

Introducing the Brownfield Land Register

Report of the:	Head of Place Development
Contact:	Susie Legg
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	N/A
Annexes/Appendices (attached):	
Other available papers (not attached):	None Stated

Report Summary

The government has recently introduced the requirement that local planning authorities prepare a Brownfield Land Register. This document identifies available, deliverable and developable sites for new housing that exist on previously developed land. We are required to publish this document by 31 December 2017.

In many respects the Register duplicates the work that we have already done when preparing our latest Strategic Housing Land Availability Assessment. The only difference being that it highlights those sites that are genuinely available to the house building industry. The intended purpose of the Register is to promote the redevelopment of previously developed sites for new homes.

The Regulations provide a further “Part 2” Option, which provides an opportunity to provide appropriate sites the added status of “permission in principle”. We are not recommending that the Borough Council takes this approach as it adds little to our existing Core Strategy policies, which provide in principle support to the redevelopment of previously developed sites in the urban area for housing.

Recommendation (s)

- (1) The Committee agrees to the publication of a Part 1 Brownfield Land Register, and authorises the Head of Place Development to finalise the content of the Register in accordance with the Regulations.**
- (2) The Committee agrees that no sites shall be included in Part 2 of the Register due to the reasons set out in paragraph 8.1 of the report.**

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1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy

- 1.1 Securing the delivery of new homes in the right locations is a key objective of the planning system. The delivery and implementation of the Epsom & Ewell Local Plan contributes towards all of the Council's Key Priorities. The publication of a Brownfield Land Register will make a contribution towards directing new homes to sustainable locations.

2 Background

- 2.1 Local planning authorities are required by the government to prepare and publish a Brownfield Land Register. This identifies previously developed (brownfield) land within their area that is available and considered suitable for residential development. The preparation and publication of the register is governed by the Town and Country Planning (Brownfield Land Register) Regulations 2017.
- 2.2 The government's aim is for the Brownfield Land Register to improve the quality and consistency of data on brownfield land held by local planning authorities. There is nothing new about this approach; in many respects this current initiative follows the same path taken by the National Land Use Database, or NLUD, which sought to do the same thing twenty years ago. It is noted that whilst considerable resource was committed to the NLUD process the outputs, in terms of previously developed sites coming forward for redevelopment, were limited.

3 What is a Brownfield Land Register?

- 3.1 A Brownfield Land Register is essentially a list of previously developed sites within a local authority's area that are considered suitable for residential development.
- 3.2 The Regulations divide the Register into two parts:
 - 3.2.1 Part 1 comprises all brownfield sites considered by the local authority to be appropriate for residential development
 - 3.2.2 Part 2 comprises those sites listed in Part 1, that the local authority deem suitable to be granted 'permission in principle' for residential development
- 3.3 It is intended that the Registers provide transparent and publically accessible information about suitable and available sites. The government has provided a template for the Register to ensure that local authorities provide information in a standardised manner. Local planning authorities are required to publish Registers by 31 December 2017. Once published, Registers must be reviewed annually.

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4 Definition of a Brownfield Site

- 4.1 The definition “brownfield site” means the same as “previously developed land”. The latter is defined by national planning policy as:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.” It should be noted that, amongst other things, this excludes “land in built up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of a permanent structure or fixed surface structure have blended into the landscape in the process of time.” Brownfield land also includes previously developed land in the Green Belt.

5 Brownfield Land Register Part 1

- 5.1 The government intends that Part 1 of the Register provides a comprehensive list of all brownfield sites in a local authority’s area. These sites will be considered suitable for housing, irrespective of their planning status. For a site to be entered on Part 1 it must meet the relevant criteria set out in the Regulations. These are listed below:

5.1.1 At least 0.25 hectares or capable of supporting at least 5 dwellings;

5.1.2 Suitable for residential development;

5.1.3 Available for residential development; and

5.1.4 Residential development is achievable

- 5.2 The Regulations state that for a site to be considered ‘suitable for residential development’, it either has been allocated in a local development plan document for residential use, has planning permission for residential use or is considered by the local authority to be appropriate for residential use. They continue by stating that regard must be had to the natural and built environment and any adverse impact on the local amenity, which such development might cause for intended occupiers of the development or occupiers of neighbouring properties.

- 5.3 The Regulations state that for a site to be deemed ‘available’ the relevant owner(s) or developer must have expressed an intention to sell or develop the land at a date not more than 21 days before the entry date on the register.

- 5.4 Finally the Regulations state that for a site to be deemed ‘achievable’, the local authority should be of the view that development is likely to take place within 15 years of the entry date on the register.

- 5.5 The criteria effectively restrict the inclusion onto the Register to sites that are genuinely available for development.

