

Portfolio Holder Decision

Report Title: Brownfield Land Register

Portfolio Holder: Cllr Ainsley Arnold

Senior Officer: Sean Hannaby, Director of Planning and Environment

1. Report Summary

- 1.1. The Council published its first Brownfield Land Register in December 2017. It is a legal requirement for local planning authorities to prepare, publish and update, at least once a year, a Brownfield Land Register. This report seeks agreement to publish the Council's first update of the Brownfield Land Register by the statutory deadline of 31 December 2018. The purpose of brownfield registers is to provide up-to-date, publicly available information on brownfield land that is suitable for housing.

2. Recommendation

- 2.1 That the Cheshire East Brownfield Land Register, appended to this report at Appendix 1, is approved and published by 31 December 2018.

3. Reasons for Recommendation

- 3.1 The preparation and publication of a brownfield land register is a statutory requirement.

4. Other Options Considered

- 4.1 No other options have been considered. The preparation and publication of a brownfield land register is a statutory requirement. Regulations also set out how they have to be prepared.

5. Background

5.1 In April 2017 two new pieces of legislation came into force:

- The Town and Country Planning (Brownfield Land Register) Regulations 2017 (referred to as “the Regulations” in this report); and
- The Town and Country Planning (Permission in Principle) Order 2017 (referred to as “the Order” in this report)

5.2 The Regulations require local planning authorities to prepare and maintain a Brownfield Land Register of previously developed land in their area. The first Register was published in December 2017 and it then has to be updated at least once a year.

5.3 The Register can have two parts. It is a mandatory requirement to publish Part 1 and this includes all previously developed land in the local planning authority’s area that meets the following four criteria:

- the land has an area of at least 0.25 hectares or is capable of supporting at least 5 dwellings;
- the land is suitable for residential development;
- the land is available for residential development; and
- residential development of the land is achievable.

5.4 The terms “suitable”, “available” and “achievable” are defined in the Regulations. Such sites will include those with planning permission and allocated in a local or neighbourhood plan. The inclusion of a site on Part 1 of the register does not mean it will automatically be granted planning permission or Permission in Principle.

5.5 The publication of a Part 2 register is optional. This comprises sites from Part 1 that have, in addition, been granted planning ‘permission in principle’ (PiP) by the local planning authority under the Order. For inclusion in Part 2, sites must have been subject to certain consultation and publicity requirements, and other procedures set out in regulations. A PiP is similar to an outline planning permission, although it is not itself a planning consent. A PiP will set out the fundamental principles of development including location, use of land and amount of development and does not amount to a full planning permission. Therefore development cannot commence without additional information being submitted to, and approved by, the council. The additional information is known as a ‘technical details consent’ and can be likened to an application for reserved matters and will include an assessment of the detailed design, mitigation of impacts and any contributions to essential infrastructure that would be required.. A PiP and a technical details consent must be granted before there is planning permission to build and together has the effect of granting planning permission for the development.

- 5.6 The Regulations include exemptions for certain types of land where residential development of that land would be Schedule 1 or Schedule 2 development under the Environmental Impact Assessment Regulations 2011.
- 5.7 When deciding which sites to enter on their register a local planning authority must have regard to the development plan, national policies and advice and any guidance issued by the Secretary of State.
- 5.8 The purpose of brownfield land registers is to provide up-to-date, publicly available information on brownfield land that is suitable for housing. They are aimed at increasing the take up of suitable brownfield land for housing, providing greater certainty for developers and communities and encouraging investment in local areas.
- 5.9 DCLG have published a prescribed format that all local authorities must use to publish their data. It should be noted that the draft register attached to this report is a cut down version of the required table.
- 5.10 It is proposed that the council's updated Brownfield Land Register includes sites only within Part 1. A total of 68 sites are currently included in the draft register. These comprise:
- a. Sites that have outline or full planning permission or a resolution to grant planning permission (62 sites).
 - b. Sites that are allocated in the Local Plan Strategy which are not currently under construction. Where an allocated site includes a mixture of brownfield and greenfield land, only the brownfield element has been included (2 sites).
 - c. Sites that are being promoted for residential-led redevelopment through the proposed Local Development Order (LDO) in Macclesfield (2 sites - Whalley Heyes and Northside).
 - d. Sites submitted through the Brownfield Land Register 'Call for Sites' which have been assessed following the methodology which is appended to this report (Appendix 2) as being suitable, available and achievable for residential led development (2 sites)
- 5.11 There is no statutory requirement for consultation to be carried out on the inclusion of Part 1 sites however councils can consult on it if they so wish.
- 5.12 All but one of the sites proposed for inclusion in Part 1 have been consulted on – through a planning application process, the Local Plan process or through the publication of the draft LDOs. There are two sites that do not have planning permission, are not allocated or subject of the emerging Macclesfield LDO. They have been submitted in response to a 'call for sites' and assessed as being suitable, available and achievable for

