

## Local Plan Committee

4<sup>th</sup> April 2016

Item  
**9**

Report of	Head of Commercial Services	Author	Karen Syrett 01206 506477
Title	Brownfield Land Pilot		
Wards affected	All		

**The Local Plan Committee is asked to note that Colchester Borough Council has been selected to be a Brownfield Land Register Pilot.**

### 1. Decision(s) Required

- 1.1 To note the requirements of the Brownfield Land Register Pilot.

### 2. Reasons for Decision(s)

- 2.1 To make members aware of the Brownfield Land project and how it will help provide evidence to inform the Local Plan.

### 3. Alternative Options

- 3.1 There are no alternative options – the report is for information only.

### 4. Supporting Information

- 4.1 Government announced on the 10th March that 73 councils across England will pilot one of the new brownfield land registers, which will provide house builders with up-to-date and publicly available information on all brownfield sites available for housing locally. Colchester Borough has been identified as one of those pilot Councils.
- 4.2 The intention is that the registers will help housebuilders identify suitable sites quickly, speeding up the construction of new homes. They will also allow communities to draw attention to local sites for adding to the register, including in some cases derelict buildings and eyesores that are primed for redevelopment and that could attract investment to the area.
- 4.3 The government is seeking to get planning permission in place on 90% of suitable brownfield sites for housing by 2020. The Registers are one way it has identified to do this. The government stated intention is to give sites on the register 'Permission in Principle' for housing, see below, but that is not part of this pilot scheme.
- 4.4 Invitations to take part in the Pilot were sent to all councils. Although it is an additional piece of work for the Planning Policy team at an

already busy time it was considered to be good timing for a number of reasons;

- The Councils evidence to inform the Register is as up to date as it can be
- The team have an additional resource for a month to assist with the project
- The register will have to be produced when legislation is in place (expected to be later this year) and that will be another busy period
- The Government will pay each authority £10,000 for taking part in the Pilot. This funding may not be available to all Councils at a later stage when the Register becomes a statutory requirement.
- The register will provide evidence for officers, developers and the general public as to how much brownfield land there is in the borough.

4.5 The councils taking part in the brownfield pilots will inform future government guidance on the operation of the brownfield registers. Registers will eventually become mandatory for all councils under proposals going through Parliament in the Housing and Planning Bill. By being part of the Pilot it is hoped we will be ahead of the game.

4.6 For information Housing Minister Brandon Lewis visited Colchester on the day of the announcement and visited a brownfield site in Ipswich Road.

4.7 Brownfield Registers – Key Principles

- Based on Strategic Land Availability Assessment (SLAA) process, including annual reviews of potentially suitable sites. Will also expect authorities to look at other relevant sources and ask landowners and others to volunteer sites for consideration
- Potential brownfield sites should comply with the NPPF definition of previously developed land
- To be regarded as suitable for housing potential sites must be:
  - Available – Deliverable or Developable
  - Capable of supporting 5 or more dwellings or more than 0.25ha
  - Capable of Development – free from constraints or constraints exist but can be mitigated.
- Sites that meet these criteria will be placed on the register. This will include sites which already have planning permission.
- Registers to be kept under review, regularly updated and made publicly available
- Data on each site to be in a consistent standard format and published to Open Data standards

4.8 Key Stages in the Pilot

- Stage 1 – Identifying provisional brownfield sites. Councils will identify provisional brownfield sites from the existing evidence base

and consider what other relevant sources could be used to identify further suitable brownfield sites.

- Stage 2 – Assessing the suitability of provisional brownfield sites. The suitability of the provisional sites will be assessed against the criteria specified in the draft manual. Decisions about whether to include a site on the register will be for local authorities. There will be no right of appeal because there is always the option of submitting a planning application.
- Stage 3 – Compiling a pilot register including the required information for suitable sites. The Government plan to make consultation discretionary when including land on a register.
- Stage 4 – Publishing a pilot register by the end of June 2016.

- 4.9 There will be an expectation throughout the Pilot that local authorities will share views on the whole process. This will include the data required in the register for each site; the consultation authorities would be minded to undertake, once the legislation comes into force, for sites included on the statutory brownfield register; and the suitability of the criteria. The draft manual is attached as appendix 1.

4.10 Permission in Principle (PiP)

The Productivity Plan 2015 set out the Government's intention to legislate to grant automatic permission in principle on brownfield sites identified in new brownfield registers, subject to the approval of a limited number of technical details. This measure features in the Housing and Planning Bill and will enable 'permission in principle' to be granted for housing-led development sites listed on the new brownfield registers or allocated in Local Plans.

