

BROWNFIELD LAND REGISTER

Cabinet Member: Councillor David Johncock

Ward(s) Affected: all

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PROPOSED RECOMMENDATION TO COUNCIL

That delegated authority be granted to the Head of Planning and Sustainability to produce and publish a Brownfield Register for the District as required by The Town and Country Planning (Brownfield Land Register) Regulations 2017, and to update the register as and when required.

Reason for Decision

Publishing the Register will meet the requirements of the Regulations above. The first Register is to be published by December 31st 2017 and updated annually. The Register is intended to promote the re-development of Brownfield sites within the District, potentially resulting in investment and regeneration.

Corporate Implications

1. The Town and Country Planning (Brownfield Land Register) Regulations 2017, No.403, Department for Communities and Local Government. Paragraph 19 of the Regulations states that :

19.—(1) The Local Authorities (Functions and Responsibilities) Regulations 2000(21) are amended in accordance with paragraph (2).

(2) In Schedule 1 (functions not to be the responsibility of an authority's executive), in column (1) (function), in Part A (functions relating to town and country planning and development control), below the entry numbered "31" insert "32. Duty to enter land in Part 2 of the brownfield land register." and at the corresponding place in column (2) (provision of act or statutory instrument) insert "Regulation 3 of the Town and Country Planning (Brownfield Land Register) Regulations 2017."

2. Earlier this year the Council received £14,645 of funding for the 2016/17 financial year from CLG under the "New Burdens Funding for the Brownfield Register and Permission in Principle". Three further years of funding are to be provided but the amount and the criteria for receiving the funding is currently unknown.

The main risk is that if the Council does not prepare and publish the register before 31 December 2017 it may be penalised in terms of any additional grant funding from Government.

Executive Summary

1. This report seeks delegated authority to produce and publish a Brownfield land register. This will consist of previously developed sites considered suitable for residential development. For the initial published register sites are only to be entered in Part 1 of the Register (all brownfield sites appropriate for residential development) and not Part 2 (sites granted permission in principle).

Sustainable Community Strategy/Council Priorities - Implications

2. Publication of the Brownfield Register supports the Council priority of 'Place: regeneration and infrastructure' by promoting the redevelopment of brownfield sites. It also contributes to the Sustainable Community Strategy theme of 'Sustainable Environment' by promoting sustainable development within the District; most brownfield land tends to be in locations where existing infrastructure is most easily accessed.

Background and Issues

3. In April 2017 the Town and Country Planning (Brownfield Land Register) Regulations came into force. These regulations place a requirement upon the Council, as Planning Authority, to publish a Register of 'Brownfield' (previously developed) sites and review the entries in the register at least once within each register year.
4. Brownfield land registers are intended to provide up-to-date and consistent information on sites that local authorities consider to be appropriate for residential development. Registers will be in two parts, Part 1 will comprise all brownfield sites appropriate for residential development and Part 2 those sites granted Permission in Principle.
5. At this stage it is intended to add sites to Part 1 of the Register only. No sites are proposed for Permission in Principle. Permission in Principle is an alternative way of obtaining planning permission which separates the consideration of matters of principle for proposed development from the technical detail of the development. The second stage, technical detail consent, is when detailed development proposals are assessed.
6. Registers will be published as open data and will provide transparent information about suitable and available sites.
7. Regulation 3 of the Town and Country Planning (Brownfield Land Register) Regulations 2017 requires local planning authorities to prepare, maintain and publish registers of previously developed (brownfield) land by 31 December 2017. Regulation 17 requires local planning authorities to review their registers at least once a year.
8. The Register will include sites with extant full planning permission, outline planning permission and permission in principle as well as sites without planning permission that are considered suitable for residential development.

9. Government Guidance suggests integrating this process with the existing Housing and Economic Availability Assessment (HELAA) work already carried out regularly. Sites must go through the same assessment of being suitable, available and achievable. The Council's HELAA was published in September 2017 as part of the evidence base to support the Local Plan. The intention is to enter the brownfield sites already assessed in the latest HELAA on the first iteration of Wycombe's Register, to meet the December deadline.
10. Local planning authorities are required to review their registers at least once a year. Reviews will ensure that sites which no longer meet the criteria for inclusion are removed and new sites are assessed and entered if it is appropriate to do so.
11. The format of the Register is set out in the brownfield land register data standard published by the Department for Communities and Local Government.
12. As this is a new and ongoing requirement from Government the correct authority is required from Council to enable the Head of Planning and Sustainability, to prepare and review the brownfield register.

Consultation

13. There is no requirement to carry out a consultation prior to producing and publishing the Brownfield Register. It is considered that the sites to be included would initially be those already included in the published Housing and Employment Land Availability Assessment (HELAA, September 2017) which itself has been subject to consultation as part of the Local Plan preparation process.

Options

14. It is not considered that there are alternatives to producing and publishing the Brownfield Register – this is a statutory requirement. No penalties have been set out, at this time, for not publishing by the end of 2017 deadline but it is likely that the additional funding received in relation to the additional burden of production of the Register would be withdrawn.

Conclusions

15. Producing, publishing and maintaining the Brownfield Register would meet the requirements of the Brownfield Land Register Regulations 2017 and would promote the re-use and regeneration of previously developed land within Wycombe District. This would accord with Council priorities in relation to regeneration. Delegated authority is required to enable the register to be published and updated in a timely manner.

Next Steps

16. Production and publication of the Brownfield Register by the end of the year following delegation of authority by Council.

Background Papers

Housing and Economic Land Availability Assessment, September 2017, Wycombe District Council

The Town and Country Planning (Brownfield Land Register) Regulations 2017, No.403, Department for Communities and Local Government