
BROWNFIELD REGISTERS – BRIEFING NOTE

1.0 INTRODUCTION

Following the Housing and Planning Act 2016, the Town & Country Planning (Register of Previously Developed Land) Regulations 2017¹ came into force on 16 April 2017, initiating the requirement for Local Planning Authorities (LPAs) to prepare, maintain and publish registers of previously developed (brownfield) land by 31 December 2017, referred to as Brownfield Registers (BRs).

2.0 SUMMARY & IMPLICATIONS

- i. All LPAs required to produce a BR by 31 December 2017 and to update on an annual basis.
- ii. Key criteria for inclusion of any brownfield site on the BR are that the site area must be at least 0.25 Ha (0.62 acre) and suitable, available and achievable for residential-led development.
- iii. BRs present an alternative way of allocating sites for residential-led development, in addition to site allocations identified through Local Plans.
- iv. When LPAs allocate brownfield sites, they will effectively be granting '*Permission in Principle*', provided that development is achievable within 15 years of the entry date to the Register.
- v. Sites can be added to Part 1 of the Register with no consultation or notice from the LPA.
- vi. A brownfield site considered to be deliverable within 5 years, can be counted towards the Council's '5-year housing supply'.

3.0 BROWNFIELD REGISTERS PROCESS

BRs propose to increase the delivery of residential development on brownfield sites. The Registers are intended to provide up-to-date and consistent information on sites that LPAs consider to be appropriate for residential development having regard to the criteria set out in Regulation 4 of the Town and Country Planning (Brownfield Land Register) Regulations 2017.

There is a duty on LPAs to have regard to the development plan, national policy and advice and guidance when exercising their functions and assessing sites under the Brownfield Register regulations. They should also have regard to any representations received. Registers will be in two parts:

- **Part 1** these are sites that the LPA has assessed as appropriate for residential development, having carried out any procedures such as consultation which they consider appropriate. This includes sites with extant full planning permission, outline planning permission and permission in principle as well as sites without planning permission.
- **Part 2** will comprise only those sites in Part 1 that the LPA has decided would be suitable for a grant of permission in principle for residential development. A site may not be included on Part 2 where development of the site would fall within Schedule 1 of EIA Regulations; has been screened as EIA development; and/or development would be prohibited under habitats protection legislation.

¹ <http://www.legislation.gov.uk/ukxi/2017/403/contents/made>

UNALLOCATED SITE	ALLOCATED SITE / EMERGING ALLOCATION
<p>Part 1 of the Brownfield Register</p> <p>LPA's have an obligation to add sites Brownfield Registers where the site is:</p> <p>At least 0.25ha in area or capable of supporting at least 5 dwellings</p> <ul style="list-style-type: none"> ✓ 'Suitable' for residential development ✓ 'Available' for residential development; and ✓ 'Achievable' for residential development within 15 years of entry to the Register 	<p>Part 2 of the Brownfield Register</p> <p>Allocation + conformity with Part 1 criteria = LPA obligation to add the site to Part 2 of the Register.</p> <p>As the criteria are similar to those for allocating a site for development, the most pertinent consideration could be whether the site is deliverable within 15 years of the addition to the Register.</p>
Application for Permission in Principle	Automatic grant of Permission in Principle
Technical Details Consent	
GRANT OF FULL PLANNING PERMISSION	

In assessing sites for residential development under for Part 1 of the BR, at the date of entry to the Register, the sites must be:

'Suitable':

- has been allocated in a local development plan document for residential development;
- has planning permission for residential development or permission in principle; and
- in the opinion of the LPA, the land is appropriate for residential development, having regard to any adverse impact on the natural environment, the local built environment including heritage assets, and local amenity matters.

'Available':

- the relevant owner(s) will have expressed an intention to sell or develop the land;
- developer/s will have expressed an intention to develop the land; and
- in the opinion of the local authority, no issues arise to question the ownership of land.

'Achievable':

- in the LPA's opinion, development is likely to take place within 15 years.

4.0 MONITORING BROWNFIELD REGISTERS

- LPA's are required to review their BR at least once a year. Reviews will ensure that sites which no longer meet the criteria are removed and new sites can be assessed and added.
- LPA's are not required to undertake consultation in relation to sites they propose to include only in Part 1 of the Register. However, authorities can consult if they wish to do so and they must take into account any representations received.
- Where LPA's intend to trigger a grant of permission in principle for a site in Part 1, by entering land in Part 2 of the Register, they must carry out the required consultation, notification and publicity procedures. The LPA must take into account any representations received.
- LPA's do not need to carry out consultation, publicity or notification for a site to be removed from the BR, but they are free to do this and must take account of representations received.