- 4.11 There will be a statutory requirement to consult on sites granted PiP. If a site is very complex, very contaminated, etc, it would not be suitable for PiP. Technical details will need to be approved and at that stage a local authority can seek mitigation and contributions. The Government see this process as the way to ensure 90% of brownfield land or sites – still to be determined – will have permission by 2020.

- 4.12 Permission in principle does not form part of the Brownfield Land Register Pilot and further details are awaited on this aspect.

## **5. Proposals**

- 5.1 The Local Plan Committee is asked to note the requirements of the Brownfield Land Register and to identify sites that might be suitable for inclusion.

## **6. Strategic Plan References**

- 6.1 Effective strategic planning supports the Strategic Plan Action Plan which includes a commitment to make Colchester a vibrant, prosperous, thriving and welcoming place.

## **7. Consultation and Publicity**

- 7.1 Consultation will be discretionary and for each local authority to decide how and if it is undertaken. No consultation is required as part of the Pilot but it is considered that by bringing the report to Committee some publicity will be generated and it will be useful to see how much feedback there is.

## **8. Financial Implications**

- 8.1 The Council will be awarded £10,000 government funding to help the establishment of the brownfield register.

## **9. Equality, Diversity and Human Rights Implications**

- 9.1 An Equality Impact Assessment has been prepared for the Local Plan and is available to view by clicking on this link:-

<http://www.colchester.gov.uk/article/4962/Strategic-Policy-and-Regeneration>

or go to the Colchester Borough Council website [www.colchester.gov.uk](http://www.colchester.gov.uk) and follow the pathway from the homepage: Council and Democracy > Policies, Strategies and Performance > Equality and Diversity > Equality Impact Assessments > Strategic Policy and Regeneration and select Local Development Framework from the Strategic Planning and Research section.

- 9.2 There are no particular Human Rights implications.

## **10. Community Safety Implications**

- 10.1 None

## **11. Health and Safety Implications**

- 11.1 None

## **12. Risk Management Implications**

- 12.1 Taking part in the Pilot will ensure the Council is fully informed of national policy and will minimise the risk of challenge for not having an appropriate Register.

## **13. Disclaimer**

- 13.1 The information in this report was, as far as is known, correct at the date of publication. Colchester Borough Council cannot accept responsibility for any error or omission.

# Pilot Brownfield Register Manual

## Introduction

This manual has been prepared by DCLG to assist local planning authorities participating in the pilot brownfield register project. It provides information on the aims of the project, the process of compiling a pilot brownfield register, and the expectations on pilot authorities.

The Department has undertaken a two phase approach to the pilot project. For the first phase we selected the 20 authorities in England with the most brownfield land in their areas, as identified in the National Land Use Database in 2010 and invited them to participate. For the second phase, we invited all other authorities in England to apply to pilot a brownfield register and selected 36 bids covering 58 authorities. To help authorities share best practice we have included in Annex A a list of all local planning authorities that are taking part in the project.

The manual is intended to provide sufficient information for authorities to complete the pilot project. We have also issued a [public consultation document](#) seeking views on our proposed approach, this document provides further information on the policy and we would welcome responses from pilot authorities. Support for pilot authorities is available via [brownfieldpilots@communities.gsi.gov.uk](mailto:brownfieldpilots@communities.gsi.gov.uk) should authorities have detailed questions on the project.

## Background

The Government has set out its commitment to introduce a statutory brownfield register and ensure that 90% of suitable brownfield sites have planning permission for housing by 2020. Through brownfield registers, a standard set of information will be kept up-to date and made publicly available to help provide certainty for developers and communities and encourage investment in local areas.

This project provides an exciting opportunity for local planning authorities to work together and with the Department to shape and develop this policy. The experiences of pilot authorities will feed into the development of secondary legislation and guidance to support local planning authorities more widely. By participating in the project, pilot authorities will gain early experience of preparing brownfield registers, and have some early data on the amount of brownfield land in their area that is suitable for housing.

## Project Expectations

We have identified four stages for the preparation of a pilot brownfield register and would like your authority to help test the process by completing each stage and compiling a pilot brownfield register for publication. The four stages are:

- **Identifying provisional sites** – Pilot authorities should consider their existing evidence base, including Strategic Housing Land Availability Assessments, and identify provisional brownfield sites that may be suitable for housing.
- **Assessing site suitability** – Pilot authorities should assess the suitability of their provisional brownfield sites against the specific criteria set out in the manual.
- **Compiling a pilot register** – We want pilot authorities to work with us to establish a national data standard for the data held in brownfield registers. This should meet Open Data principles and allow interested persons to reliably combine and compare different authorities' registers. Once the data standard is established pilot authorities should gather information for each site included on their pilot register.
- **Publishing a pilot register** – Pilot authorities should assist the Department in testing the process for aggregating the data nationally by publishing their pilot register locally on their own website and offer views on the future updating and maintenance of brownfield registers.

