

**17. BROWNFIELD LAND REGISTER AND PERMISSION IN PRINCIPLE (SW)**

**1. Purpose of the report**

To inform Members of the Regulations and Order relating to the Brownfield Land Register and Permission in Principle and their contents.

**Key issues**

- Permission in Principle
- Brownfield Land Register

**1. Recommendation:**

**That Members note the contents of this report and the list of sites in Section 5 of this report to be included on Part 1 only of the Authority's Brownfield Land Register on or prior to 31 December 2017.**

**2. How does this contribute to our policies and legal obligations?**

Core Strategy Policy DS1: Development Strategy directs new development towards Bakewell and named settlements. Policy HC1: New housing, states that provision will not be made for housing solely to meet open market need and that housing land will not be allocated in the development plan.

As an exception to the strategic position set out above Policy HC1 part c provides for additional housing where:

- It is required in order to achieve conservation and/or enhancement of a valued vernacular or listed building; or
- It is required in order to achieve conservation or enhancement in settlements listed in core policy DS1.

The PDNPA is required to make their Brownfield Land Register publicly available to view and to update it on an annual basis in accordance with The Town and Country Planning (Brownfield Land Register) Regulations 2017.

**3. Background**

The Housing and Planning Act 2016 introduced new planning legislation for Permission In Principle and Brownfield Land Registers. This was followed with The Town and Country Planning (Permission in Principle) Order 2017 and The Town and Country Planning (Brownfield Land Register) Regulations 2017.

**Permission in Principle** is a new route to gain planning consent. Its purpose is to speed up the planning process for known brownfield sites that are suitable for housing development in accordance with the NPPF and the Local Development Framework. This supports the government's aim of delivering 90% of all new housing on brownfield land.

Permission in Principle has 2 stages. The first stage, 'Permission in Principle' is a process in which the Local Planning Authority (LPA) establishes the suitability of a site for residential development, and includes details on the amount of development expressed as a range, indicating the minimum and maximum net number of dwellings which are, in principle, permitted. The second stage, 'technical details consent' is when the applicant submits detailed development proposals to be assessed by the LPA.

For a site to be granted Permission In Principle it has to be entered by the Local Planning Authority onto Part 2 of the Brownfield Land Register.

### **The Brownfield Land Register (BLR)**

To facilitate this new route, Local Planning Authorities are required to maintain, and regularly update, a Brownfield Land Register of all known brownfield land sites suitable for housing within the Authority. The purpose of the Brownfield Land Register is to provide up-to-date, publicly available information on brownfield land that is suitable for housing. The register will help housebuilders identify suitable sites quickly, speeding up the construction of new homes. The register is also a means of enabling communities to draw attention to local sites for listing, including in some cases derelict buildings and eyesores that are primed for conversion or redevelopment and that could attract investment to the area.

The register is aimed at improving the quality and consistency of data held by Local Planning Authorities and providing certainty for developers and communities. The register is maintained and controlled by the LPA who have the final say on which sites are listed on the register.

For the purposes of the register, brownfield land has the same definition as previously developed land, which in the NPPF is defined 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; and 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.'

The format for the register is set out in Schedule 2 of the Town and Country Planning (Brownfield Land Register) Regulations 2017. The register is to be kept in two parts.

Part 1 is a list of all known brownfield land sites that accord with criteria set out below;

- (a) The land has an area of at least 0.25ha 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.

For the purposes of this new legislation the following definitions have been provided;

- Suitable – This means that it is allocated in a development plan document (e.g. a local plan); it already benefits from planning permission or PIP for residential development; or the Local Planning Authority considers it suitable for residential development having considered any adverse impact on the natural environment, the local built environment (including heritage assets), local amenity and any 'relevant'

- representations (i.e. from third parties).
- Achievable – This means that in the Authority’s opinion that the site will be developed in the next 15 years having regard to any information publically available and any relevant representations received.
- Available – This means that either all the owners of the site, or the developer in control of the land have expressed an intention to develop (or sell, in the case of an owner the site within the 21 days before the entry date on the register, or the Local Planning Authority considers that there are no ownership or other legal matters that might prevent residential development (again, based on publically available information and any relevant representations).

Part 1 of the BLR is solely a list of all know brownfield land sites that have the potential to be developed for housing. Putting a site on Part 1 of a register does not mean it will automatically be granted permission in principle.

