

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No. 8

meeting date: THURSDAY, 30th NOVEMBER 2017
title: RIBBLE VALLEY BROWNFIELD LAND REGISTER
Submitted by CHIEF EXECUTIVE
principal author PHIL DAGNALL, ASSISTANT PLANNING OFFICER

1 PURPOSE

- 1.1 To inform the Council regarding the government requirement for all local authorities to produce a public Brownfield Land Register of sites capable of being developed for housing and that may potentially be subsequently given a Permission in Principle to be developed for future housing and to describe the Register's detailed structure.
- 1.2 Relevance to the Council's ambitions and priorities:
- Community Objectives – The matters covered in this report will contribute to the objectives of delivering housing which is a key theme in the Council's adopted Core Strategy.
 - Corporate Priorities – to protect and enhance the existing environmental quality of the area by focusing housing development towards appropriate sites.
 - Other Considerations – None

2 INFORMATION

2.1 Brownfield Land Register – Introduction

All Councils are now required by government to maintain a Register of previously developed land (termed "brownfield land"). The detailed definition of brownfield land within the National Planning Policy Framework (NPPF) is set out in Appendix 1.

More detail on Brownfield Land Registers can be found at the following link:

<https://www.gov.uk/guidance/brownfield-land-registers>

The land set out in the Registers must be capable of being redeveloped or converted to provide housing led-development. The Registers need to be in place by the end of December 2017 and are structured in two parts. The deadline of December relates to the production of at least a Part 1 Register.

2.2 Part 1 of Register

Part 1 is a list of sites, each set out with an attached set of standard information. Formally, in essence, it is a report of survey. More detail on the exact format and data structure of registers can be found at:

<https://www.gov.uk/government/publications/brownfield-land-registers-data-standard>

The Register's generalised structure is set out in a spreadsheet format with each site accompanied by a definitive map. The standardised information categories for Part 1 are: Site reference number, Site Address, Site Area (hectares); Site Co-ordinates; Ownership Status: the site's Deliverability within 5 years; its Planning Status (ie whether it has a current planning permission and of what kind, or whether it is a SHLAA site or a formal allocation within a Local Plan; what minimum and maximum number of housing units it could host; Site constraints such as hazardous substances etc and the date added to the Register.

2.3 All Part 1 sites are therefore to be considered as being capable of being redeveloped for housing. To be placed in the Register a site has to pass a series of criteria. These are:

a. Sites must be at least 0.25 hectares in area or be capable of supporting at least 5 houses.

b. They should be **suitable** for residential development, either

already having planning permission or;

been allocated for such development in a Local Plan (in our case through the allocations in the forthcoming Housing and Economic Development DPD that will hopefully be examined by the Planning Inspectorate early in 2018) or;

considered appropriate for such development by the Council. In more detail this involves the impact of development on the natural environment, local built environment, local amenity and any relevant representations received by the Council about the site.

c. They should be **available** for residential development, meaning that there is no impediment to development in terms of ownership or legal constraints on the land in the opinion of either the land owner, developer or the Local Planning Authority.

d. They should also be **achievable** ie that in the opinion of the Local Planning Authority the land is likely to be developed within 15 years of its entry on the Register.

2.4 To make decisions about the above matters it will be necessary to consider the evidence Councils already hold, particularly from the Strategic Housing Land Availability Assessments (SHLAAs), in our case the SHLAA of 2013.

2.5 However in addition to evidence from the SHLAAs Councils will also then need to publicly consult on the potential Part 1 sites they have identified to gather further information in relation to matters mentioned above such as achievability, availability and appropriateness set out in 2.3. This consultation will also need to canvass for potential other sites that could be included in the register in the form of a call for sites, strictly limited to brownfield sites fulfilling all the criteria again mentioned above in 2.3 (ie at least 0.25 hectares in extent etc).

- 2.6 It should be emphasised that Councils should include in Part 1 brownfield sites passing the tests set out above in 2.3. This means therefore, within the suitability test, sites that have already been given planning permission ie in which the issue of development has already been agreed in-principle but the permission either has not progressed to reserved matters stage or a full permission has not yet been started. In addition Part 1 also may include relevant sites that have already been allocated for housing in the Local Plan, meaning again that the in- principle question of development for that use has already been settled. In relation to allocated sites in Ribble Valley there are no sites within the proposed allocation sites in the HED DPD that pass the tests for entry onto the Register.
- 2.7 Part 1 of the Register, when completed with any call sites that pass the tests, will be placed in the public domain and is to be updated annually. Sites, once placed on the Register, remain there for a default period of five years unless an annual review indicates that they should not.
- 2.8 Part 1 therefore represents a comprehensive list of potentially developable brownfield sites. It does **not** give these sites any planning permission in itself, it simply outlines the potential brownfield land resource that could be developed for housing led development in the future subject to other considerations.

3. **Part 2 of the Register and Permission in Principle (PIP)**

- 3.1 The legislation goes on to allow Councils to select from the Part 1 sites, and only from the Part 1 sites, those that it considers should be granted a new form of planning permission called Permission in Principle (or PIP). The granting of a PIP on a site is intended to settle the fundamental principles of development and is limited to decisions about use, location and amount of development. Even if a PIP is given a developer will then have to obtain a further Technical Details consent which deals with matters such as detailed design, impact mitigation, infrastructure contributions etc.
- 3.2 Both the PIP and the Technical Details consent must be determined in accordance with the local development plan (ie the Core Strategy and, once adopted, the HED DPD), the NPPF and other material considerations. Whilst there can be no revisiting the granting of a PIP once given a Technical Details consent can be refused if it is judged to conflict with local or national policies or other material considerations. There is no automatic assumption that a Part 1 site will be granted a PIP. Having produced a Part 1 Register it is possible that, on considering its local plan, housing supply position and other relevant matters, a Council may not choose currently to grant any Part 2 PIPs in its Register.
- 3.3 A PIP does not replace existing routes to permission. It is not the same as an Outline Permission but appears to be intended to be an alternative, cheaper and less time-consuming route to providing early certainty on in-principle matters. In addition to the link above within 2.1 more detail on PIPs can be found here:

<https://www.gov.uk/government/publications/brownfield-registers-and-permission-in-principle/brownfield-registers-and-permission-in-principle-frequently-asked-questions>

3.4 Whilst the Register is in effect a survey process, the Part 2 of the Register has greater implications in terms of sites being brought forward for development. As work progresses on the Register detailed reports will be brought to members to consider at the relevant stages

PHIL DAGNALL
ASSISTANT PLANNING OFFICER

MARSHALL SCOTT
CHIEF EXECUTIVE

For further information please ask for Phil Dagnall, extension 4570.

Appendix 1

Definition of Previously Developed Land (from NPPF Glossary)

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.