

PART A

Report to: Cabinet
Date of meeting: 3rd July 2017
Report of: Planning Policy Section Head
Title: Brownfield Land Register

1.0 Summary

1.1 This report is to inform members about the new **Town and Country Planning (Brownfield Land Register) Regulations 2017 and Town and Country Planning (Permission in Principle) Order 2017**. The Regulations require local authorities to prepare and maintain registers of brownfield land that is suitable for residential development. The Order enables local authorities to grant planning permission in principle on suitable sites by entering them on Part 2 of the register. There is currently no statutory requirement for sites to be entered on Part 2.

1.2 Local Authorities are expected to have compiled their registers by 31 December 2017. This report discusses the implications of the new legislation and asks for delegated authority to enter sites onto the register in order to comply with the deadline.

2.0 Recommendations

2.1 That members note the new legislation.

2.2 That delegated authority be given to the Section Head for Planning Policy to maintain, update and publish the Brownfield Land Register

2.3 That delegated authority be given to the Deputy Managing Director Place Shaping and Corporate Performance in consultation with the Portfolio Holder for Planning to undertake an annual review of those sites listed on the Brownfield Land Register.

2.4 It should also be noted that Regulation 19 specifically excludes any decision to grant Permission in Principle being an Executive Decision; a report will be taken to Council setting out the process for deciding Part 2 registrations.

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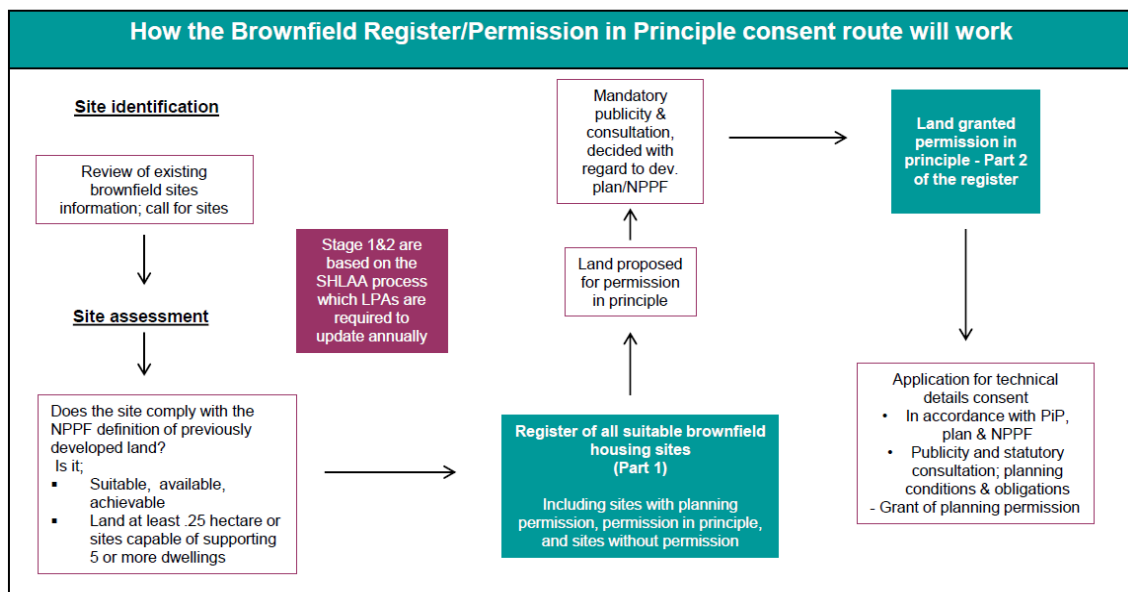
Report approved by: Nick Fenwick, Deputy Managing Director

3.0 Detailed proposal

3.1 Background

The Brownfield Register is in two parts, Part 1 will be a comprehensive list of all brownfield sites in the local authority area of 0.25ha that are suitable for housing-led development, irrespective of their planning status. Registers will also be a vehicle for granting permission in principle (PiP) for suitable sites by placing sites on Part 2 of the register. Putting a site on Part 1 of the register does not mean it will be granted PiP.

3.2 Account must be taken of the National Planning Policy Framework and the local development plan when identifying sites to include in the register ensuring that environmentally valuable sites and heritage assets are protected.



