

SUBJECT:	<i>Brownfield Land Register</i>
REPORT OF:	<i>Cllr Peter Martin – Sustainable Development</i>
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WARD/S AFFECTED	<i>All</i>

1. Purpose of Report

- 1.1. There is a new statutory requirement for the Council to prepare and publish a Brownfield Land Register for Chiltern District. The Cabinet at the meeting held on 19 September 2017 agreed the draft Register for consultation, subject to all Members receiving a copy of the draft Register. The Cabinet also recommended that Council agree that the decision to enter land in Part 2 of the Register be delegated to the Planning Committee, and be treated in the same way as other planning applications so that any Chiltern Councillor could refer a proposed entry into Part 2 of the Register to Planning Committee for consideration. The Council are therefore asked to agree the recommendations below.

RECOMMENDATIONS

- 1 That the decision to enter land in Part 2 of the Brownfield Land Register is delegated to the Planning Committee; be dealt with under the Scheme of Officer Delegations in the same way as planning applications, including being subject to a Chiltern District Member referring a proposed entry in Part 2 of the Register to the Planning Committee for consideration where appropriate.
- 2 That the Head of Legal and Democratic Services be authorised to amend the Council's Constitution to reflect the new Brownfield Land Register functions and associated delegations

2. Reasons for Recommendations

- 2.1. The recommendations enable the Council to discharge its new statutory functions in respect of Brownfield Land Registers and ensure that a Register can be prepared and consulted on in a timescale that will allow the government's stipulated publication date of 31 December 2017 to be achieved.

3. Content of Report

- 3.1 New Regulations require each local authority to prepare and maintain a Register of brownfield land that is suitable for residential development. The register must be available for public inspection and published on the Council's website. The regulations set out the specific form that the Register should take and impose a deadline of 31 December 2017 for the Register to be published. Local authorities are expected to carry out consultation on a draft Register

before it is published in its final form and must carry out consultation where they propose to enter any brownfield land into Part 2 of the Register.

- 3.2 The Brownfield Land Register must be divided into 2 parts which have different functions. Part 1 of the Register lists all brownfield sites in a local authority area that are considered to be appropriate for residential development, based on whether residential development is suitable, available and achievable, and taking into account the development plan and national policy. Part 2 of the Register is a subset of Part 1 and contains a list of sites which, by being on the Register, are automatically granted planning permission in principle for housing development.
- 3.3 Brownfield Land Registers will sit alongside Local Plan site allocations and form an additional part of the Local Plan evidence base. They will share a lot of information with the Housing and Economic Land Availability Assessment (HELAA). This means that most of the sites and data to be included will already be in the public domain.
- 3.4 Planning permission in principle is a new planning designation. It settles the fundamental principles of development (use, location, amount of development) for a brownfield site giving developers and applicants more certainty. However, a developer cannot proceed with development until they have also obtained technical details consent. This will assess the detailed design, ensure appropriate mitigation of impacts and that any contributions to essential infrastructure are secured. Both the permission in principle (no fee payable) and the technical details consent (fee payable) stages must be determined in accordance with the local development plan, the National Planning Policy Framework and other material considerations.
- 3.5 Planning permission in principle will work alongside, not replace, existing routes for obtaining planning permission. It can only be granted for housing-led developments (i.e. the majority of the proposed floorspace must be housing). It is similar to, although not the same as, the existing outline planning permission route which will remain in place. Planning permission in principle is intended to be an easier and cheaper mechanism for providing early certainty on in-principle matters.
- 3.6 Entering a site onto Part 2 of the Register represents a grant of planning permission and this function is reserved to Full Council rather than Cabinet for approval. It is proposed that the decision to enter land into Part 2 of the Register is delegated to the Planning Committee and is subject to the same delegations to officers as apply to planning applications. The Cabinet, at the meeting held on 19 October, requested that for the avoidance of doubt that any proposed entry into Part 2 of the Register be subject to a Chiltern District Councillor 'calling in' a proposed entry to the Planning Committee for consideration.
- 3.7 The Cabinet meeting on 19 September approved the draft Register to public consultation, subject to all Members of the Council receiving a copy. This was a non-key decision. The Cabinet also agreed to delegate the publication of the final Register, together with any future

updates, to the Head of Sustainable Development in consultation with the Portfolio Holder. The form of the Register and the sites to be included are currently under development, but the criteria for inclusion of land are prescribed by the Regulations, as is the format of the Register itself.

4. Consultation

- 4.1. Details of consultation on the draft Brownfield Land Register are still under development but it is intended that the following will be included:
- contacting landowners of sites proposed for inclusion (sites of which the Council is already aware via the HELAA)
 - consulting with people registered on the joint Local Plan database
 - consulting with parish councils and neighbourhood plan groups
 - publicising the draft Register on the Council's website
- 4.2. It is intended that consultation will commence in late September allowing a period of six weeks for parish councils and neighbourhood plan groups and three weeks for other stakeholders, as prescribed in the Regulations.

5. Options

- 5.1. Production of a Brownfield Land Register is a statutory requirement and the timetable for final publication of the document is similarly imposed on local authorities. Regulations and guidance relating to production of the Registers set out in some detail the process for including any individual site on the Register. Therefore there is no other option available.

6. Corporate Implications

6.1 Financial

The DCLG have advised by letter to the Chief Planning Officer dated 31 March 2017 that local planning authorities will receive new burdens grant payments to fulfil the new requirements. They advised that "Each local authority responsible for making planning decisions will receive a new burdens grant payment of £14,645 for 2016/17. Local planning authorities will receive further grant payments for 2017/18, 2018/19 and 2019/20; the amount of funding from 2016/17 onwards will be kept under review."

6.2 Legal

The Council has a duty to publish a Brownfield Land Register by 31 December 2017 under the provisions of the Town and Country Planning (Brownfield Land Register) Regulations 2017 which set out the criteria for inclusion of land and the format of the register itself. The decision to enter land into Part 2 of the Register which grants the new designation of "planning permission in principle" is reserved as a Council function alongside Council's other Town and Country Planning Act functions.

6.3 ICT

Details of sites on the Register will be held on corporate ICT systems and some minor changes to the Uniform database and to related Development Management procedures are likely to be required.

7. Links to Council Policy Objectives

- 7.1. Brownfield Land Registers support in particular Key Themes 1 and 2 of the Council. These are "Thriving Economy" – the Register will encourage and facilitate development which will have a positive effect on the local economy – and "Sustainable Environment" – by focussing on brownfield sites the Register will encourage the development of these which will in turn reduce development pressure in less sustainable, greenfield locations. By so doing the Register will assist compliance with the Council's headline objective of "Striving to conserve the environment and promote sustainability."

8. Next Steps

- 8.1. The full Register will be published in December 2017 subject to the recommendations in this report being approved.

Background Papers:	None other than referred to in this report
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