Pilot authorities will not be expected to grant permission in principle as part of this project. However, when the statutory requirement for preparing brownfield registers comes into force we will expect local planning authorities to take a positive and proactive approach when considering granting permission in principle for sites included on their registers. We expect that the large majority of sites on registers that do not already have an extant planning permission will be granted permission in principle for housing. We would therefore encourage pilot authorities to consider the suitability of sites for a future grant of permission in principle and any related issues as part of this project,

We expect pilot authorities to share their experiences and provide feedback to the Department as each stage is concluded by completing the standard feedback form for each stage of the pilot project in Annex A that will be distributed. This information will be valuable in informing the development of the secondary legislation and guidance for brownfield registers.

At this stage we are not setting specific deadlines for the completion of specific stage, however, as the secondary legislation needs to be finalised during Summer 2016, pilot brownfield registers will need to be published locally by the **end of June 2016**.

We appreciate that this is an ambitious timescale for the project but hope that the manual sets out clearly what is required for each stage of the process, so pilot authorities can prepare and plan effectively to meet the project expectations.

We will also offer support via regular contact with pilot authorities and establish a dedicated forum on the Knowledge Hub website for authorities to discuss progress with each other and DCLG officials.

## STAGE 1 - Identifying provisional brownfield sites

*Pilot authorities are expected to identify provisional brownfield sites from their existing evidence base and consider what other relevant sources could be used to identify further suitable brownfield sites.*

The first stage requires pilot authorities to identify provisional sites for their pilot register from the existing evidence base. The evidence base will include sites in an up-to date Strategic Housing Land Availability Assessment or up-to date Local Plan, sites with an extant planning permission for housing and any other relevant windfall sites. Sites that in the opinion of the local planning authority are suitable for housing led development should also be identified as a provisional brownfield site.

We would expect all provisional brownfield sites to meet the definition of “previously developed land” in Annex 2<sup>1</sup> of the National Planning Policy Framework<sup>2</sup>

We would also encourage pilot authorities to consider other relevant sources and share with us their views on what would be useful in identifying provisional sites for inclusion in registers.

Once the statutory requirement comes into force it is our intention that local planning authorities will undertake a call for sites, unless a full SHLAA has been recently undertaken. Annual call for sites should be undertaken by all local planning authorities subsequently reviewing their registers annually. This will ensure that new sites are introduced into the evidence base to keep registers up-to date. Pilot authorities are not required to undertake a call for sites as part of this project; however, we welcome feedback on how our proposed approach would work in practice.

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<sup>1</sup> See <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<sup>2</sup> The detailed assessment of their suitability for housing and inclusion on the pilot register is carried out at Stage 2.



## STAGE 2 – Assessing the suitability of the provisional brownfield sites

*Pilot authorities should assess the suitability of their provisional sites against the criteria below and share their views on the consultation they would be minded to undertake, once the legislation comes into force, for sites included on the statutory register.*

At stage 2 pilot authorities should determine whether their provisional brownfield sites are suitable for housing by assessing them against specific criteria that have been drawn from policy in the National Planning Policy Framework.

Sites that have an extant planning permission for housing do not need to be assessed against the criteria as they have already been considered suitable for housing and can therefore be included on the pilot register without further assessment.

To be regarded as suitable for housing our proposed criteria are that sites must be:

- **Available.** This means that sites should be either deliverable or developable.<sup>3</sup> Sites that are **deliverable** should be available and offer a suitable location for development now and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. To be considered **developable**, sites are likely to come forward later on (e.g. between six and ten years). They should be in a suitable location for housing development and there should be a reasonable prospect the site will be available and that it could be viably developed at the point envisaged. Consideration about site viability should be proportionate having regard to the particular circumstances of the site and any other relevant factors. Sites that are not allocated in the local plan should be included in local brownfield registers where they meet the relevant criteria and pilot authorities conclude that they will come forward over a reasonable period of time.
- **Capable of supporting five or more dwellings or more than 0.25 hectares.** This approach to defining a minimum site size threshold is intended to be proportionate and is in line with Planning Practice Guidance on conducting Strategic Housing Land Availability Assessments. To meet the statutory requirement, local planning

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<sup>3</sup> See National Planning Policy Framework footnotes 11 and 12.

authorities should also aim to seek suggestions for smaller sites from the public and other interested parties and include these sites in their registers whenever possible because of their valuable contribution to overall housing supply; however this is not a mandatory part of pilot register.