3.3 Brownfield Registers

Brownfield Registers will provide up-to-date, publicly available information on brownfield land within Watford that is suitable for housing. This will improve the quality and consistency of data to provide certainty for developers and communities, encouraging investment in suitable locations. Brownfield Registers are required to include all brownfield sites of 0.25ha or more that are suitable for housing development irrespective of their planning status.

3.4 All local planning authorities will be required to include a consistent set of information on their registers; technical guidance on the format that this should take is expected from CLG in Summer 2017.

3.5 The regulations set out the process for identifying suitable sites, including the requirements for keeping a register and the criteria for assessing sites. Sites must be suitable, available and achievable. Land that no longer meets the criteria must be removed from Part 1. Information on sites suitable for housing led development is already available as part of the Local Plan evidence base. This will be updated through the Housing and Economic Land Availability Assessment (HELAA) and call for sites over the summer. It is proposed to use this information to enter all suitable sites onto Part 1 of the register.

3.6 **Permission in Principle**

The permission in principle consent process provides a new route to planning permission through a two stage process:

- Permission in principle (PiP) will settle the fundamental principles of development (use, location, amount of development) for the brownfield site giving developers more certainty about what is appropriate. Development cannot proceed until Technical Details Consent has been obtained.
- Technical Details Consent (TDC) will assess the detailed design, ensure appropriate mitigation of impacts and secure contributions.

Both the PiP and the TDC must be determined in accordance with the local development plan, the NPPF and other material considerations.



3.7 The regulations set out the requirements for publicity and consultation where an authority proposes to enter sites on Part 2 of the register and so grant Permission in Principle.

3.8 This does not replace existing routes for obtaining planning permission.

3.9 **Benefits**

The Brownfield Land Register is a statutory obligation. Watford Borough Council will need to have at least a Part 1 register in place by 31 December 2017. The identification of sites on the Part 1 list will help support housing delivery.

3.10 The optional (currently) Part 2 PiP section of the register would offer greater certainty to the landowner or developer while minimising cost. The Government consider that this will speed up the process of gaining planning permission. Sites granted PiP will be guaranteed development sites to meet housing delivery targets and establish a 5 year land supply.

- 3.11 It is proposed that the Planning Policy team in Place Shaping and Performance keep, update and maintain the Brownfield Land Register. It is therefore proposed that it be delegated to the Section Head for Planning Policy and that the Deputy Managing Director in consultation with the Portfolio Holder for Planning review it annually.

4.0 **Implications**

4.1 **Financial**

- 4.1.1 The Shared Director of Finance comments that the Council received £14,645 in March 2017 to cover the additional costs.

4.2 **Legal Issues (Monitoring Officer)**

- 4.2.1 The Head of Democracy and Governance comments that the legal implications are contained within the body of the report. Any decision to put an entry onto part 2 of the Register Permission in Principle is a council function and a report will be taken to Council to explain the process and seek delegated authority.

4.3 **Equalities/Human Rights**

- 4.3.1 Equalities Impact Assessment will be undertaken as part of the usual planning process.

4.4 **Potential Risks**

Potential Risk	Likelihood	Impact	Overall score
Not having the register in place could lead to penalties.	3	1	3
Changes in legislation after the election.	3	2	6
Those risks scoring 9 or above are considered significant and will need specific attention in project management. They will also be added to the service's Risk Register.			

4.5 **Staffing**

- 4.5.1 Services from Planning Policy and Development Management will be required to support the smooth introduction of the brownfield land register. Grant funding has been made available to support this function.

4.6 **Accommodation**

- 4.6.1 No impact.

4.7 **Community Safety/Crime and Disorder**

- 4.7.1 No impact beyond that dealt with the normal planning process.

4.8 Sustainability

4.8.1 No impact beyond that dealt with the normal planning process.

Appendices

None.

Background Papers

- The Town and Country Planning (Brownfield Land Register) Regulations 2017
<http://www.legislation.gov.uk/uksi/2017/403/contents/made>
- The Town and Country Planning (Permission in Principle) Order 2017
<http://www.legislation.gov.uk/uksi/2017/402/schedule/made>
- Housing and Planning Act 2016
<http://www.legislation.gov.uk/ukpga/2016/22/contents/enacted/data.htm>

File Reference

None.