

Decision Maker: **DEVELOPMENT CONTROL COMMITTEE
EXECUTIVE COMMITTEE**

Date: **Thursday 16 November 2017
Friday 15 December 2017**

Decision Type: Non-Urgent Executive Non-Key

Title: **DEVELOPMENT AND PUBLICATION OF PART 1 OF
BROMLEY’S BROWNFIELD LAND REGISTER**

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Chief Officer: Chief Planner

Ward: All Wards

1. Reason for report

- 1.1 This report advises Members of the requirement introduced by the *Brownfield Land Register Regulations (2017)* to prepare and publish a register of previously developed land (brownfield land) which they consider appropriate for residential development within their area in a Brownfield Land Register by 31 December 2017; and to review it annually. It seeks members approval of the sites proposed for inclusion in Bromley’s Land Register. A summary version is set out in Appendix 1.
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2. **RECOMMENDATIONS**

2.1 **That the Development Control Committee:**

- a) Endorse and recommend to the Executive that the Brownfield Land Register comprise the sites set out in Appendix 1. in line with the requirements of the *Town and Country Planning (Brownfield Land Register) Regulations 2017* (the “Regulations”).

2.2 **That the Executive:**

- a) Agree that Bromley’s Brownfield Land Register comprise the sites set out in Appendix 1. in line with the requirements of the Regulations.
- b) Authorise the Chief Planner to finalise the detail of the Brownfield Land Register prior to publication by the 31st December 2017 in line with the Regulations.

Impact on Vulnerable Adults and Children

1. Summary of Impact: None
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Corporate Policy

1. Policy Status: N/A
 2. BBB Priority: Quality Environment:
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Financial

1. Cost of proposal: No Cost: Officer Time
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Not Applicable
 4. Total current budget for this head: £14,645
 5. Source of funding: 2016/17 New Burdens Grant funding for Brownfield Register
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Personnel

1. Number of staff (current and additional): Not Applicable
 2. If from existing staff resources, number of staff hours: Not Applicable
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Legal

1. Legal Requirement: Statutory Requirement:
 2. Call-in: Applicable
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Procurement

1. Summary of Procurement Implications: Not Applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Not Applicable
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: Not Applicable

3. COMMENTARY

4. Background

4.1 *The Town and Country Planning (Brownfield Land Register) Regulations 2017* came into force on 16th April 2017 and introduced the requirement for all Local Planning Authorities in England to prepare, maintain and publically publish registers of previously developed land (brownfield land) within their area that they consider appropriate for residential development in a “Brownfield Land Register”. The deadline for publication of the register is 31 December 2017. There is a requirement for the register to be updated annually thereafter.

4.2 Annex 2 of the *National Planning Policy Framework* defines “Brownfield Land” 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 has been occupied by agricultural or forestry buildings,*
- *Land that has been developed for minerals extraction or waste disposal by landfill purposes 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, Land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.*

4.3 The purpose of the register is to provide certainty for local authorities, developers and communities and encourage investment on brownfield land. Registers will enable the aggregation of data on brownfield land that is suitable for housing, including progress being made on getting planning permissions in place. The register may contain two parts. This report is concerned with the **Part 1** of the register which is required by the 31st December deadline. The purpose of Part 1 is to provide up to date information on sites that Local Authorities consider appropriate for development. There is no requirement to consult on the sites to be included on Part 1 of the Register and the guidance recognises that most of the sites will come from sources well known to the Local Authority such as sites with planning applications in the pipeline as well as site allocations and sites in the housing trajectory which have already been consulted on.

4.4 **Part 2** of the Brownfield Land Register can be used as a vehicle for granting “*Permission in Principle*” on sites which meet the criteria for inclusion in Part 1. helping to increase the number of planning permissions for new homes. “**Permission in principle**” is an alternative way of obtaining planning permission and separates matters of principles from the technical details of development for housing, retail, office and community facilities. An explanation of Permission in Principle and associated consultation requirements are set out in the *Town and Country Planning Brownfield Land Regulations (2017)* and in *The Town and Country Planning (Permission in Principle) Order 2017*. There is no requirement for Bromley to publish a Part 2 to the Register and it is not considered that it would be timely or appropriate to do so at this stage.

4.5. In recognition of the additional burden introduced by the *Town and Country Planning (Brownfield Land Register) Regulations 2017* and *The Town and Country Planning (Permission in Principle) Order 2017* the Council, in line with other local authority responsible for making planning decisions received a new burdens grant payment. This is £14,645 for 2016/17. This amount was carried forward to 2017/18. The amount of funding available onwards will be kept under review.

5. Sites for Inclusion in Part 1 of the Brownfield Land Register

5.1 Regulation 4 of the *Brownfield Land Regulations 2017* defines criteria for entering land on **Part 1** of the register with Planning Policy Guidance issued by the Department of Communities and Local Government providing further information. Requirements for criteria b, c and d is summarised below (criterion a. being self-explanatory).

- 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; i.e.*
 - Being land which at the entry date is either allocated for development in the Local Authority's' Development Plan, has planning permission of any form or is appropriate for development in the opinion of the Local Authority having regards to any adverse impacts on the natural or local built and historic environments particularly.
- c. *The land is available for residential development; i.e.*
 - Being land which a developer has expressed intention to sell/develop no less than 21 days before its entry date on the register with no evidence of change resulting from publicly available information and reps and no ownership/legal issues known to the Local Authority.
- d. *Residential development of the land is achievable, i.e.*
 - Being land where development is likely to take place within 15 years of the entry date considering publicly available information and representations made on the Local Plan or on any planning applications relating to these sites.

