

THURSDAY, 30 NOVEMBER 2017

REPORT OF THE PORTFOLIO HOLDER FOR REGENERATION**BROWNFIELD LAND REGISTER PUBLICATION****EXEMPT INFORMATION**

None

PURPOSE

To seek approval to publish the Tamworth Borough Council Brownfield Land Register.

RECOMMENDATIONS

- That Cabinet approves the publication of the Brownfield Land Register 2017.
- That Cabinet approves delegated authority to the Portfolio Holder for Regeneration and the Head of Managed Growth, Regeneration and Development to make any final changes to the Brownfield Register prior to publication.
- That Cabinet authorises approval of the publishing the Brownfield Register in future years to the Portfolio Holder for Regeneration and the Head of Managed Growth, Regeneration and Development.

EXECUTIVE SUMMARY

In 2016 73 councils across England piloted new brownfield¹ registers. Experiences from these pilot councils shaped The Town and Country Planning (Brownfield Land Register) Regulations 2017 (the regulations), which came into force on 16th April 2017. These regulations instruct Local Planning Authorities to prepare, maintain and publish a list of brownfield sites, to help improve the quality and consistency of data on brownfield land suitable for housing and accelerate housing development. The Government hopes that the brownfield register will provide much needed upfront certainty in the planning process to encourage investment.

The Brownfield Register will be published by Tamworth Borough Council by the cut-off date of 31st December 2017, subject to Cabinet approval, and will be updated on a yearly basis.

OPTIONS CONSIDERED

The regulations state that each local planning authority must prepare and maintain a register of previously developed land and that the register must be published by 31st December 2017. There are not as yet any punitive measures from government for LPAs that do not publish by the cut-off date but they are actively encouraging publication.

Not publishing the register by 31st December 2017 would be a reputational risk. It is understood that the vast majority of LPA's in England will be publishing Part one of the register by the cut-off date. Not publishing Part one of the register would detract from the high performance levels in the planning service.

Publishing both part one and part two of the register by the cut off date is an option that has been considered. At present the council is not in a position to publish Part two of the register as this would require more considerably more resource from both the planning teams and external consultants. No specific budget has been identified for this work in this financial year. It is understood that most other LPA's will be publishing part one of the register only in 2017.

¹ Brownfield Land is defined in the National Planning Policy Framework as previously developed land

RESOURCE IMPLICATIONS

Government recognise the added burden placed upon LPAs and have given a 'new burdens grant payment' to each LPA for publishing brownfield registers this financial year. Publishing Part one of the register by 31st December 2017 has required officer time only. Updating part one of the register on an annual basis can be met from existing staff resources.

Going forwards, should the council decide to publish any sites in part two of the register, the exact resource implications would be identified and costed at the time. Currently there is no capacity within the planning team to commence this work.

LEGAL/RISK IMPLICATIONS BACKGROUND

Not publishing the register by the 31st December 2017 would pose some reputational damage and detract from the high performance levels of the planning service currently. There will be few if any local authorities that do not publish a Part one register. Part 2 (permission in principle or PiP) of the register involves a greater level of risk in managing development so that it is appropriate and sustainable and site specific constraints are taken into account.

SUSTAINABILITY IMPLICATIONS

None

BACKGROUND INFORMATION

The Brownfield Register

The register is split into two parts:

Part 1 – a list (compliant with Government Open Data principles) of eligible brownfield sites in Tamworth Borough, which the Council are satisfied are appropriate for residential development.

To be eligible according to the regulations a site must meet the following criteria¹:

- a) The land has an area of 0.25 hectares 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
- d) Residential development of the land is *achievable*

Suitable in relation to residential development requires that the land:

- a) Has been allocated in the Tamworth Local Plan 2006/2031
- b) Has planning permission for residential development
- c) Is in the opinion of the Local Authority appropriate for residential development, having regard to the natural environment, built assets and local amenity.

Available in relation to any land means:

- a) The owner or developer has expressed an intention to sell or develop the land
- b) In the opinion of the local authority there are no issues relating to the land that might prevent residential development.

Achievable in relation to residential development of any land means that, in the opinion of the local planning authority, the development is likely to take place within 15 years.

All sites deemed eligible according to the criteria above have been entered into Part 1 of the register (see Appendix A).

Part 2

Part 2 of a brownfield land register is a subset of part 1. Part 2 will comprise of only those sites in Part 1 that the local planning authority has decided that the land would be suitable for a grant of permission in principle for residential development.

Entering sites into Part 2 of the register is more onerous as local planning authorities must undertake the publicity, notification and consultation procedures as set out in the legislation. Entering land into Part 2 of the register or giving "Permission in Principle" (PiP) is effectively an alternative way of obtaining planning permission for residential development. For the first publication of the register no sites will be added to Part 2. The Council will look at suitable sites to be assessed for PiP in 2018.

What will be on the Tamworth Brownfield Register?

For the first Brownfield Register existing information has been used.

Sites entered into the 2017 register have come from:

1. Local Plan 2006-2031 housing land allocations (brownfield only)
2. 2012 SHLAA database
3. Brownfield sites with residential planning permission

Firstly, sites meeting the definition of brownfield, allocated in the plan (with or without planning permission and not commenced) were entered onto the register. Fifteen of these sites were added to the draft register.

Secondly 2012 SHLAA sites were filtered using the criteria outlined in the regulations and a list of fifty-five sites were identified. Twenty-two of these sites were assessed to be suitable, available and achievable according to the regulations.

Finally two brownfield sites meeting the criteria *with* planning permission were entered onto the register, making a total of thirty-nine.

Once sites had been filtered according to the criteria they were put in an 'open data' format, prescribed by the Government. Data included in the register gives details on any planning permission, the size of the site in hectares, the capacity of the site, a link to an online map and any further information.

The resulting completed Brownfield Land Register Report and the open data register can be found in Appendix A. Only columns deemed mandatory by the Government for Part one of the register have been completed.

REPORT AUTHOR

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LIST OF BACKGROUND PAPERS

The Regulations: http://www.legislation.gov.uk/ukxi/2017/403/pdfs/ukxi_20170403_en.pdf

APPENDICES

Appendix A: Tamworth Borough Council Brownfield Register 2017

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