

Brownfield Land Register

Report of the Cabinet Member for Economic Growth, Environment & Development Services:
Councillor I. Pritchard



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| Date: | 4 December 2018 |
| Agenda Item: | 5 |
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| Key Decision? | Yes |
| Local Ward Members | All ward members. |

Cabinet

1. Executive Summary

- 1.1 The Town and Country Planning (Brownfield Land Register) Regulations 2017 came into force in 2017 and required all Local Planning Authorities to produce and publish a 'Part 1' Brownfield Land Register (BLR) by the end of 2017. The BLR is split into two parts. 'Part 1' being a register of all brownfield sites considered to be 'suitable' for residential development. 'Part 2' identifying any such sites which are to be granted Permission in Principle (PiP). Presently authorities are not obliged to produce a 'Part 2' BLR.
- 1.2 Lichfield District Council published its BLR Part 1 in December 2017. BLR's are required to be updated annually in line with the date on which they were previously published. As such the district council is required to update its BLR before the end of 2018.
- 1.3 An update of the BLR Part 1 for Lichfield District has now been prepared for consideration prior to its publication on the District Councils website. As part of this update officers have considered whether it would be appropriate to prepare a BLR Part 2 register. At this time no BLR Part 2 is proposed to be produced, officers will continue to maintain the BLR and review whether a Part 2 BLR should be produced in future years.

2. Recommendations

- 2.1 That the Cabinet approves the Lichfield District Council Brownfield Land Register (Part 1) 2018 (**APPENDIX A and B**) for publication.

3. Background

- 3.1 Chapter 11 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should promote an effective use of land and that policies should make as much use as previously developed or brownfield land as possible. This is further supported through the governments National Planning Practice Guidance (PPG) and the adopted Local Plan Strategy also acknowledges the importance of brownfield sites in delivering the housing requirement for Lichfield District. Core Policy 6 seeks the delivery of 70% homes on Brownfield sites to 2018 and 50% thereafter. In order to assist with this the government require all local planning authorities to produce and maintain a Brownfield Land Register (BLR).
- 3.2 The NPPF defines brownfield sites or PDL 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. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development control procedures; 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 the permanent structure or fixed surface structure have blended into the landscape”

- 3.3 The requirement for all Local Planning Authorities to produce a ‘Brownfield Land Register’ came into force through legislation produced in April 2017. This required Local Planning Authorities to maintain and publish a register of brownfield land that is ‘suitable’ for residential development. The Brownfield Land Register (BLR) is to be split into two parts with ‘Part 1’ being a register of all brownfield sites which are considered to be suitable for housing and ‘Part 2’ identifying any such sites which are then to be granted Permission in Principle (PiP). Further detail on PiP and the Part 2 BLR is set out at paragraphs 3.8 to 3.10 of this report.
- 3.4 Guidance for both BLR and PiP has been published as part of the governments PPG which has helped to formulate the district councils BLR. Alongside the guidance a ‘Brownfield Land Register Data Standard: Preparing and publishing a register’ document was published by the government. The data standard document provides clear and exact guidance on the format and content of information which must be included on an authorities BLR to ensure that information is comparable across all authorities.
- 3.5 For a site to be entered onto the Part 1 BLR it is required to meet certain criteria contained within the regulations and guidance. Those sites must meet the definition of previously developed land as described at paragraph 3.2 of this report and be of at least 0.25 hectares in size or capable of delivering 5 or more dwellings. Further to this criteria the site must be considered to be ‘suitable’ for residential development and be both ‘available’ and ‘achievable’. With regards to suitability an assessment is made as to whether the site offers a suitable location for development having regard to adopted national and local planning policy. Of those sites considered to be suitable an assessment is then made as to the availability of the site and the achievability of residential development being delivered. This process of assessment has benefitted from the significant information collected through the evidence base for the Local Plan. It is not the case that all brownfield sites should be included on the BLR, only those sites which meet the above criteria and which the authority considers to be ‘suitable’ are included.
- 3.6 The Part 1 BLR for Lichfield District has been produced following the methodology devised and set out within the document (**Appendix A**). This methodology has been devised to comply with the regulations, national guidance and to meet the data standard. **Appendix B** represents the data table produced to accord to the data standard ensuring that the data captured meets the government’s requirements and can be published as part of the open data agenda. The data set out at **Appendix B** will be published to the governments open data website.
- 3.7 The Part 1 BLR (**Appendix A** and **Appendix B**) identifies those previously developed sites which have been assessed and considered as suitable, available and achievable for residential development. In total 41 sites have been identified and included on the Part 1 BLR, this includes a range of sites in terms of size, location and their current planning status. Six sites have been removed from the register since last year, in all cases this is because the site has been redeveloped. A majority of the sites included on the Part 1 BLR already benefit from extant planning permission or have planning applications currently in the process of being determined by development management.
- 3.8 As is set out at paragraph 3.3 of this report the BLR is split into two parts, with only the first part being a statutory requirements. Authorities can choose to produce a Part 2 BLR which would identify any of the sites from Part 1 which are to be granted PiP. PiP is an alternative way of obtaining planning

permission which separates the consideration of matters of principle for the proposed development from the technical detail. PiP establishes whether a site is suitable in-principle for residential development without consideration of the more detailed technical matters which are subsequently addressed through 'technical details consent' once PiP has been granted.

