

North East Derbyshire District Council

Cabinet

13 December 2017

Publication of Brownfield Land Register

Report of Councillor M Gordon, Portfolio Holder with Responsibility for Environment

This report is public

Purpose of the Report

- To inform Cabinet of the preparation of North East Derbyshire's Brownfield Land Register
- To seek approval of the contents of the Brownfield Land Register for its publication on the Council's website

1 Report Details

- 1.1 The purpose of Brownfield land registers is to provide up-to-date and consistent information on previously developed land that is considered to be appropriate for residential development. The Government hopes that this will provide certainty for developers, landowners and communities and encourage investment on brownfield land. However it is important to note that this exercise is separate from the need to produce a Local Plan and maintain a 5 year supply of available and deliverable housing land and in no way replaces these requirements.
- 1.2 The Town and Country Planning (Brownfield Land Register) Regulations 2017 requires that each local planning authority must prepare, maintain and publish a register of previously developed (brownfield) land. This register must be published by 31st December 2017 and should be reviewed at least once a year. The National Planning Practice Guidance (NPPG) updated on 28th July 2017 describes the Governments' requirements in more detail.
- 1.3 Brownfield land is referred to as 'previously developed land' which has the same meaning as land of that description in Annex 2 of the National Planning Policy Framework (NPPF): "*Land which is or was occupied by a permanent structure, including the curtilage of developed land and any associated fixed surface infrastructure*"; this excludes land occupied by agricultural or forestry buildings, developed land for mineral extractions or waste disposal by landfill purposes, land in built-up areas such as private residential gardens, parks, recreation grounds and allotments and previously developed land which has blended into the landscape in the process of time.

- 1.4 Regulation 4 of the Town and Country Planning Regulations 2017 requires including all Brownfield sites which fulfil the following criteria:-
- (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.*
- 1.5 Brownfield Land Registers consist of 2 parts:-
- Part 1 should comprise all brownfield sites that a local planning authority has assessed as appropriate for residential development, having carried out any procedures such as consultation which they consider appropriate. This will include sites with extant full planning permission, outline planning permission and permission in principle as well as sites without planning permission.
 - Part 2 is a subset of Part 1 and should comprise only those sites in Part 1 where the local planning authority has decided that the land would be suitable for a grant of permission in principle for residential development. This part of the register is optional.
- 1.6 North East Derbyshire's Brownfield Land Register currently comprises a Part 1 register. Part 2 of the register requires significant work to complete, which includes undertaking the necessary requirements for publicity, notification and consultation, similar to that required for a planning application. Article 4 of the Town and Country Planning (Permission in Principle) Order 2017 then grants permission in principle for the development of land that is entered in Part 2 of a brownfield land register. It has not been possible to undertake this discretionary element of work within the timescales. Consideration will be given to completing Part 2 of the register in future years if appropriate.
- 1.7 In July 2017 the Department for Communities and Local Government (DCLG) published a "Brownfield Land Registers Data Standard" which lays out how a register has to be prepared and published. The Data Standard provides that a brownfield land register is to be published in a spreadsheet style in which each row represents a single brownfield site and comprises 28 columns. The Data Standard defines how each of the column is filled in, e.g. Column 6 has to include an URL to a web page (NEDDC website) giving a site plan for the site. Once completed the Data Standard also sets out that registers have to be published in a 'csv' format which can be read by a wide range of proprietary and open source tools.
- 1.8 In order to prepare a Brownfield Land Register for North East Derbyshire different sources of datasets were utilised including the National Land Use Dataset (NLUD), the Council's updated Urban Capacity Study, Housing Land Availability Assessment (Housing LAA) and proposed Housing Allocations for the emerging Local Plan. In addition all planning permission granted between 1st April 2014 and 31 October 2017 (in accordance with the financial year and other monitoring work) or which currently are subject to a planning application for housing have been considered. With the exception of current planning applications all sites have been selected from existing Council approved data sources in the public domain.

