



Report To: Planning Portfolio Holder's Meeting
Lead Officer: Director, Planning and New Communities

7 June 2016

Pilot Brownfield Register

Purpose

1. To endorse the Pilot South Cambridgeshire Brownfield Register for submission to the Department for Communities and Local Government (DCLG).
2. This is not a key decision because it is a pilot project for the DCLG to inform the development of secondary legislation that uses existing published information.

Recommendations

3. It is recommended that Planning Portfolio Holder:
 - a. endorse the Pilot South Cambridgeshire Brownfield Register and Report in Appendix 1 for submission to DCLG; and
 - b. agree that delegated authority be given to the Director of Planning and New Communities to make any subsequent minor amendments and editing changes, in consultation with the Planning Portfolio Holder.

Background

4. Brownfield land (or previously developed land¹) has an important role to play in meeting the country's need for new homes. The Government is supporting the regeneration of brownfield land for housing through a range of measures and wants to maximise the number of new homes built on suitable brownfield land.
5. The Government wants to ensure that 90% of suitable brownfield sites have planning permission for housing by 2020. One of the measures it is introducing is a statutory brownfield register, which will list all the brownfield sites considered suitable for housing development including housing-led schemes where housing is the predominant use with a subsidiary element of mixed use.
6. Through brownfield registers, a standard set of information will be kept up-to-date (annually) and made publicly available to help provide certainty for developers and communities and encourage investment in local areas.

¹ Brownfield land is defined in Annex 2 of the National Planning Policy Framework - **Previously developed land:** 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.

7. South Cambridgeshire District Council is one of 15 local planning authorities who have agreed to first pilot the register. This provides the opportunity to work together and with the Government to shape and develop this new policy. The experiences of pilot authorities will feed into the development of secondary legislation and guidance to support local planning authorities more widely.
8. The Council agreed to undertake the work using existing published information; it has not, at this stage, undertaken any further 'call for sites' or public consultation for the pilot brownfield register. However these additional processes may come in when maintaining a register becomes a statutory requirement. It is also important to note at this stage the pilot brownfield register has no formal status. When it becomes a statutory requirement to prepare a brownfield register and the appropriate regulations are published, the Council will need to prepare a formal brownfield land register.
9. In due course, the Housing and Planning Act will introduce a new 'permission in principle' route for obtaining planning permission, and sites in the register will be eligible for this form of permission. However, pilot authorities will not be expected to grant permission in principle as part of this project.

Developing the Pilot South Cambridgeshire Brownfield Register

10. The Government provided the pilot authorities with a Manual (for their internal use) to ensure each followed the same process, and set up a technical working group to share knowledge and provide support; the ultimate aim of Government is the publication of brownfield registers using 'open data' principles to allow interested persons to reliably combine and compare different authorities' registers.
11. The Pilot South Cambridgeshire Brownfield Register Report (in Appendix 1) explains the process that the Council has undertaken in identifying potential brownfield sites (from existing data sources) and the methodology used to assess their suitability for housing development; and therefore suitability for inclusion in the brownfield register.
12. For the purposes of the pilot register, sites with planning permission, allocations in the Development Plans and the SHLAA site are included in their entirety, including both greenfield and brownfield land, as the published source information does not enable the extent of brownfield land to be specifically identified. The total land and number of homes identified in the pilot register are therefore those on suitable sites that contain brownfield land, rather than the land and homes on suitable brownfield land only.
13. A summary of the process undertaken to identify sites and assess their suitability is outlined below:

The Council identified and considered potential sites from the following published sources:

- Sites with an extant planning permission for housing development or with a resolution to grant planning permission for housing development (taken from the Council's housing trajectory published in November 2015).
- Allocations and policy areas for housing or housing-led mixed-use developments in the adopted Local Development Framework (LDF) (comprising the Site Specific Policies DPD (January 2010) and Area Action Plans for strategic sites).
- Allocations and policy areas for housing or housing-led mixed-use developments in the Submission South Cambridgeshire Local Plan 2014 (as proposed to be modified).

