

Brownfield Land Register Update

Summary: This report provides an update to the Brownfield Land Register 2019.

Recommendations: **Publication of the register as required by The Town and Country Planning (Brownfield Land Register) Regulations 2017.**

Cabinet Member(s)	Ward(s) affected
All Members	All Wards
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1. Introduction

- 1.1 The Town and Country Planning (Brownfield Land Register) Regulations 2017 (BLRR) came into force on the 16 April 2017 placing a new duty on local planning authorities (LPAs) to prepare, maintain and publish a register of previously developed land (brownfield land) that is suitable for residential development. The register was first published, as required, in December 2017 and has been reviewed and published annually since.

2. What is previously developed land?

- 2.1 Previously Developed Land (PDL) is often called 'brownfield' land. The National Planning Policy Framework includes a specific definition:

'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. The definition expressly 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 management procedures; land in built-up areas such as 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 landscape¹.

3. The Regulations require that the Register must be kept in two parts. The Department for Communities and Local Government (DCLG) have published a prescribed format that all local authorities must use to publish their data.

- 3.1 The first part of the Register is the list of suitable brownfield land sites. Part 2, a sub-set of Part 1, is for those entries in Part 1 that the authority

¹ Previously develop land definition National Planning Policy Framework [NPPF: Annex 2: Glossary](#)

considers to be suitable for 'permission in principle'². Part 2 of the register is discretionary.

4. The Register

- 4.1 The North Norfolk Brownfield Land Register (BLR) has been prepared in accordance with the regulations and has been reviewed this year, for publication in December 2019. Sites may only be included on the Register if:
- (a) the land has an area of at least 0.25 hectares or is capable of supporting at least 5 dwellings;
 - (b) the land is suitable for residential development;
 - (c) the land is available for residential development; and
 - (d) residential development of the land is achievable.
- 4.2 In December 2018 the register comprised [Nine sites](#) in Part 1 of the register, consisting of 7 sites with existing planning permission (either full or outline) and 2 sites without. No sites were proposed for the granting of permission in principle.
- 4.3 This year, 5 of those sites from last year are retained on the register, as the circumstances have not changed and the other four have been removed. One has been identified to be below the threshold of 0.25ha and the other three sites have commenced development and therefore are not available.
- 4.4 In addition to the above, five new sites have been identified for inclusion on this year's Register: three of these are allocated sites, as identified in the Core Strategy and which are within settlements and the other two have permissions.
- 4.5 The Government has advised that local authorities should use existing processes to identify sites for inclusion in brownfield land registers. The main source of sites for consideration for the BLR has been the Council's Housing and Economic Land Availability Assessment (HELAA) which includes, but is not limited to, details of unimplemented planning permissions, allocated sites which are unimplemented, sites put forward through a 'call for sites' and land in local authority ownership. There is no requirement to undertake specific research with the objective of identifying *all* possible brownfield sites and consequently it is highly likely that other qualifying sites exist which are not included on the Register.
- 4.6 Sites that appear on the Register must be appropriate (suitable) for housing development (or housing led development), having regard to the criteria³ set

² See The Town & Country Planning (Permission in Principle) Order 2017 and the National Planning Practice Guidance 'Permission in Principle' - <https://www.gov.uk/guidance/permission-in-principle>

³ The criteria referred to in paragraph (1)(b) of regulation 3 (BLRR) are, in relation to each parcel of land—

(a) the land has an area of at least 0.25 hectares or is capable of supporting at least 5 dwellings;

out in [Regulation 4](#) of the BLRR. Local authorities are also required to have regard to the development plan, including relevant neighbourhood plans, and the National Planning Policy Framework when making decisions about which sites to include on their registers. This means, for example, that a site that complies with the definition of brownfield land but is located within an area designated as Countryside in the Development Plan would not appear on the Register as it would be judged to be unsuitable for residential development given that such a proposal would be contrary to adopted Development Plan policies.

- 4.7 The result of this process is that 10 sites have been entered into the Register (See APPENDIX 1). These sites amount to approximately 6.09 hectares of brownfield land with an estimated net minimum number of dwellings totalling 223.
- 4.8 Part 2 of the register is discretionary, inclusion of a site in Part 1 does not mean that it will automatically be granted permission in principle. The regulations set out the requirements for publicity and consultation where an authority proposes to enter sites on Part 2 of the register. There is no right of appeal where a LPA decides not to enter a site in Part 2 of the register and not trigger the grant of permission in principle. A person with an interest in a site has the option of submitting a planning application to the LPA in the usual manner.
- 4.9 Permission in principle 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. The 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.
- 4.10 It is considered that there would be very limited gains resulting from establishing and undertaking the process required for sites to be included on Part 2 of the Register. Granting of permission in principle would be unlikely to lead to any significant increase in the number dwellings coming forward on brownfield land in the District. It is therefore considered that the resource implications (staff and financial) far outweigh any advantages of undertaking the process of granting sites in the register permission in principle.
- 4.11 Taking into account the above issues it is proposed that the Council does not progress with Part 2 of the Register at this time.

5. Recommendations

1. To publish the Brownfield Register with the 2019 updates.

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- (b) the land is suitable for residential development;
(c) the land is available for residential development; and
(d) residential development of the land is achievable.

2. Agree to the recommended approach not to undertake Part 2 of the register.

6. Legal Implications and Risks

6.1 It is a legal requirement to prepare, maintain, review and publish the register annually.

7. Financial Implications and Risks

7.1 A new burdens grant payment of £14,645 for 2016/17; £5,485 for 2017/18 and £3,687 for 2018/19, totaling £23,817, has been received by the Council.

7.2 The brownfield land register must be reviewed at least once a year and therefore the process requires an ongoing officer commitment.

Appendix 1: Brownfield Land Register.

Appendix 2: Maps

Abbreviations

BLRR - The Town and Country Planning (Brownfield Land Register) Regulations 2017

LPAs - local planning authorities (LPA – local planning authority)

DCLG - Department for Communities and Local Government

BLR - North Norfolk Brownfield Land Register

HELAA - Housing and Economic Land Availability Assessment