- 1.9 In total, 31 brownfield sites have been identified which comprise approximately 115 ha of housing land and could accommodate up to 2,125 dwellings (see Appendix 1). Site size ranges from 0.04 ha to 50.13 ha and includes the former Biwaters site and part of the Avenue site. Within the register it is also indicated whether a specific site is 'deliverable' (i.e. that development could take place on the land within 5 years). This illustrates the clear distinction between the Register and the Local Plan and 5 Year supply, the Register can include **all sites** considered **suitable** for development, whereas the Local Plan and 5 year supply can only include those sites that are **deliverable**, i.e the land is available and capable of development, and there is a willing land owner/developer interest.
- 1.10 **Appendix 1** comprises a list of all sites identified on the Brownfield Land Register. **Appendix 2** provides maps of the identified brownfield sites within the Brownfield Land Register.

2 Conclusions and Reasons for Recommendation

- 2.1 This report sets out the Government's requirements for preparing, maintaining and publishing a register of previously developed (brownfield) land. The North East Derbyshire Brownfield Land Register takes into account potential sites from a range of sources including the former National Land Use Database (NLUD), the updated Urban Capacity Study, the up-to-date Housing LAA and the proposed Housing Allocations in the emerging Local Plan. This was complemented by an analysis of all brownfield sites with planning permission or brownfield sites which are currently subject to a planning application.
- 2.2 In total, 31 brownfield sites have been identified which comprise approximately 115 ha of land that could accommodate up to 2,125 dwellings (see Appendix 1). These figures include sites with Planning Permission and sites allocated in the emerging Local Plan, including the former Biwaters site and part of the Avenue site. It also includes sites that whilst potentially suitable for housing development, not necessarily available or capable of development without significant investment. For these reasons the Brownfield Land Register is no more than a list of possible sites and does not replace the need for the Local Plan to identify sufficient suitable, available and deliverable land for both the 5 year supply and the plan period.

3 Consultation and Equality Impact

- 3.1 There is no requirement for carrying out consultation on Part 1 of the Brownfield Land Register. There are no implications for equalities issues. The Brownfield Land Register represents all suitable brownfield sites within the district but does not set policies.

4 Alternative Options and Reasons for Rejection

- 4.1 The Council has a statutory duty to prepare, maintain and publish a Brownfield Land Register as set out in paragraph 1.2 above. Given the current priority to deliver a Local Plan at the earliest opportunity it was considered inappropriate to focus additional resources on Part 2 of the Brownfield Land Register. This is however something that can be considered for future updates to the register as necessary.

5 Implications

5.1 Finance and Risk Implications

5.1.1 The Brownfield Land Register involves the statutory requirement to prepare, maintain and publish annually up-to-date and consistent information on sites. Apart from other datasets, the CDP Smart monitoring system is used to generate reports on brownfield sites. CDP Smart has an annual maintenance charge in the region of £800.00 which is accommodated within existing budgets. In future, there may also be an opportunity to enhance the CDP Smart system to record and monitor information on Brownfield Land Register, this may have additional cost implications

5.2 Legal Implications including Data Protection

5.2.1 The Council has a statutory duty to prepare, maintain and publish a brownfield land register. The Town and Country Planning (Brownfield Land Register) Regulations 2017, the National Planning Policy Guidance and the Brownfield Land Registers Data Standard set out the statutory procedures for preparing brownfield land registers. Council's must produce a Part 1 Register, but the Part 2 register is discretionary. The Council has followed procedures in the preparation of North East Derbyshire's Brownfield Land Register Part 1 Register. It is not proposed to complete a Part 2 Register at this time and there is currently no obligation to do so.

5.2.2 There are no specific environmental, crime and disorder, design or community safety considerations arising out of the preparation of the Brownfield Land Register.

5.3 Human Resources Implications

5.3.1 There is a need to ensure that resources in the planning service are sufficient to carry out preparing, maintaining and publishing the Brownfield Land Register on an ongoing basis.

6 Recommendations

- a) It is recommended that Cabinet Approves the content of North East Derbyshire's Brownfield Land Register for its publication on the Council's website.

7 Decision Information

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies</p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>District Wards Affected</p>	None
<p>Links to Corporate Plan priorities or Policy Framework</p>	All

8 Document Information

Appendix No	Title
Appendix 1 Appendix 2	Brownfield sites list Inset maps of brownfield sites
<p>Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>	
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