

Subject:	Brownfield Land Register		
Date of Meeting:	11 January 2018		
Report of:	Executive Director of Economy, Environment and Culture		
Contact Officer:	Name:	Steve Tremlett	Tel: 01273 29(2108)
	Email:	Steve.tremlett@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 This report sets out details of the new statutory requirement for local planning authorities to prepare, produce and maintain a Brownfield Land Register.

2. RECOMMENDATIONS:

- 2.1 That the Committee notes the new requirement for Local Planning Authorities to produce, publish and maintain a Brownfield Land Register.
- 2.2 That the Committee agrees and endorses the publication of Part 1 of the Brownfield Land Register.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 In April 2017, the Government introduced a new statutory requirement for Local Planning Authorities to prepare, maintain and publish a Brownfield Land Register (BLR) by 31 December 2017. The draft BLR has therefore been made available on the City Council's website site to meet this deadline. BLRs will provide up-to-date and consistent publically available information on sites that local authorities consider to be appropriate for residential development having regard to the criteria set out in regulation 4 of the Town and Country Planning (Brownfield Land Register) Regulations 2017.
- 3.2 Brownfield land is defined in the National Planning Policy Framework as land which is or was occupied by a permanent structure and any associated fixed surface infrastructure. Exceptions include land in built-up areas such as private residential gardens, parks, recreation grounds and allotments.
- 3.3 Registers will be in two parts, Part 1 will comprise brownfield sites assessed as appropriate for residential development. Part 2 is a sub-set of Part 1 and will include those sites granted 'Permission in Principle' (PiP). Local planning authorities will be able to trigger a grant of PiP for residential development for sites included in Part 2 of their registers where they follow the required procedures.

3.4 For inclusion on the BLR sites must meet the following criteria:

- At least 0.25 hectares or more in size or capable of accommodating at least 5 dwellings;
- Suitable for residential development - this means the land has planning permission for housing or housing-led development; or has been allocated for such development in a Local Plan; or is considered appropriate for such development by the council
- Available - this means that there is no impediment to development in terms of either ownership issues or legal constraints on the land;
- achievable for residential development - sites must be considered likely to be developed within 15 years of being entered on the register

3.5 Part 1 of the BLR identifies 182 sites, and the list of sites is included in Appendix 1, together with the minimum number of units for each site and other information from the Register. The sites on the list have all been in the public domain for some time, as they have been identified from sites included in the City Council's Strategic Housing Land Availability Assessment (SHLAA), responses to the City Plan Part 2 'call for sites' exercise in summer 2016 or have been subject to planning applications.

3.6 It is not proposed to include any sites on Part 2 of the Register in this Brownfield Sites Register. Inclusion of sites on Part 2 of the Register, and the granting of PiP is a form of outline planning application. Permission in principle is limited to location, land use and amount of development, with other matters to be considered as part of a subsequent Technical Details Consent. To be included on Part 2, sites should be deliverable within 5 years and meet the relevant criteria set out in legislation. For example, PiP cannot be granted where there is a potentially significant environmental impact of redeveloping a site. A decision to grant PiP must be taken in accordance with the development plan unless material considerations indicate otherwise, and account must also be taken of responses received during a consultation period.

3.7 The approach of not identifying Part 2 sites is in common with the majority of other planning authorities establishing Brownfield Land Registers for the first time. Further consideration would need to be given to establishing the process to be undertaken for inclusion on Part 2 of the BLR and particularly regarding governance arrangements. It should be noted that it is not a mandatory requirement to identify sites for inclusion on Part 2 of the register. Once the full implications of including sites in Part 2 has been considered a report can be brought back to the TD&C Committee to examine governance arrangements.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

4.1 The City Council has a statutory requirement to prepare, produce and maintain a Brownfield Land Register as set out in the Town and Country Planning (Brownfield Land Register) Regulations 2017. As such there is no lawful alternative option.

5. COMMUNITY ENGAGEMENT & CONSULTATION

5.1 Although public consultation is not required for Brownfield Land Registers, the draft BLR was published for consultation on the City Council website and consultation portal for a period of four weeks from 6 November to 4 December 2017. The purpose of this consultation was twofold:

- To gather views on the current draft Brownfield Land Register;
- To gather information on any other sites not listed in the draft register which meet criteria for inclusion.

5.2 Six responses were received and the points raised were:

- One response indicated support for the Council not identifying sites in Part 2 at this stage;
- Landowners of two sites in the draft Register (Boots/Co-op food store, London Road, and Knoyle Hall, Knoyle Road) indicated that the sites are not available for redevelopment within the next 15 years;
- The suggestion that Crown House, Upper North Street should be included on the Register;
- Site boundary of Gasworks site, Roedean Road should reflect the strategic allocation City Plan Part One;
- Where sites are adjacent to Local Wildlife Sites this should be recorded in the notes column.

5.3 The draft Register has been revised to reflect these comments.

6. CONCLUSION

6.1 Publication of a Brownfield Land Register is a statutory requirement set out in the Town and Country Planning (Brownfield Land Register) Regulations 2017.

6.2 The report seeks approval of sites in the proposed Brownfield Land Register and is limited to Part 1 sites only.

7. FINANCIAL & OTHER IMPLICATIONS:

7.1 There are no direct financial consequences as a result of this report. The cost for the local planning authority to prepare, produce and maintain a Brownfield Land Register will be met from within the existing budget for the planning service.

Finance Officer Consulted: RobAllen

Date: 8/12/17

Legal Implications:

7.2 The statutory background to the Report's recommendations is set out in the body of the Report.

7.3 It is not considered that the recommendations in the Report raise any adverse human rights implications.

Lawyer Consulted:

Name Hilary Woodward

Date: 5/12/17

Equalities Implications:

7.4 None directly related to this report.

Sustainability Implications:

7.5 None directly related to this report.

Any Other Significant Implications:

7.6 None.

SUPPORTING DOCUMENTATION

Appendices:

1. Brownfield Land Register Summary

Background Documents

1. Strategic Housing Land Availability Assessment