

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF PLANNING POLICY SUB-COMMITTEE ON 25 FEBRUARY 2020

SUBJECT: Brownfield Land Register 2019

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PORTFOLIO AREA: Planning

EXECUTIVE SUMMARY:

The production of a Brownfield Land Register is a requirement under the Town & Country Planning (Brownfield Land Register) Regulations, 2017. The Register is to be established in two parts (i.e. Part 1 and Part 2 explained below) and is to include all brownfield sites that are suitable for residential development. The Register is to be updated at least annually.

The Council published its first Brownfield Land Register (Part 1) in December 2017 which comprises all brownfield sites that meet the criteria set out in the Brownfield Land Register Regulations. This report provides a 2019 update to the 2018 Register.

The updated Part 1 Register uses data from the 2019 Housing and Economic Land Availability Assessment (HELAA) as the starting point.

RECOMMENDATIONS:

That Planning Policy Sub Committee:-

- 1) Notes the 2019 Brownfield Land Register (Part 1).
- 2) Agrees that officers work towards the production of the Brownfield Land Register (Part 2) including the carrying out of consultation and publicity requirements, as well as other procedures in line with the Brownfield Land Register Regulations 2017.

1. BACKGROUND:

- 1.1 The Town & Country Planning (Brownfield Land Register) Regulations, 2017 introduced a duty for local planning authorities (LPAs) to prepare, maintain and publish a register of brownfield land suitable for residential development within their areas.
- 1.2 Brownfield Land Registers must be kept in two parts. Part 1 establishes a baseline stock of 'brownfield land which meets specific previously developed land and delivery criteria (as described below). Part 1 of the register was first published in Arun in December 2017 and has been updated annually since.

- 1.3 Part 2 introduces permission in principle (PiP) as a new route to obtaining planning permission for these sites that make it onto Part 1 of the register, in order to help to maximise the numbers of new homes built on brownfield land. There is currently no requirement to introduce Part 2 according to any target timescale although authorities are encouraged to progress Part 2 as soon as possible.
- 1.4 The broad aim of the Brownfield Land Register is to ensure standardised information and data about brownfield land that is suitable and available for residential development, is made available nationally and is kept up-to-date. The Government envisages that this will improve the quality and consistency of data held by councils, provide greater certainty for developers and communities while encouraging investment in local areas.
- 1.5 Annex 2 of the National Planning Policy Framework (NPPF 2019) sets out the definition of “previously developed land” and Planning Policy Guidance (PPG) confirms that in relation to the production of Brownfield Land Registers, LPA’s must use the definition contained within the NPPF 2019. Previously developed land is referred to as brownfield land. Sites must meet this definition to be included within the Brownfield Register.
- 1.6 Brownfield sites included within Part 1 of the Brownfield Land Register are required to meet the following criteria:
1. **Size:** The site must be 0.25 hectares or larger, or capable of supporting at least 5 dwellings;
 2. **Suitable:** The site is considered suitable for inclusion on the register if the land is allocated in a development plan document (e.g. a Local Plan), has planning permission or PiP for residential development. The land may also be included on the register if the Local Planning Authority considers it suitable for residential development having considered any adverse impact on the natural environment; the local built environment; heritage assets in particular; local amenity; and any relevant representations received (i.e. from third parties);
 3. **Available:** Sites are considered to be available for development if either all the owners of the site, or the developer in control of the land have expressed an intention to develop (or sell, in the case of an owners) the site within the 21 days before the entry date on the register. In addition, there must be no evidence indicating a change to that intention and the Local Planning Authority must be satisfied that there are no ownership or other legal matters that might prevent residential development taking place, having regard to information publically available on the date of assessment and any relevant representations received.
 4. **Achievable:** Based on publically available information and any relevant representations received, an achievable site is a site which, in the Local Planning Authority’s opinion is likely to take place within 15 years of the entry date.