5.2 On the basis of the criteria above, sites proposed to be included in Bromley's Brownfield Register are set out in Appendix 1 and comprise:

- Sites with planning permission for 5 or more units or of at least 5ha in size and known to be capable of residential development.
- Site Allocations for residential or mixed use development included in Appendix 10.1 of the Draft Local Plan and in Bromley Town Centre's Area Action Plan where these are not superseded or implemented.

6. Information to be Included on the Register and Data Standard

6.1 The Information required to be included in the Register is listed in Schedule 2 under Regulation 15 of the *Brownfield Land Register Regulations (2017)*. The DCLG has also produced the *Brownfield Land Register Data Standard* which sets out the national data standard that all local planning authorities in England are encouraged to follow in preparing and publishing their Brownfield Land Registers. Regulation 18.2- of the *Brownfield Land Register Regulations* sets out that Local Authorities may be required by the DCLG to provide data in this particular format. The Brownfield Land Register is thus being prepared in line with the format and methodology outlined in the Guidance and a summary version which includes the key information which it is mandatory to provide and is of relevance to **Part 1** is included in Appendix 1. Fields are not being displayed where they are not relevant to Part 1, are not mandatory to provide or consist of technical and/or factual information which will be finalised in advance of publication (such as for the geographical coordinates of sites).

6.2 A non-detailed summary of the information required by the guidance to be displayed in the Register is set out below and the fields which have been included in the Summary Register or will be displayed in the Part 1 Register for publication once finalised are also listed:

- A reference number, a name and address, a map or plan, geographical coordinates and the size of each of the sites included (in ha).
 - Corresponding fields in the Summary Register include: [Site Reference] expressed as *BLR1,2,3* etc., [SiteNameAddress], [Ward], [SitePlanURI] and [Hectares].
- The name of the Local Authority the land is in and the relevant Open Source URI from the DCLG;
 - Corresponding fields in the final Part 1 Register will include [Organisation URI] which will be expressed as <http://opendatacommunities.org/id/london-borough-council/bromley> and [Organisation Label] which will be expressed as “*London Borough of Bromley*”.
- Information about the ownership status of the land:
 - The corresponding field in the Summary Register is [Ownership Status]. This is expressed as either “*Owned by the London of Bromley*”, “*Mixed Ownership*” (where the land is partly publicly as well as privately owned) or “*Unknown Ownership*” (where the land is privately owned).
- A note stating whether the land is “*deliverable*” or not as per the definition provided in Appendix 2 of the National Planning Policy Framework. Deliverable sites are sites which are “*suitable for development now*”, are “*achievable with a realistic prospect that housing will be delivered on the site within five years*” and where “*development is viable*”. In accordance with this definition it includes sites with planning permission in place and Site Allocations in the Draft Local Plan which are known to Bromley as being implementable within the next five years.
 - Where a site is considered to be deliverable, the corresponding [Deliverable]. Field in the Summary Register has been updated to “Yes”. Where a site is likely to start delivery within five years but to be completed over a longer time period, this will read “PART”.
- A note stating whether the site has planning permission, and information regarding the type of any such permission and the date when it was permitted where applicable;
 - Corresponding fields in the Summary Register include the self-explanatory [Planning Status], [Permission Type] and [Permission Date].
- Where the land has planning permission, the description of any proposed housing development on the land and of the scale and uses associated with any proposed non-housing development, as well as the minimum net number of dwellings which, in the authority’s opinion, the land is capable of supporting;
 - Corresponding fields in the Summary Register include the [Residential Development Description] and [Non Housing Development Description] fields as well as [MinNetDwellings] which expresses the number of dwelling the site has permission or is allocated for.
- The date that the land was first entered in the register and, where applicable, the date that information about the land was last updated in the register. The corresponding field which is relevant for the publication Part 1 of the Register will be [FirstAddedDate] which will be expressed as its date of publication (December 21 2017).

- The Data Standards encourage the inclusion of fields proving links to further sources of information about individual sites included in Part 1 of the Register, to be populated prior to publication as appropriate.

7. Next steps

7.1 The Brownfield Land Register will be finalised and published on the Council's website by the 31st December 2017 in both an Open Source and user friendly format. Information about the sites will be updated on an annual basis meeting the requirements of the *Brownfield Land Regulations 2017*. Sites will be removed where they no longer meet the criteria for inclusion and new sites added as appropriate considering available sources.

8. POLICY IMPLICATIONS

8.1 Planning applications for sites included in Part.1 of the Brownfield Land Register will be considered against the UDP, the Draft Local Plan (which once adopted will replace the UDP) , the BTCAAP and the London Plan which together form the Development Plan for the Borough.

9. LEGAL IMPLICATIONS

9.1 The Council is required to publish a Brownfield Land Register (Part.1) by the 31st December 2017 in line with the Brownfield Land Register Regulations 2017.

10. FINANCIAL IMPLICATIONS

10.1 In recognition of the additional burden introduced by the *Town and Country Planning (Brownfield Land Register) Regulations 2017* and *The Town and Country Planning (Permission in Principle) Order 2017* the Council, in line with other Local Authorities responsible for making planning decisions, received a new burdens grant payment. For 2016/17 it is £14,645. This amount was carried forward to 2017/18. Further grant payments will be available for 2017/18, 2018/19 and 2019/20, however the actual amounts have not yet been announced.

Non-Applicable Sections:	Impact on Vulnerable Adults and Children Personnel Implications Procurement Implications
Background Documents: (Access via Contact Officer)	Link to Brownfield Land Register Regulations 2017 Link to Brownfield Land Register and Permission in Principle Planning Policy Guidance (DCLG) Link to Brownfield Land Register Data Standard Guidance 2017 DCLG Link to the Proposed Submission Draft Local Plan (November 2016)