- Strategic Housing Land Availability Assessment (SHLAA) (August 2013)

A 3 stage process has been applied to identifying potential sites and assessing their suitability for inclusion in the register:

- Stage 1: Identifying potential brownfield sites
- Stage 2: Assessing suitability of sites
- Stage 3: Assessing availability of sites

Whilst 187 sites were initially identified as potential brownfield sites, some were removed at stage 1; the majority were too small or the sites as originally promoted to the Council through the Local Plan process were largely greenfield and not within the scope of the project.

The remaining sites were assessed through stages 2 and 3 to test their suitability for residential use and that they were free from constraints that cannot be mitigated, taking into account NPPF and local policies. Sites also had to be deliverable within the next 10 years. The Council applied a consistent approach to testing site suitability as undertaken in the preparation of the Local Plan (this included consideration of whether a site is within the development framework, scale of development within the village category etc.).

160 sites passed stages 2 and 3 and are incorporated in the register, these include:

- Sites with extant planning permission (as at 31 March 2015) or with a resolution to grant planning permission for housing development (taken from the Council's housing trajectory published in November 2015).
- Allocations and policy areas in the adopted and emerging Development Plans
- Two SHLAA sites; one of which is within a policy area for mixed-use development including residential development; the other has subsequently obtained planning permission.

The Pilot South Cambridgeshire Brownfield Register is contained in Annex B of the Report (in Appendix 1).

Feedback to DCLG on issues encountered during the pilot project

14. As part of undertaking the pilot project the Council agreed to provide feedback to the DCLG at key stages.
15. Following stage 1 (identifying potential sites) the Council provided feedback to DCLG outlining some of the practical issues the Council faced, including:
 - Defining what constituted a brownfield site following a High Court judgement in January 2016 in relation to residential gardens.
 - Determining the extent of brownfield land within sites using only published sources which do not readily contain this information (including the Council's 'live' planning application data
 - Determining what sites fall within the remit of the brownfield register (given the nature of many sites proposed to the Council, being largely greenfield with a small element of brownfield land).
16. At stage 2 (assessing suitability of sites) the Council encountered and fed back to DCLG the following issues:

- The need for further clarity from DCLG in relation to the site size threshold to apply to sites - whether the figure constituted net or gross development.
- The DCLG suggested including smaller sites than the defined threshold – further clarity is needed from DCLG on how small to go e.g. whether to include 1 for 1 replacement dwellings (i.e. where there is no net gain). Consideration of smaller sites is onerous for the Council, with little gain.

Future issues for the Council preparing the statutory brownfield register

17. The pilot project is being used to inform legislation for the statutory brownfield register; it is inevitable that the process will change in light of feedback from the pilot authorities. In addition, Government has already indicated that, for statutory registers, it expects local authorities to undertake a 'call for sites' on an annual basis and consult on the register.
18. In future, Government expects the large majority of sites on statutory brownfield registers that do not already have an extant planning permission will be eligible for 'permission in principle', and technical details consent subsequently, for housing. In a small number of cases it may not be appropriate to grant permission in principle, for example because there is a proposed planning application or local development order in the pipeline; or where the development raises environmental impacts or habitats issues that would be more appropriately dealt with through a planning application.
19. The preparation of a statutory brownfield register could have resource implications for the Council as follows:
 - As a minimum it is anticipated the Council will need to undertake an annual 'call for sites' and review of the statutory register, including public consultation.
 - Any new sites, not previously assessed by the Council, will require assessment (similar to the SHLAA) to test their suitability.
 - When the 'permission in principle' route is applied to the statutory brownfield register the Council may want to consider whether to identify (in the register) specific issues which may need to be addressed for certain sites and/or inclusion of a development brief to inform the applicant in obtaining technical details consent; there is a danger this could effectively replace the 'pre-app' service, removing a source of income to the Council.
 - The Council may need to make some practical changes to its internal processes to ensure:
 - planning application processes record the extent of brownfield land on application sites,
 - current annual monitoring on the deliverability of brownfield sites over 10 dwellings to inform the housing trajectory may have to be amended to survey sites above 5 dwellings (the threshold for sites in the register).
 - future 'call for sites' need to ensure sufficient information is provided to enable proper judgement to be made on site suitability, in particular to be clear what land is brownfield and in terms of deliverability.
20. Due to the limited timescales involved in the preparation of the pilot register and the extent of readily available published information on the Council's website, the Council has not provided a map to accompany this report. The pilot register contains site coordinates and URL links to source data (planning applications, Policies Map and/or SHLAA sites maps). However, whilst there is no requirement to provide a map as part