- **Capable of development.** Pilot authorities should ensure that sites are suitable for residential use and free from constraints *that cannot be mitigated*. The National Planning Policy Framework has strong policies for conserving and enhancing both the natural and the historic environment which should be taken into account, together with other specific policies in the Framework that indicate development should be restricted. Pilot authorities will need to support decisions about potential constraints with strong evidence and appropriate mitigations should be considered wherever possible to enable sites to be included on the register.

Pilot authorities should note that where a brownfield site is subject to an allocation for a use other than housing in an up to date local plan and there is compelling evidence supporting that allocation, it is unlikely that the site would be regarded as being suitable for housing.

Where an authority decides a site is not suitable for housing and should not be included in a register, we are proposing to follow the existing SHLAA process and the landowner will not have the opportunity to appeal the authority's decision. If a landowner is aggrieved by a decision taken by an authority they would have the option to make an application for planning permission.

Once the statutory requirement comes into force, it is our intention that local planning authorities will have discretion over the level of consultation they undertake for sites included on brownfield registers as being suitable for housing (consultation on sites where the authority proposes to grant permission in principle will be mandatory).

We do not expect pilot authorities to undertake consultation as part of this project; however, we are mindful that a number of authorities in both phases have suggested they will undertake consultation on their pilot register and we would be interested in issues and suggestions arising from their experience. Likewise, for authorities that do not undertake consultation as part of the pilot project we would still welcome views on the level of consultation that authorities would be minded to undertake for sites included on registers.

After applying the criteria to their provisional sites, pilot authorities should have a list of brownfield sites suitable for housing that are ready for inclusion on their pilot register. A number of pilot authorities have suggested they would also like to include

the sites that they have decided are not suitable, to ensure transparency in the decisions taken by the authority. We are therefore working to ensure that it is possible for these sites to be included in an Annex to the register if councils wish.

Stage 3 provides instructions for compiling the pilot register and sets out what information should be included for each site.

## STAGE 3 - Compiling a Pilot Register

*Pilot Authorities should engage/participate in the discussion to establish the national data standard and complete the pilot register including the required information for their suitable sites.*

Once pilot authorities have a list of brownfield sites that are suitable for housing, they should include them on their pilot register (for transparency reasons, an annex to the register should also include those provisional brownfield sites considered not suitable). The key objective of the brownfield register is to improve the availability and transparency of information on brownfield land that is suitable for housing, therefore ensuring consistency in approach across local authority areas is essential.

To help us achieve this goal and ensure that the usefulness of local brownfield registers is maximised we are working with iStand UK (formerly the Local Government E- Standards Body) as they have experience of working with local authorities to establish similar national data standards. We are currently working with representatives of phase 1 authorities on a detailed data schema for pilot authorities and hope to share this with all pilot authorities by the **end of March 2016**. This will include a template to complete and guidance on the data that will be required for each site.

This work will result in a national standard for the data that should be included for each site on the register; to help pilot authorities prepare we are currently proposing that local planning authorities should include:

- site reference - Unique Property Reference Number (UPRN)
- site name and address
- centroid point
- extent of the site
- size (in hectares)
- an estimate of the number of homes that the site would likely to be support, preferably a range of provision
- planning status (including link to details held elsewhere of planning permissions, permission in principle/associated technical details consents, and local development orders)
- ownership (if known and in public ownership)

Pilot authorities will be required to follow the national data standard and provide the information for each site included on the register by completing a standard template for spreadsheet style data in 'csv'<sup>4</sup> form that the Department will share.

However, we appreciate that there may be circumstances where a local planning authority would like to publish additional information beyond what is statutorily

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<sup>4</sup> Further information on CSV can be found at <http://csvlint.io/about>

required, we welcome innovative thinking from pilots and intend to ensure this is technically possible.

## STAGE 4 - Publishing a Pilot Register

*Pilot authorities should publish their completed pilot register on their own website.*

Once pilot authorities have a completed register, we would expect it to be published on their own website. Pilot authorities should then provide the Department with this address as the Department will extract the file and aggregate the data for all authorities in the pilot project. This will test the process that we expect to establish for all pilot authorities once the statutory requirement for brownfield registers is in force.

We propose to require local planning authorities to meet 'Open Data' standards so the data held in registers is freely available for use by everyone with an interest in brownfield land. To achieve this, links to the local registers will be recorded via established data portals<sup>5</sup>, so that there are opportunities for users to discover and re-use the data held in registers from multiple authorities.

