legal requirement for all Local Authorities to comply with the deadline for publication of Part 1 of the register by 31st December 2017. DCLG have published a prescribed format that all local authorities must use to publish their data.
- 1.6 Part 2 – is non-statutory and is effectively a subset of Part 1 which allows LPA's to select sites that it considers to be appropriate to grant

permission in principle (PiP) for housing led development. This is an additional tool that the Government has created and it must be carefully considered whether it is beneficial to use it, and if so where. The inclusion of sites on Part 2 of the register is at the Council's discretion and requires a clear, transparent and consistent approach.

- 1.7 Consideration of the requirements to publish Part 2 of the register will be via the Housing Board. The new regulations stipulate very precisely what matters can be taken into account when granting Permission in Principle, and which matters cannot. Crucially, unlike normal planning applications it would usually fall to the Council, and not the developer, to undertake any technical surveys necessary to confirm that a site is suitable and developable. This would have significant resource and financial implications for the authority if the non-statutory Part 2 of the register was pursued.
- 1.8 All sites that are entered into Part 2 of the Register by the LPA are automatically granted 'permission in principle' which cannot be revoked and normally remains for 5 years. Sites can be included in part 1 which are not in part 2.
- 1.9 A 'permission in principle' is similar to an outline planning permission, although it is not itself a planning consent. There is a mandatory statutory consultation process the same as planning applications, mandatory publicity requirements including the display of site notice, entry onto the Council's Planning register and a 42 day public consultation period when a Part 2 list is first drafted (and then 21 days at future annual reviews). The Council will take into account matters raised during the consultation to determine whether or not it should be entered into Part 2 of the register.
- 1.10 A 'permission in principle' does not amount to a full planning permission and therefore development cannot commence without additional information being submitted to and approved by the Council. The additional information is known as a 'technical details consent' and is similar to an application for reserved matters.
- 1.11 A 'Permission in Principle' plus a Technical Details Consent equals a full planning permission to build.
- 1.12 A 'permission in principle' is valid for a period of five years. Once a site is built out it is removed from the register. After the Council has published its Brownfield land register it is required to review it annually

2.0 Implementation of requirements Part 1

- 2.1 The mandatory part of the register (Part 1) must be published by 31st December 2017. The task will be carried out by the soon to be appointed Planning and Housing Monitoring Officer supported by the Housing

Strategy and Supply Manager, the Planning Services Manager and members of the Development Management Team

- 2.2 The task will comprise of a review of sites that have previously been identified by the Strategic Housing and Economic Land Availability Assessment (SHELAA) which forms part of the evidence base in support of the recently adopted Central Lincolnshire Local Plan. Sites identified through a specific call for sites could also be included.
- 2.3 DCLG have confirmed that the intention is for Brownfield Registers to compliment existing information, rather than seek to add significant additional burdens on local authorities. As such the call for sites would be combined with the annual update of the SHELAA. This will ensure that efforts are not duplicated and should make the process straightforward for any landowners wishing to submit a site.
- 2.4 No decision on the process has been made as a joint Central Lincolnshire planning authority as each Council is responsible for the publication of its own register.
- 2.5 Technical support to assess any additional sites, against qualifying criteria, brought forward through a call for sites will be required from members of the Development Management Team. There are currently no resources to undertake this additional work and this will be considered as part of the section's next Business Plan.
- 2.6 Tasks required in relation to Part 1 to be completed before 31st December 2017 are;
 - to identify sites for inclusion in the Brownfield Land Register using existing information from the SHELAA
 - assessment of sites against qualifying criteria
 - decision making regarding determination of part 1 of the Register
 - publication of the register