

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES

TO:	STRATEGIC ENVIRONMENT, PLANNING AND TRANSPORT COMMITTEE		
DATE:	22 NOVEMBER 2017	AGENDA ITEM:	9
TITLE:	PLANNING AND COMPULSORY PURCHASE ACT 2004 BROWNFIELD LAND REGISTER		
LEAD COUNCILLOR:	COUNCILLOR PAGE	PORTFOLIO:	STRATEGIC ENVIRONMENT, PLANNING AND TRANSPORT
SERVICE:	PLANNING	WARDS:	ALL
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1. EXECUTIVE SUMMARY

- 1.1 This report sets out new requirements of the Council under the Town and Country Planning (Brownfield Land Register) Regulations 2017¹. The regulations require the publication on the Council's website of a Register of all brownfield housing sites of 0.25ha, or capable of accommodating at least five dwellings by the end of 2017. This report outlines the requirements of the regulations and seeks Committee agreement to details of how officers intend to respond to the requirements and how those details are signed off for this year and for future years.

2. RECOMMENDED ACTION

- 2.1 That Committee note the requirements under the Town and Country Planning (Brownfield Land Register) Regulations 2017, to publish a register of brownfield housing sites within their area of 0.25ha or above, or capable of accommodating at least five dwellings.
- 2.2 That Committee agree that the register to be published in 2017, and in subsequent years, be agreed by the Head of Planning Development and Regulatory Services in consultation with the Lead Councillor for Strategic Environment Planning and Transport.

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

2.3 That Committee note that any future proposals to bring forward sites for permission in principle under Part 2 of the Register will be brought back to Committee for authorisation.

3. CONTEXT

3.1 The Planning and Compulsory Purchase Act 2004 (sections 14A and 122(1)(a) and (3) as inserted by the Housing and Planning Act 2016) gives the Secretary of State powers to make regulations requiring a local planning authority in England to prepare, maintain and publish a register of land within (or partly within) the authority's area for a prescribed purpose. Under the Town and Country Planning (Brownfield Land Register) Regulations 2017, local authorities must publish a 'Brownfield Land Register' by 31st December of each year. The first version of this is due to be published by local authorities by 31st December 2017.

3.2 A Brownfield Land Register should list all brownfield housing sites of 0.25ha, or capable of accommodating at least five dwellings. It should include outstanding planning permissions, development plan allocations and any other suitable sites. DCLG has published a brownfield land registers template, and an accompanying 'How To' guide, to help ensure that brownfield land registers are published in the correct format and comply with the data standards².

3.3 The Register is divided into Part 1 and Part 2. Part 1 simply presents all sites within the local authority area which fulfil the criteria above, together with relevant information, in a format specified within the Regulations. Part 1 is therefore simply a list of sites and has no policy status as such. The completion of Part 1 only should be a relatively non-contentious exercise, because it largely involves collating information from existing published sources. Part 1 would be made up of sites with planning permission (listed in published Commitments documents), development plan allocations (set out in adopted or emerging plans) and any other suitable sites (which are already listed within the most up-to-date version of the Housing and Economic Land Availability Assessment, published as evidence for the Local Plan).

3.4 Part 2 is more complicated, and placing a site within part 2 of the Register gives it 'permission in principle'. Permission in principle is a new type of planning consent, introduced through the Town and Country Planning (Permission in Principle) Order 2017. It can either be applied for by an applicant, or it can be granted by a local authority without any application necessary. It involves two stages - a permission in principle stage and a technical details stage - and in a sense it therefore works in

² See <https://www.gov.uk/government/publications/brownfield-land-registers-data-standard>

a similar manner to outline and reserved matters planning applications, although there are a number of differences.

- 3.5 As inclusion within Part 2 essentially grants permission, there are a number of consultation and notification stages associated with placing a site on Part 2, along the lines of expectations for planning applications. It is entirely up to the local planning authority to decide which sites to place on Part 2, if any. There do not appear to currently be any repercussions for local authorities if they do not put any sites on Part 2. Indeed, when officers attended a workshop on this at which representatives from CLG spoke earlier this year, local authorities were encouraged to keep the Register as simple as possible in its first year.

4. THE PROPOSAL

(a) Current Position

- 4.1 In line with the DCLG guidance, officers intend to only provide a register that includes sites within Part 1 in this first year. A register will be formed using the sources listed above and placed on the Council's website by the deadline of 31st December 2017. It is recommended that Committee agree that the register to be published in 2017, and in subsequent years, be agreed by the Head of Planning Development and Regulatory Services in consultation with the Lead Councillor for Strategic Environment Planning and Transport.

If the Council wished to make use of its permission in principle powers through Part 2 in future years, it would need to establish some criteria for how this should be judged, and put in place processes for enabling/approving such permissions. This would also be very much dependent on available resources. A further report will be brought back to this committee if any proposal to publish a register with sites in Part 2 is brought forward.

5. CONTRIBUTION TO STRATEGIC AIMS

- 5.1 The Brownfield Land Register is intended to highlight and publicise potential residential development sites comprising previously developed land. The development of such sites is already positively encouraged in the council's planning policies as the development of such sites should contribute to producing a sustainable environment and economy within the Borough. This would therefore meet the 2015 -18 Corporate Plan objective for "Keeping the town clean, safe, green and active."

6. COMMUNITY ENGAGEMENT AND INFORMATION

- 6.1 The regulations do not require any consultation or community engagement on the contents of Part 1 of the register. Consultation or community engagement would, in any case, be undertaken on identified

sites through local plan consultation processes or through consultation and engagement on any planning application.

7. EQUALITY ASSESSMENT

- 7.1 As discussed, the requirements under the regulation solely involve the publication of a list of sites that are already identified through other sources and which will in any case be subject local plan consultation processes or through consultation and engagement on any planning application. An Equality Impact Assessment scoping has therefore not been carried out in relation to this report. Such an assessment may be required, along with, potentially, a full Equality Impact Assessment, for individual sites as part of local plan proposals or through the consideration of individual planning applications.

8. LEGAL IMPLICATIONS

- 8.1 There are no direct legal implication arising from this report

9 FINANCIAL IMPLICATIONS

- 9.1 There are no financial implications arising from the proposals in this report. The preparation of the register and its publication on the Council's website will be undertaken using existing resources.

BACKGROUND PAPERS

- Planning and Compulsory Purchase Act 2004 (sections 14A and 122(1)(a) and (3) as inserted by the Housing and Planning Act 2016;
- Town and Country Planning (Brownfield Land Register) Regulations 2017 (<http://www.legislation.gov.uk/ukxi/2017/403/contents/made>)
- RBC Commitments documents (http://www.reading.gov.uk/media/7259/Residential-Commitments-2017/pdf/Residential_Commitments_16_17.pdf)
- RBC Local Plan allocations (<http://www.reading.gov.uk/newlocalplan>)
- RBC Housing and Economic Land Availability Assessment (http://www.reading.gov.uk/media/7155/HELAA-for-Reading-May-2017-Volume-I-Main-Report/pdf/HELAA_for_Reading_May_2017_Volume_I_Main_Report.pdf and http://www.reading.gov.uk/media/7156/HELAA-for-Reading-May-2017-Volume-II-Detailed-Tables/pdf/HELAA_for_Reading_May_2017_Volume_II_Detailed_Tables.pdf)