3.9 Officers have considered whether a Part 2 BLR should be progressed. It is considered that there is little value in producing a Part 2 BLR at this stage for the following primary reasons;

- Only eight of the sites identified within the Part 1 BLR currently do not either benefit from planning permission or are currently subject to a planning application in the process of determination by the authority. Of those eight sites only one site is not proposed for allocation within the Local Plan Allocations document which, subject to the outcome of the examination in public, will allocate those sites for residential development.
- For a site to be entered onto Part 2 of the register, and as such be granted PiP, a significant level of detail would need to be provided for each individual site to establish the principal matters of the development. The gathering of such information would represent a significant cost in terms of commissioning evidence and officer time. In effect the granting of PiP moves some of the financial burden of evidence gathering from the development industry to the local authority.

3.10 It is considered that there is very limited benefit in considering the granting of PiP for those sites which are already well advanced in the planning process. As such only a small proportion of the sites identified on the Part 1 BLR could benefit from PiP. However, given that a majority of those sites are proposed for allocation within the Local Plan Allocations document and the significant resources which would be required to grant those sites PiP it is considered that at this stage the progression of a Part 2 BLR would not be beneficial to the authority.

3.11 Following this consideration the Part 1 BLR recommends that at this time a Part 2 register is not produced. However, it is suggested that through the ongoing maintenance and annual updating of the Part 1 BLR officers will continue to reassess the appropriateness of producing a Part 2 register in future years. The production of a Part 2 BLR in future years may present the Council with the opportunity to further promote specific brownfield sites within the District.

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| Alternative Options | <ol style="list-style-type: none"> 1. Cabinet declines to publish the BLR Part 1 document. However, legislation requires all Local Planning Authorities to publish an annual update to their BLR. For Lichfield District this will need to be published before the end of 2018. 2. Cabinet decide that a Part 2 Register should be produced. |
| Consultation | <ol style="list-style-type: none"> 1. Consultation is not required on the Part 1 BLR document. 2. In future years if a Part 2 BLR is progressed this will be subject to consultation as is set out within the Town and Country Planning (Brownfield Land Register) Regulations 2017. |
| Financial Implications | <ol style="list-style-type: none"> 1. Funding has been made available via national government to Local Authorities to meet the burdens associated with introducing BLRs. 2. The costs of production and maintenance of the BLR will be met within approved budgets. 3. The costs of producing a Part 2 BLR have not been established but would be significant. |

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| Contribution to the Delivery of the Strategic Plan | <ol style="list-style-type: none"> 1. Supports the priority of a vibrant and prosperous economy because it assists in the delivery of the new housing and reuse of previously developed sites. 2. Supports the priority of Healthy and Safe communities by ensuring the provision of housing. 3. Supports the priority of clean, green and welcoming places to live by assisting in the delivery of residential developments of previously developed sites. |
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| Equality, Diversity and Human Rights Implications | <ol style="list-style-type: none"> 1. An Equality Impact Assessment was produced to accompany the adopted Local Plan Strategy and the Local Plan Allocations document. For a site to be included on the BLR it should be considered to be in conformity with the adopted Local Plan Strategy and therefore any such implications for Equality, Diversity and Human Rights have previously been considered. |
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| Crime & Safety Issues | <ol style="list-style-type: none"> 1. None. |
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| GDPR/Privacy Impact Assessment | <ol style="list-style-type: none"> 1. No privacy impact assessment has been undertaken. |
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| | Risk Description | How We Manage It | Severity of Risk (RYG) |
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| A | It is not agreed to publish the BLR as is required by legislation. This would mean an update to the register is not published by the end of 2018. | Proceed to agree approach to taking forward the Brownfield Land Register before the end of 2018. | Yellow |
| B | Alternative sites are recommended to be included on the BLR. | An evidence based assessment of alternative sites to ascertain whether sites should be included on the register. | Yellow |
| C | Sites are recommended to be removed from the BLR. | An evidence based assessment of alternative sites to ascertain whether sites should be removed from the register. | Yellow |

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| <p>Background documents:</p> <p>Local Plan Strategy 2015</p> <p>The Town and Country Planning (Brownfield Land Register) Regulations 2017</p> <p>National Planning Practice Guidance – Brownfield Land Registers</p> |
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| <p>Relevant web links:</p> <p>Local Pan Strategy 2015</p> <p>The Town & Country Planning (Brownfield Land Register) Regulations 2017</p> <p>National Planning Policy Framework</p> <p>National Planning Practice Guidance – Brownfield Land Registers</p> <p>National Planning Practice Guidance – Permission in Principle</p> <p>Brownfield Land Registers Data Standard: Preparing and publishing a register (DCLG)</p> |
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