residential led development. Other sites submitted through the 'call for sites' were assessed and considered unsuitable primarily because it was not possible to judge the suitability of residential development on the site in the absence of a detailed scheme. For example, in the case of brownfield sites in the Green Belt, whether new residential development would comprise inappropriate development or not (which goes to the heart of their suitability) could only be judged where the details of the scheme are available. The specific reasons why individual sites were not entered onto Part 1 of the Register is set out in Appendix 3.

- 5.13 The two sites are land at Danebridge Mill, Congleton and Cypress House, South Acre Drive, Handforth. Both sites consist of previously developed land within the settlement boundary and are not in active use.
- 5.14 Land at Danebridge Mill was previously granted planning permission for residential development and included in last year's Part 1 Register; however planning permission has now expired. It will have been consulted on and assessed in terms of its suitability as part of the planning application process. The site owner has re-submitted the site for consideration for inclusion within the register and has confirmed that it is available and achievable for residential led development. Cypress House is the site of a former care home which is now vacant. Both sites are located within Key Service Centres where planning policies would generally support residential development, subject to the details of the development being considered acceptable, assessed through the planning application process.
- 5.15 Inclusion of a site without planning permission within the Part 1 Register, does not give a site planning permission in principle status. Nor does the decision not to include a site within the Register automatically infer that planning permission would not subsequently be granted for residential development should an application be made. With these points in mind, it is not considered that public consultation on Part 1 of the Register is necessary.

6. Implications of the Recommendations

6.1. Legal Implications

- 6.1.1. The Register has been prepared in line with the statute described earlier in the report. The Town & Country Planning (Brownfield Land Register) Regulations, 2017 places a duty on local authorities to prepare, maintain and publish a register of brownfield land suitable for residential development.

6.2. Finance Implications

6.2.1. A new burdens grant is given to assist local planning authorities to produce their brownfield land registers. £14,645 was received by Planning for 2017-18. A grant of £5,485 will be paid this year with future payments kept under review.

6.3. Policy Implications

6.3.1. The Brownfield Land Register may support a range of council priorities, particularly those related to supporting regeneration, improving local environmental quality and providing additional, sustainably located housing.

6.4. Equality Implications

6.4.1 There are no new equality implications arising from the publication of the Brownfield Land Register.

6.5. Human Resources Implications

6.5.1. There are no new human resources implications arising from the publication of the Brownfield Land Register

6.6. Risk Management Implications

6.6.1. The preparation of the Register does not introduce any significant new risks for the council.

6.7. Rural Communities Implications

6.7.1. Brownfield sites will be more prevalent within the larger towns and villages in the borough.

6.8. Implications for Children & Young People

6.8.1. Other than the general, positive public health implications, there are no additional implications for Children and Young People arising from the publication of the Brownfield Land Register.

6.9. Public Health Implications

6.9.1. In supporting regeneration, improving local environmental quality and providing additional, sustainably located housing the Register can only have a beneficial effect in terms of health and well-being.

7. Ward Members Affected

7.1. The Brownfield Land Register has the potential to affect all ward members.

8. Consultation & Engagement

8.1 No consultation has taken place – this is addressed in paragraph 5.15.

9. Access to Information

9.1 National Guidance on Brownfield Land Register and Permission in Principle. Central Government has published the following guidance:

- Brownfield Land Registers:
<https://www.gov.uk/guidance/brownfield-land-registers>
- Permission in Principle:
<https://www.gov.uk/guidance/permission-in-principle>

9.2 The Department for Communities and Local Government (DCLG) have published data on the format of the brownfield register:

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

10. Contact Information

10.1. Any questions relating to this report should be directed to the following officer:

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