of the pilot project, officers will endeavour to present the data in an interactive electronic format on the website as soon as practicable.

Options

21. The Planning Portfolio Holder has the following options:
- (a) Endorse the Pilot Brownfield Register and Report; or
 - (b) Endorse the Pilot Brownfield Register and Report with amendment; or
 - (c) Not to Endorse the Pilot Brownfield Register and Report.

Implications

22. In the writing of this report, taking into account financial, legal, staffing, risk management, equality and diversity, climate change, community safety and any other key issues, the following implications have been considered: -

Financial

23. The Council received grant funding of £10,000 to undertake the pilot project. There are no direct financial implications arising from this report. However, once the statutory requirement to produce a brownfield register comes into force with the permission in principle route, there may be a loss of income to the Council from 'pre-app' advice as any sites with permission in principle in the register may effectively 'bypass' this stage in the planning process.

Legal

24. Once the statutory requirement comes into force some sites included in the brownfield register may be eligible to have 'permission in principle'.

Staffing

25. Once the statutory requirement comes into force brownfield registers will need to be kept up to date, with an annual 'call for sites' and review. If 'permission in principle' is applied to sites included in the register, additional staff time may be required to assess the suitability of including sites within the register, and identify any specific issues which may need to be addressed for certain sites and/or inclusion of a development brief to inform the applicant in obtaining technical details consent.

Equality and Diversity

26. Development on brownfield sites will need to comply with the adopted Development Plan, which has been the subject of an Equality Impact Assessment that demonstrates how potential equalities issues have been, and will be addressed.

Climate Change

27. Development on brownfield sites will need to comply with the adopted Development Plan, which contains policies that support the delivery of sustainable development and addresses climate change issues consistent with national policy and guidance.

Consultation responses (including from the Youth Council)

28. Development Management colleagues have been involved in the preparation of the Pilot South Cambridgeshire Brownfield Register.

Effect on Strategic Aims

Objective 1 – Living Well: Support our communities to remain in good health whilst continuing to protect the natural and built environment.

29. The Council has a duty to secure sustainable development. This lies at the heart of national planning policy and covers all three aspects of sustainability – economic, social and environment. The brownfield register will enable sustainable development, with a focus on sustaining and enhancing the qualities of South Cambridgeshire that in national surveys consistently identify the District as one of the best places to live in the UK.

Objective 2 - Homes For Our Future: Secure the delivery of a wide range of housing to meet the needs of existing and future communities

30. Through the introduction of a statutory register the Government considers that improving how matters of basic principle are dealt with in the planning system can help make the process more effective and support the delivery of new homes.

Background Papers

Department for Communities and Local Government (DCLG) Announcement on the Pilot Brownfield Register Project (10 March 2016):

<https://www.gov.uk/government/news/first-areas-to-push-for-faster-brownfield-land-development>

DCLG Consultation - Building more homes on brownfield land - consultation proposals (January 2015):

<https://www.gov.uk/government/consultations/building-more-homes-on-brownfield-land>

National Planning Policy Framework (DCLG, March 2012):

<http://planningguidance.communities.gov.uk/>

Appendices

Appendix 1 Pilot Brownfield Register and Report

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