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6 Part 1 Commentary

- 6.1 Work is already underway in preparing our Brownfield Land Register Part 1. Our recently completed Strategic Housing Land Availability Assessment (SHLAA) has served as a solid basis for Part 1. The sites identified in our SHLAA have already been assessed in terms of their suitability, availability and deliverability, and this information is already in the public domain as part of the SHLAA findings report published during July 2017.
- 6.2 The Regulations require that the following information be prepared for Part 1:
 - 6.2.1 Site reference (we will use the SHLAA reference number)
 - 6.2.2 Site name / address
 - 6.2.3 Easting (X) / Northing (Y)
 - 6.2.4 Site size in hectares
 - 6.2.5 Ownership status (a choice of 4 options e.g. owned by a public authority)
 - 6.2.6 Indication of whether the site is considered to be deliverable within 5 years
 - 6.2.7 Whether the site has planning permission and a link to the details of this (this will be achieved through a link via Public Access)
 - 6.2.8 The minimum net number of dwellings which is considered achievable (this information will be taken directly from the SHLAA)
 - 6.2.9 Any other information which may be useful (for example where the site may be the subject of a development brief)
 - 6.2.10 Date the site was added onto the register
- 6.3 In accordance with the Regulations, landowners/ developers are being contacted to confirm the availability of their site(s) and whether they want those details to appear on our Register Part 1. The deadline for responses is 1 December 2017. The content of the Register Part 1 will reflect those responses.
- 6.4 Once published, our Brownfield Land Register Part 1 will identify sites that were assessed as part of our SHLAA and meet the necessary criteria set out by the Regulations (see Paragraph 5.2). We anticipate that Register Part 1 will be updated in April 2018.

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- 6.5 It highlighted that the Brownfield Land Register Part 1 to be published during December 2017 will not identify any potential new housing land beyond that identified within the SHLAA 2017. The completion of the Register Part 1 will not alter our current housing land supply position.

7 Brownfield Land Register Part 2

- 7.1 The Register Part 2 could form a subset of Part 1. For example, the Register Part 2 could comprise those sites from Part 1 that a local planning authority has decided could be suitable for granting 'permission in principle' for residential development. The intended purpose of this approach is to separate decision making on issues such as land use, location and amount of residential land from matters of technical detail. It is the government's view that granting 'permission in principle' for sites included within a Register Part 2 would firmly establish the principle of residential development. This could provide greater certainty for developers and encourage them to bring forward proposals. The government believes this will help to boost housing supply across the country.
- 7.2 The process for preparing and publishing a Register Part 2 is more complex. The Regulations require local planning authorities to undertake further publicity, public notifications and consultation. This includes the display of site notices and provision of information on the internet. The Regulations allow new sites to be added onto the Register Part 2 at any time providing the procedures for reviewing sites on the Register have been followed, including consultation.
- 7.3 Once a site has been identified in a Register Part 2, it will benefit from 'permission in principle' to be developed for housing. The permission in principle will specify the number of new houses that could be delivered on the site. Inclusion on the Register Part 2 does not by itself mean that development for housing will take place. A developer will still need to make an application to the local planning authority for consent in relation to technical details. Such an application must be made within 5 years or the site being entered onto the Register Part 2. The technical consent application considers all other relevant planning matters other than the principle of development.

8 Part 2 Commentary

- 8.1 The inclusion of sites within Part 2 of the Register is not mandatory, as there is a decision to be taken. As our adopted Core Strategy already directs development towards previously developed land in the built up area, (which would include brownfield sites), it implies that any brownfield sites which appear on our Register Part 1 are, in principle, suitable for residential development. On that basis it is considered that the creation of a further Register Part 2 is unnecessary, as it would add little to our existing suite of policies. It is therefore being recommended that we do not include any sites within Part 2.

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9 Financial and Manpower Implications

- 9.1 Preparing, maintaining and publishing a Brownfield Land Register Part 1 is required by legislation. Producing a Register Part 1 will draw upon staff resources currently committed to the production of the Local Plan. However, the workload associated with the production of a Register Part 1 will be reduced as much of the information has been obtained from our existing SHLAA. Future updates of the SHLAA and brownfield register will be combined to ensure an efficient use of resources.
- 9.2 We do not propose to undertake the procedures to include any sites within a Register Part 2. This is because there is no mandatory requirement to do so and it would add little to our existing local plan policies.
- 9.3 **Chief Finance Officer's comments:** *None for the purposes of this report.*

10 Legal Implications (including implications for matters relating to equality)

- 10.1 The Town and Country Planning (Brownfield Land Register) Regulations 2017 require us to prepare, maintain and publish a register of previously developed (brownfield) land by 31 December 2017.
- 10.2 **Monitoring Officer's comments:** *The legal implications have been considered in the body of the report.*

11 Sustainability Policy and Community Safety Implications

- 11.1 The concept of a brownfield register is positive, as it supports housing development on previously developed land, which our Local Plan policies encourage.
- 11.2 There are no Community Safety implications.

12 Partnerships

- 12.1 No specific considerations.

13 Risk Assessment

- 13.1 The Register must be prepared and published in the required format by 31 December 2017. Owners or developers of sites which are considered suitable to be entered on Part 1, have been contacted and asked to respond by 1 December 2017. This should leave sufficient time to allow the publication of the Register Part 1 prior to the deadline.

14 Conclusion and Recommendations

- 14.1 Our Brownfield Land Register Part 1 will contain information derived from the SHLAA (subject to the approval of site owners/ developers). It is considered unnecessary to produce and publish a further Register Part 2.

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- 14.2 The Committee are asked to note that work is underway to produce and publish a Brownfield Land Register Part 1 prior to the 31 December 2017 deadline.

Ward(s) Affected: (All Wards);