

**REPORT TO THE PLANNING COMMITTEE MEETING OF  
7<sup>th</sup> November 2017**

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**Status:** Recommendation  
**Title:** Brownfield Land Register  
**Originator:** Alan Storah – Planning Policy Officer  
**Where from:** n/a  
**Where to next:** Brownfield Land Register forwarded to DCLG

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1 Purpose of Report

- 1.1 For the Committee to note that the Part 1 Brownfield Land Register has been prepared and to seek agreement as to there being no sites included in Part 2.

2 Recommendations:

2.1 **That the Committee:**

1. **Notes that the Brownfield Land Register has been prepared in accordance with the Regulations;**
2. **Agrees the sites to be included in Part 1 of the Register at Appendix A attached;**
3. **Agrees that none of the sites included in Part 1 of the Register are suitable for inclusion in Part 2 at Appendix B attached;**
4. **Notes that additional sites for inclusion in Part 1 may be included in subsequent updates of the Register; and**
5. **Notes that subsequent updates of the Register may involve sites already in Part 1 being recommended for inclusion in Part 2.**

3 Summary of Reasons for the Recommendations

- 3.1 The Town and Country Planning (Brownfield Land Register) Regulations 2017 came into force on 16th April 2017. They place a duty on each local planning authority responsible for determining planning applications for housing development to prepare, maintain and publish a register of previously developed land (commonly known as “brownfield land”) which is suitable for residential development. “Previously developed land” has the same meaning as in the National Planning Policy Framework.
- 3.2 Sites and premises which meet the specified criteria for inclusion in the Register feature automatically in Part 1 of the Register. Part 2 of the Register comprises those, if any, sites identified for inclusion in Part 1 which merit the grant of ‘Permission in Principle’ for residential development. The decision as

to whether a site should be entered into Part 2 rests with the Council. Hence this report makes recommendations on this issue accordingly.

- 3.3 This report explains how the Brownfield Land Register has been prepared, sets out how subsequent versions will need to be prepared, together with any potential implications, and seeks Member endorsement that no sites be included in Part 2 of the Register at this time.

#### 4 Impact on Communities

- 4.1 Production of the Register is a statutory requirement. It is considered that the Register may have the benefit of assisting in bringing forward sites for redevelopment and hence making the best use of previously developed land.

#### 5 Key Facts

- 5.1 Brownfield registers are intended to support a general increase in housing supply. Registers should include all brownfield sites that are suitable for housing development irrespective of their planning status. They will ensure that standardised information and data about brownfield land that is suitable and available for residential development is kept up-to-date and readily enable the aggregation of data. The deadline for producing the Register is 31st December 2017.

- 5.3 The Register must be in 2 parts:

**Part 1** is a comprehensive list of all brownfield sites in the local authority area that are suitable for housing, irrespective of their planning status.

**Part 2** is a subset of Part 1 and will include only those sites for which 'Permission in Principle' is granted. This is a vehicle for granting 'Permission in Principle' for sites that the authority considers suitable for residential development. This is designed to separate decision-making on 'in principle' issues addressing land use, location, and amount of development from matters of technical detail, such as what the buildings will look like. The aim is to give up-front certainty that the fundamental principles of development are acceptable before developers need to get into costly, technical matters. Applications for technical details consent must be decided by the local planning authority in accordance with the terms of the 'Permission in Principle'. A grant of 'Permission in Principle' plus a grant of technical details consent equates to full planning permission.

- 5.4 Any such sites must be entered in Part 2 of the register. None of the sites identified in Part 1 of the draft Register attached are considered suitable for the grant of 'Permission in Principle' and therefore inclusion in Part 2. That is because, of the 14 sites currently in Part 1, 4 already have planning permission, 5 are currently awaiting a decision on planning applications and there is, at present, no certainty that any of the other 5 sites are currently 'available for residential development' within the terms of the Regulations. Whereas the identification of sites that qualify to feature on Part 1 of the

Register is a technical matter, the question of whether any sites featured in Part 1 should also feature in Part 2 is a matter for the Council to determine. Any planning applications for residential development on any of the sites on Part 1 would be considered through the normal Development Management process. The consideration of such applications would be unaffected by the presence of such sites on Part 1 of the Brownfield Register.

5.5 The approach taken to producing the Register was intended to be as comprehensive as possible whilst ensuring the process was efficient and proportionate and is summarised below. The register will be regularly updated. Hence any additional suitable sites can be included as part of any subsequent updates and reviews of the register. Similarly, it is not crucial that sites with the potential to feature in Part 2 are identified as such now. Current inclusion in Part 1 but exclusion from Part 2 does not prevent a site from being placed in Part 2 in subsequent reviews of the Register – if the council considers it appropriate.

5.6 Producing the Register involved the following:

- The Strategic Housing Land Availability Assessment (SHLAA) 2015 Update (of May 2016) identified brownfield sites within the various schedules. The situation with regard to each potentially suitable brownfield site was updated in order to assess their continued suitability.

The SHLAA is based on the settlement hierarchy set out in the Harborough District Core Strategy, November 2011 identifies Market Harborough as the principal town with Lutterworth and Broughton Astley as the 'Key Centres' and Billesdon Kibworth, Fleckney, Great Glen, Husbands Bosworth and Ullesthorpe as the 'Rural Centres'. Lastly, a number of 'Selected Rural Villages' are identified.

