

## **Environment and Communities Committee Report**

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<b>Date of Meeting:</b>	20 <sup>th</sup> January 2022
<b>Report Title:</b>	Brownfield Land Register
<b>Report of:</b>	Jayne Traverse, Executive Director of Place
<b>Report Reference No:</b>	EC/29/21-22
<b>Ward(s) Affected:</b>	All wards

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### **1. Executive Summary**

- 1.1.** It is a legal requirement for local planning authorities to prepare, publish and update a brownfield land register (BLR) at least once a year. The purpose of the BLR is to provide up-to-date, publicly available information on brownfield land suitable for housing.
- 1.2.** The council published its first Brownfield Land Register in December 2017 and it has been updated annually since. This report seeks agreement to the Council's 2021 update of the Brownfield Land Register.
- 1.3.** The report also invites the Committee to delegate the preparation and publication of subsequent annual updates to Part 1 of the Register to the Head of Planning. Any proposal to include sites within Part 2 of the Register would still be brought to the Committee for a decision given that this would involve a grant of Permission in Principle (PiP).

### **2. Recommendations**

- 2.1.** That the Committee:
  - 2.1.1.** Approve the 2021 update and publication of the Cheshire East Brownfield Land Register, comprising the sites listed in Appendix 1.
  - 2.1.2.** Delegate future updates and publications of Part 1 of the Cheshire East Brownfield Land Register to the Head of Planning.

### **3. Reasons for Recommendations**

- 3.1.** The preparation and publication of a brownfield land register is a statutory requirement. The Environment and Communities Committee is responsible

for the development and delivery of the Local Development Framework, including the Brownfield Land Register.

- 3.2.** Delegation to the Head of Planning relates only to Part 1 of the Register, which will predominantly comprise sites already with permission or identified for development within the Local Plan. The inclusion of a site in Part 1 of the Register does not trigger PiP.

#### **4. Other Options Considered**

- 4.1.** The preparation and publication of a BLR is a statutory requirement. Regulations also set out how registers must be prepared

#### **5. Background**

- 5.1.** In April 2017 two 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 register of previously developed (AKA ‘brownfield’) land in their area. The Register can have two parts.
- 5.3.** It is a mandatory requirement to publish a Part 1 BLR. Part 1 includes all previously developed land in the local planning authority’s area meeting 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.
- 5.5.** 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. However, the inclusion of a site on Part 1 of the BLR does not mean it will automatically be granted planning permission.
- 5.6.** The inclusion of a site in Part 2 triggers a grant of ‘permission in principle’ (PiP) for that land. For the local planning authority to enter sites into Part 2, certain consultation, publicity requirements and other procedures set out in regulations must be met first. PiP is similar to an outline planning permission.

It will establish the fundamental principles of development including location, the use of the land and the amount of development. However, before development can proceed, a 'technical details consent' must then be approved by the local planning authority.

**5.7.** The draft register attached to this report (Appendix 1) containing 63 sites, is a simplified version of what the council must publish. BLR guidance advises that sites published in previous year's registers but are no longer 'available', should still be retained in the most recent register. These will be identified with 'End dates' in the published version. Of the 128 sites that will be listed in the published version, only 63 are still 'available' and form the essence of the register. There are no entries in Part 2.

**5.8.** The 63 sites comprise of:

- sites with prior approval, full or outline planning permission or a resolution to grant planning permission (subject to the completion of a S106 Agreement) for residential led development (59 sites);
- sites with planning permission granted under the Local Development Orders in Macclesfield (Whalley Heyes and Northside) (2 sites);
- a site without planning permission that was assessed as being suitable, available and achievable in the previous register (Ref 3547 - former Cypress House, Handforth. Whilst a planning application was refused by the Strategic Planning Board for retirement apartments (19/3218M) in September 2020, and an appeal subsequently dismissed (APP/R0660/W/20/3262327) in April 2021, the reasons were related to the design of that particular scheme, rather than any issue with the principle of re-developing the brownfield site; and
- a brownfield site allocated in the Cheshire East Local Plan Strategy that does not have planning permission yet (LPS 21 Twyfords and Cardway).

## **6. Consultation and Engagement**

**6.1.** There is no statutory requirement for consultation to be carried out on the inclusion of Part 1 sites, however councils can consult if they so wish. As all the sites proposed for inclusion in Part 1 have already been consulted on through a planning application process, the Local Plan process or through the publication of the LDOs, further consultation as part of a proposed Part 1 BLR has not been necessary.

**6.2.** Developers and landowners can promote their sites to the council for consideration for inclusion on the BLR. A form is available on the council's website to enable this.

**6.3.** A site was submitted for consideration at Congleton Road, Gawsworth, Macclesfield owned by Tarmac Trading Limited. Tarmac have assessed the site capable of delivering c.92 dwellings and currently contains numerous buildings and hardstanding to facilitate the manufacture/distribution of concrete. Whilst this could be considered as 'brownfield' land, the council's

methodology includes a selection process which includes 'screening out' sites where detailed assessment is needed to determine whether the site is 'suitable' for residential development. In this instance the site is located within the Green Belt and Jodrell Bank consultation zone which will require detailed analysis/consultation to determine its suitability. Consequently, it has been 'screened out'.

## **7. Implications**

### **7.1. Legal**

- 7.1.1. The Register has been prepared in line with the Town & Country Planning (Brownfield Land Register) Regulations, 2017 which place a duty on local authorities to prepare, maintain and publish a register of brownfield land suitable for residential development and prescribe the way in which this should be done.

### **7.2. Finance**

- 7.2.1. Any costs associated with updating and publishing the Brownfield Land Register are met from the Planning Service budget.

### **7.3. Policy**

- 7.3.1. No new policy implications arise from the publication of the 2020 BLR.

### **7.4. Equality**

- 7.4.1. An Equalities Impact Assessment (EQIA) has been prepared which concludes that no impacts upon protected groups are anticipated. See Appendix 2.

### **7.5. Human Resources**

- 7.5.1. There are no Human Resource implications.

### **7.6. Risk Management**

- 7.6.1. No risks identified.

### **7.7. Rural Communities**

- 7.7.1. Rural communities are not affected.

### **7.8. Children and Young People/Cared for Children**

- 7.8.1. No implications

### **7.9. Public Health**

- 7.9.1. Providing new homes on brownfield land in accessible locations can assist well-being, particularly where it includes new affordable homes or provides housing to meet the needs of particular groups such as older people.

### **7.10. Climate Change**

- 7.10.1. The re-use of brownfield land in locations that are accessible by a choice of transport modes may assist in reducing car dependency and thereby help to reduce carbon emissions. However, new development will increase carbon emissions, through the embodied energy in materials, construction operations and the subsequent use of the buildings.

Access to Information	
Contact Officer:	Benjamin Vickers, Senior Planner benjamin.vickers@cheshireeast.gov.uk 01270 685678  Claire Coombs, Principal Planner claire.coombs@cheshireeast.gov.uk 01270 686005
Appendices:	Appendix 1: Brownfield Register (Summary Version) Appendix 2: Brownfield Register Equalities Impact Assessment
Background Papers:	N/A