- 1.7 The Brownfield Land Register must be published in the 'open data' format requested by the Government and reviewed at least annually to ensure that sites which no longer meet the criteria for inclusion are removed and new sites are assessed and entered onto the register if it is appropriate to do so.
- 1.8 Part 2 of a brownfield land register is a subset of Part 1. Part 2 will comprise only those sites in Part 1 that the local planning authority has decided that the land would be suitable for a grant of permission in principle for residential development. Part 2 of the brownfield register has not yet been established because this requires a significant level of technical work and legal/procedural steps. The Council however has started to make progress on this and an update on Part 2 will be brought back to committee later in the year.
- 1.9 The key findings for Part 1 can be summarised as follows:
- There are 33 sites on Part 1 of the Register in total (16 sites have extant planning permission)
 - There are 3 new sites added to the Register this year (2 sites have extant planning permission)
 - 3 sites which were on the 2018 Register have been removed as their extant planning permissions have now been implemented. 1 site which was on the 2018 Register but did not have extant planning permission, is still on the 2019 Register but it now has planning permission (Regis Centre Site)
 - 1 site which was on the 2018 Register with extant planning permission, is still on the 2019 Register, however the planning permission has now lapsed (Land South of Littlehampton Academy)
- 1.10 It is important to note that the inclusion of a site on Part 1 of the Register does not mean it will automatically be granted planning permission or permission in principle. Only when the Council consider it appropriate to enter sites on Part 2 of the Register, will it trigger a grant of permission in principle (PiP). If a site is considered to be suitable for inclusion in Part 2 there are several steps that the legislation requires to be followed including consultation.
- 1.11 Key components of the evidence base for this work are the local authority's Housing & Economic Land Availability Assessment (HELAA) together with planning application data and the Council's Local Plan evidence documentation. It is therefore, prudent to align the publication of this document with future iterations of the Housing & Economic Land Availability Assessment (HELAA), as far as this is practicable.
- 1.12 The HELAA database has again been used as a starting point to identify sites for inclusion in the Brownfield Land Register. The Council has already established a process of identifying potential development sites through the HELAA process and invited site updates during summer 2019 in order to ensure that the most up to date information was available.
- 1.13 The Council has then considered the sites against the brownfield land criteria to consider whether the site meets the criteria set out in the Brownfield Land Register Regulations and has included these where they meet the criteria.

1.14 In addition to the criteria set out in Regulation 4 which define site suitability, Regulation 14A(7) of the Planning & Compulsory Purchase Act 2004 (as amended by the Housing and Planning Act 2016) also requires that when preparing registers of Land, Local Planning Authorities must also have regard to:

- (a) the development plan (including the adopted Arun Local Plan 2011-2031 and 'made' Neighbourhood Development Plans);*
- (b) national policies and advice (e.g. NPPF, Planning Practice Guidance);*
- (c) any guidance issued by the Secretary of State.*

1.15 Therefore, when considering sites for inclusion in the Brownfield Land Register the local policy context has been applied to the site with respect to the adopted development plan. This differs from the HELAA which applies a high-level assessment of sites for deliverability and developability but does not assess the sites against the adopted development plan.

PROPOSAL(S):

2.1 The full schedule of sites included within the table in the main report will be published as the Council's Part 1 Brownfield Land Register 2019 which includes; sites which do not have planning permission; sites which already have planning permission (including outline) but have not yet been implemented; a justification as to any site has been included in the Brownfield Register (Part 1); maps for all sites without planning permission (whereas, those sites with planning permission are mapped as locations with site information accessed via through the Council's website). These are summarised as follows:

- There are 33 sites on Part 1 of the Register in total (16 sites have extant planning permission)
- There are 4 new sites added to the Register this year (3 sites have extant planning permission)
- 4 sites which were on the 2018 Register have been removed as their extant planning permissions have now been implemented.

2.2 Part 2 of the brownfield register has not yet been established because this requires a significant level of technical work to be completed including legal/procedural steps as described in this below. The Council however has started to make progress on this and an update on Part 2 will be brought back to committee later in the year.

2.3 The Brownfield Land Register will be kept under review together with updates of the HELAA for efficiency, as far as this is practicable.

3. OPTIONS:

3.1 The following options are available to Members:

- To note the Brownfield Land Register 2019 as evidence to support monitoring of housing supply and housing delivery; or
- Not to note the Brownfield Land Register 2019.

4. CONSULTATION:		
Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		x
Relevant District Ward Councillors		x
Other groups/persons (please specify): Call for sites May 2018 and HELAA forms update consultation 2019	x	
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)		
Financial		x
Legal		x
Human Rights/Equality Impact Assessment		x
Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability	x	
Asset Management/Property/Land		x
Technology		x
Other (please explain)		
6. IMPLICATIONS:		
<p>The Brownfield Land Register is necessary evidence to support monitoring of housing supply and promoting housing delivery through efficient reuse of existing previously developed land in accordance with national policy.</p>		

7. REASON FOR THE DECISION: To ensure that the authority maintains a brownfield land register that is transparent and accessible to stakeholders and compliant with Brownfield Land regulations.

9. BACKGROUND PAPERS:
 Brownfield Land Register Final Report and spreadsheets 2019 (together with the HELAA) can be accessed via the web link: <https://www.arun.gov.uk/helaa-brownfield-land-self-build-registers>