- A desk-top update of the brownfield sites identified in the SHLAA was then undertaken by a search of subsequent Development Management records of 'major' planning applications for residential developments (i.e. applications for 10 or more dwellings) with a view to identifying 'major' additional brownfield sites suitable for residential development which post-dated the SHLAA.
- Council Tax records relating to vacant residential properties were also analysed by Council Tax bands and periods of vacancy to determine potentially suitable properties for inclusion on the Register.
- Business Rates records were referred to on the basis of length of vacancy.
- A 'call for sites' to utility companies and public land-owners was undertaken who might be expected to have potentially qualifying sites available.

- A request to Development Management officers was made to identify what they consider to be potentially suitable sites when undertaking site visits around the district.
- Inspection of the 'National register of public sector land'.

5.7 It should be noted that the sites identified for inclusion in the Register were derived exclusively from the SHLAA, the search of subsequent 'major' planning applications for residential developments and the assessment of Business Rates records. The latter served not only to identify an additional site but also to confirm the suitability of some of the other sites identified.

## 6 Legal Issues

6.1 The information to be included in Part 1 and Part 2 of brownfield land registers is set out in Schedule 2 of the Town and Country Planning (Brownfield Land Register) Regulations 2017. It, and the document specifying the format of the responses to be included, are very specific as will be apparent from the draft Part 1 Register (see Appendix A). The approved Register (i.e. Parts 1 and 2) will be forwarded to the Department of Communities and Local Government by the end of December 2017 in order to comply with the regulations.

6.2 The Register is required to be reviewed at least once each year. These subsequent updates may identify new sites that come forward, delete sites that have been developed and recommend sites as being appropriate for inclusion in Part 2. Reviews will include a 'call for sites' as necessary and be incorporated into future reviews of the SHLAA and SELAA (Strategic Employment Land Availability Assessment) which themselves will be combined in future as Housing and Employment Land Availability Assessments (HELAAAs).

6.3 The Regulations specify the following (with emphasis applied):

- "Each local planning authority **must** prepare and maintain a register of previously developed land.....";
- "The register **must** be kept in 2 parts."
- "The local planning authority **must** enter land in Part 1 where the land....." is within its area and
  - a) has an area of at least 0.25 hectares or is capable of supporting at least 5 dwellings;
  - b) is suitable for residential development;
  - c) is available for residential development; and
  - d) residential development of the land is achievable.
- "The local planning authority **must** also enter land in Part 2 where—
  - (a) they have exercised their discretion to enter land in Part 1... and
  - (b) they have decided to allocate the land for residential

development...”

- “A local planning authority **must** publicise their proposal to enter land in Part 2.....”
- “A local planning authority **must**, in considering whether to enter land in Part 2, take into account any representations made.....”

N.B. What constitutes sites which are ‘suitable’, ‘available’ and ‘achievable’ for development is defined in the Regulations.

## 7 Resource Issues

7.1 DCLG considers that its new assessments will ensure that local planning authorities receive the relevant resources to meet their statutory obligations. DCLG wrote to the Council pointing out that grant funding of £14,645 would be paid (on 31<sup>st</sup> March 2017) to cover these new responsibilities with regard to the Brownfield Land Register. No further financial support will be provided.

7.2 The Government has determined that no fee will be payable for ‘Permission in Principle’ granted through a brownfield register. There will, however, be a fee for an application for subsequent technical details consent for sites granted permission in principle through the brownfield register. However, the extent to which this fee will compensate for the fee chargeable for what would otherwise have been a full planning permission has not yet been made clear.

## 8 Equality Implications

8.1 None identified.

## 9 Impact on the Organisation

9.1 None identified

## 10 Community Safety Implications

10.1 None identified.

## 11. Carbon Management Implications

11.1 None identified.

## 12. Risk Management Implications

12.1 Preparation of the Register needs to be undertaken in as comprehensive a manner as reasonably possible. Failure to do so may result in the council being criticised and an associated loss of reputation.

### 13 Consultation

- 13.1 There is no statutory requirement for consultation on the Brownfield Land Register. It will however be a public document, and will be retained as a document on the Council's website available for the public to view and download.

### 14 Options Considered

- 14.1 None identified as the preparation of Part 1 of the register, to which this report relates, is a statutory requirement.

### 15 Background Papers

- 15.1 The Town and Country Planning (Brownfield Land Register) Regulations 2017 Came into force - - 16th April 2017  
[http://www.legislation.gov.uk/uksi/2017/403/pdfs/uksi\\_20170403\\_en.pdf](http://www.legislation.gov.uk/uksi/2017/403/pdfs/uksi_20170403_en.pdf)

Brownfield registers and permission in principle: frequently asked questions  
DCLG, Published 21 April 2017

<https://www.gov.uk/government/publications/brownfield-registers-and-permission-in-principle/brownfield-registers-and-permission-in-principle-frequently-asked-questions>

Brownfield land registers: Guidance, DCLG, 28th July 2017

<https://www.gov.uk/guidance/brownfield-land-registers>

Brownfield Land Registers Data Standard: Preparing and publishing a register  
DCLG, July 2017

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/633593/BrownfieldLandRegisters-DataStandard.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/633593/BrownfieldLandRegisters-DataStandard.pdf)

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**Previous report(s):** none

**Information Issued Under Sensitive Issue Procedure:** No

**Ward Members Notified:** No – this is a district-wide issue

**Appendices:**

- A. Draft Brownfield Land Register: Part 1
- B. Draft Brownfield Land Register: Part 2