If the authority considers that ‘Permission in principle’ (PIP) should be granted for a site the LPA is required to enter that site on Part 2 of the register. Part 2 is therefore a subset of Part 1 and should include only those sites for which Permission In Principle has been granted.

The regulations set out the requirements for publicity and consultation where an authority proposes to enter sites on Part 2 of the register.

Sites which cannot be included in Part 2 are:

Sites within Schedule 1 of the EIA regulations;  
Sites that have been screened as EIA development; and  
Sites which would be prohibited under the Habitat Regulations.

‘Permission In Principle’ will set out the fundamental principles of development (use, location, amount of development) for the brownfield site giving developers/applicants more certainty. However, a developer cannot proceed with development until they have also obtained ‘Technical Details Consent’ (TDC). No fee is payable for PIP although a fee will be payable for TDC. Following PIP the developer has 5 years to seek TDC to obtain full approval. PIP can only be granted for housing led development, but could include ancillary commercial, office and community uses.

#### 4. **Key Issues**

##### **The Brownfield Land Register**

The purpose of the Brownfield Land Register is to focus development towards brownfield sites to meet the Government’s aim of delivering 90% of all new housing on brownfield land.

Whilst it is the Government’s aim to promote brownfield land development for housing, these sites still have to accord with the NPPF, Local Development Framework and the National Park purposes as set out in the Environment Act, 1995.

In the Peak District National Park many of the brownfield land sites, like former mills and factories have already been converted/developed for housing. As such, there are only a few known large scale opportunities for brownfield land development for housing, which comply with the criteria set out in section 3.

The Regulations in relation to Part 1 for preparing, maintaining and publishing a register are a legal requirement and must therefore be complied with by 31<sup>st</sup> December 2017. Officers have focused on sites of 0.25ha/ 5 dwellings or more within/adjacent to the named settlements of the Core Strategy in accordance with the Local Development Framework. These sites are listed in section 5 of the report.

### **Permission In Principle**

With regards to Part 2 of the Brownfield Land Register there is no statutory requirement to consider whether or not to move a site from Part One to Part Two and grant 'Permission In Principle'. This process is akin to allocating housing sites in the Local Plan and this is contrary to Core Strategy Policy HC1: New Housing, which states that the housing land will not be allocated in the development plan. As such it is considered to be inappropriate to grant 'Permission In Principle' for sites within the National Park as this would be contrary to the development plan. Consequently, there will be no entries onto Part 2 of the Brownfield Land Register for the National Park at present.

### **5. Sites to be entered on Part 1 of the Brownfield Land Register**

The following sites are proposed for entry on to **Part 1** of the register. Maps of the sites are included in Appendix One.

NP/BLR/S/001 – Former Treatment Works at Mill Lee Road, Low Bradfield (planning consent pending for residential development, 21 dwellings)

NP/BLR/DDD/002 – Newburgh Engineering Co Ltd, Newburgh Works, Netherside, Bradwell (planning consent for residential development, 55 dwellings)

NP/BLR/DDD/003 – Markovitz Ltd, Richard Lane, Tideswell (planning consent pending for residential development, 25 dwellings)

NP/BLR/DDD/004 – Dove Dairy, Stonewell Lane, Hartington (planning consent granted for residential development, 26 dwellings)

(Note: the site boundary indicates the area in which residential development on brownfield land would be acceptable. It cannot include greenfield land and therefore the boundary may differ from the planning consent)

### **6. Conclusions**

There are currently 4 sites to be listed on Part 1 of the Brownfield Land Register.

The register will be updated annually to include new brownfield sites considered to be suitable for housing development, having regard to the criteria set out in section 3 of this report and the Local Development Framework, and to remove brownfield land sites that have since been developed for housing.

### **7. Are there any corporate implications members should be concerned about?**

### **8. Human Rights:** Any human rights issues have been considered and addressed in the preparation of this report.

9. **Financial:** The Brownfield Land Register is funded through the New Burdens grant funding.
10. **Risk Management:** N/A
11. **Sustainability:** The publication of the Brownfield Land Register will support the purposes of the Peak District National Park, the NPPF and PDNPA Core Strategy to direct new housing development on brownfield land located within or on the edge of named settlements as set out in Policy DS1 of the Core Strategy.
12. **Background papers:** None
14. **Appendices:**

Brownfield Land Register Site Plans

**Sarah Welsh, Brownfield Land Officer, 29 November 2017**