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<sup>5</sup> Examples of potential data portals for recording links to local registers are data.gov.uk and the LGA's Local Open Data site.

## Next Steps

Phase 1 authorities should receive their grant payment imminently and begin work on the pilot project following receipt of this manual. Phase 2 authorities should attend the engagement sessions in the week commencing 7 March and start working on the project following receipt of the £10k grant funding which will be made as soon as possible following the sessions.

The pilot project will be operated as a closed working group; therefore information should only be shared between authorities that are participating (other than the publication of a pilot register at the end of the process). Understanding the experiences of pilot authorities in completing the process in practice is a key objective for this project. As a result, we are very keen to hear views from pilot authorities throughout the project and have included the standard feedback forms that we are expecting authorities to complete for each stage of the process in Annex B.

We will provide support via regular contact and have established a dedicated email address [BrownfieldPilots@communities.gsi.gov.uk](mailto:BrownfieldPilots@communities.gsi.gov.uk) for any queries that pilot authorities may have during the project. The Department and iStand UK have also established a smaller technical working group with representatives of phase 1 authorities that we are using to guide the development of the national data schema.

DCLG  
March2016

## **Annex A - Local planning authorities taking part in the project**

### **Local planning authorities taking part in 1<sup>st</sup> phase of brownfield pilots project**

Cherwell
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County Durham
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Huntingdonshire
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Leeds
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Liverpool
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Manchester
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Medway
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Newcastle upon Tyne
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Peterborough
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Selby
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Sheffield
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South Cambridgeshire
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Sunderland
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Tonbridge and Malling
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Wigan
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### **Local planning authorities selected to take part in 2<sup>nd</sup> phase of brownfield pilots project**

Bassetlaw
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Nottingham
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Bath and North East Somerset
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Oldham
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Blackpool
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Oxford
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Bolton
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Pendle
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Bristol City
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Preston City
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Broxtowe
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Rochdale
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Bury	Rossendale
Central Bedfordshire	Rotherham
Colchester	Runnymede
Corby	Rushcliffe
Cornwall	Salford
Dover	Sandwell
Dudley	South Gloucestershire
East Devon	South Ribble
East Northamptonshire	South Tyneside
East Riding	Stockport
Exeter City	Stroud
Gateshead	Swindon
Gedling	Tameside
Hart	Teignbridge
Hyndburn	Telford & Wrekin
Kettering	Thurrock
Kingston upon Hull	Torbay
Mid Devon	Trafford
Milton Keynes	Walsall
NE Lincolnshire	Waverley
North Somerset	Wellingborough
Northampton	West Oxfordshire
Northumberland	Wolverhampton

**Annex B – Feedback forms**

**STAGE 1 FEEDBACK FORM - Identifying provisional brownfield sites**

*Pilot authorities are expected to identify provisional brownfield sites from their existing evidence base and consider what other relevant sources could be used to identify further suitable brownfield sites.*

**Authority:**

**What issues did you face in completing this stage of the process?**

**What would you have done differently if you were to complete this stage again?**

**Outside of the existing evidence base (SHLAA, up-to date local plan, sites with extant planning permission) what other sources did you find useful in identifying provisional brownfield sites?**

**How would you expect to operate a call for sites on an annual basis to identify provisional brownfield sites?**

**Any other comments:**

## **STAGE 2 FEEDBACK FORM – Assessing the suitability of the provisional brownfield sites**

*Pilot authorities should assess the suitability of their provisional sites against the criteria below and share their views on the consultation they would be minded to undertake, once the legislation comes into force, for sites included on the statutory register.*

**Authority:**

**What issues did you face in completing this stage of the process?**

**What would you have done differently if you were to complete this stage again?**

**What approach would your authority take to public consultation on the brownfield register?**

**Any other comments:**

## **STAGE 3 FEEDBACK FORM – Compiling a Pilot Register**

*Pilot Authorities should engage/participate in the discussion to establish the national data standard and complete the pilot register including the required information for their suitable sites.*

**Authority:**

**We will share an updated Feedback Form for this stage of the project once we have issued the national data scheme currently being prepared by the department and iStand UK.**

## **STAGE 4 FEEDBACK FORM - Publishing a Pilot Register**

*Pilot authorities should publish their completed pilot register on their own website.*

**Authority:**

**What issues did you face in completing this stage of the process?**

**What would you have done differently if you were to complete this stage again?**

**Where is your pilot register published?**

**Any other comments:**