

# North East Derbyshire District Council

## Cabinet

13 February 2020

### **Publication of Brownfield Land Register Update**

#### **Report of Councillor C Cupit, Portfolio Holder with Responsibility for Environment & Climate Change**

This report is public

#### **Purpose of the Report**

- To inform Cabinet of the updated content of North East Derbyshire's Brownfield Land Register; and to seek approval for its publication on the Council's website

#### **1 Report Details**

1.1 The Town and Country Planning (Brownfield Land Register) Regulations 2017 require each local planning authority to maintain a register of previously developed (brownfield) land that is considered to be appropriate for residential development. For land to be included on the register it should be at least 0.25 hectares or capable of supporting at least 5 dwellings, be available and suitable for residential development and be achievable. 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 terms 'brownfield land' and 'previously developed land' are defined in Annex 2 of the National Planning Policy Framework (NPPF) 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 was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape."*

1.3 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.

- 1.4 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 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 grants permission in principle for the development of land that is entered in Part 2 of a brownfield land register. Consideration will be given to completing Part 2 of the register in future years if appropriate.
- 1.5 The Council's Brownfield Land Register was first published in December 2017 and was based upon a range of data sources, including, the National Land Use Dataset (NLUD), the Council's updated Urban Capacity Study, Housing Land Availability Assessment and sites with planning permission. In 2017, there were 31 brownfield sites in total with a capacity of up to 2125 dwellings.
- 1.6 Updates to the register were made in March and December 2018, which deleted seven sites and added two new sites giving a total of 26 brownfield sites with a capacity of up to 2,038 dwellings. Since this time the Government has published updated guidance on the data format and publication process for brownfield land registers. This now means that if a site no longer fulfils the criteria needed for inclusion on the register it should not be deleted, but instead an "EndDate" field should be completed to identify the date at which it ceased to be considered an appropriate site, or was built out.
- 1.7 The current, 2019 update has involved a review of all sites on the 2018 register along with consideration of new sites identified from planning permissions and applications since 1<sup>st</sup> April 2016. The cut-off date for such sites was 31<sup>st</sup> October 2019. For three sites on the register the "EndDate" field has been completed because they no longer fulfil brownfield land criteria. One new site has been added in Clay Cross where full planning permission was granted in June 2019 for the conversion of a disused public house into six apartments (see site Plan at Appendix 1).
- 1.8 In total, there are 24 brownfield sites on the updated 2019 Brownfield Register which comprise approximately 92 ha of housing land which could accommodate up to 1,696 dwellings. Site size ranges from 0.02 ha to 36.5 ha and includes the former Biwaters site and part of the Avenue site.
- 1.9 Housing allocations as part of a Local Plan are scrutinised formally, through public consultation and examination. Sites with outline planning permission or identified on a brownfield land register can only be included within the 5 year housing land supply, if the local planning authority can demonstrate deliverability with firm evidence. This illustrates there is a clear distinction between the Local Plan/ 5 year supply and the Brownfield Land Register; for the latter, there is no requirement to undertake public consultation nor is firm evidence needed to include sites. The register is therefore separate from the need to produce a Local Plan and maintain a 5 year supply and in no way replaces these requirements.

- 1.10 Appendix 2 comprises a list of all sites identified on the Brownfield Land Register. All site plans of the identified brownfield sites will be published online.

## **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 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 currently are subject to a planning application.
- 2.2 In total, 24 brownfield sites have been identified which comprise approximately 92 ha of land that could accommodate up to 1,696 dwellings (see Appendix 2). These figures include the former Biwaters site and part of the Avenue site.

## **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 Part 1 of a Brownfield Land Register. The production of a Part 2 to the Brownfield Land Register is discretionary. This is something that can be considered for future updates to the register if required.

## **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 £900.00 which is accommodated within existing budgets.
- 5.1.2 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 updated guidance on data format set out the statutory procedures for preparing brownfield land registers. These

procedures have been followed in the preparation of North East Derbyshire's Brownfield Land Register.

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**

6.1 It is recommended that Cabinet:

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

## 7 **Decision Information**

<b>Is the decision a Key Decision?</b> 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: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>Has the relevant Portfolio Holder been informed</b>	Yes
<b>District Wards Affected</b>	None
<b>Links to Corporate Plan priorities or Policy Framework</b>	All

8 **Document Information**

Appendix No	Title
Appendix 1 Appendix 2	Site plan -Clay Cross 19/00269/FL Brownfield sites list
<p><b>Background Papers</b> (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>	
Report Author	Contact Number
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