

**TO: EXECUTIVE MEMBER FOR PLANNING AND TRANSPORT
19TH DECEMBER 2017**

**PUBLICATION OF A BROWNFIELD LAND REGISTER FOR BRACKNELL FOREST
(Director of Environment, Culture and Communities)**

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek the agreement of the Executive Member for Planning and Transport to publish a Brownfield Land Register for Bracknell Forest, (attached at Appendix A), as required by Section 14A of Planning and Compulsory Purchase Act 2004 (as amended) and Regulation 3 of Town and Country Planning (Brownfield Land Register) Regulations 2017.

2 EXECUTIVE SUMMARY

- 2.1 The Brownfield Land Register is a new document that the Council is required to prepare and publish by 31st December 2017. Thereafter, it must be reviewed at least once a year. The Register provides information on previously developed sites which the Council consider to be appropriate for residential development. The Register is intended to provide transparent information about suitable and available sites.
- 2.2 The Brownfield Land Register consists of two parts:
- Part 1 comprises a list of all previously developed sites that the Council has assessed as appropriate for residential development; and
 - Part 2 contains sites from Part 1 which the Council has decided would be suitable for a grant of permission in principle (PiP) for residential development.

3 RECOMMENDATION(S)

- 3.1 **That the Executive Member for Planning and Transport agrees to the content and publication of a Brownfield Land Register for Bracknell Forest (Part 1 and 2 as set out in Appendix A) by 31 December 2017.**

4 REASONS FOR RECOMMENDATION(S)

- 4.1 To comply with the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Brownfield Land Register) Regulations 2017.

5 ALTERNATIVE OPTIONS CONSIDERED

- 5.1 Not publishing the Brownfield Land Register by 31 December 2017 would result in the Council failing to meet statutory requirements in the Section 14A of Planning and Compulsory Purchase Act 2004 (as amended) and Regulation 3 of the Town and Country Planning (Brownfield Land Register) Regulations 2017.

6 SUPPORTING INFORMATION

Background to the Brownfield Land Register

- 6.1 The Housing and Planning Act 2016 amended the Planning and Compulsory Purchase Act 2004 requiring local planning authorities to prepare, maintain and publish a register of land which is of a prescribed description or satisfies prescribed criteria. Secondary legislation, in the form of the Town and Country Planning

Unrestricted

(Brownfield Land Register) Regulations 2017 (subsequently referred to as the 'Regulations') and the Town and Country Planning (Permission in Principle) Order 2017, has defined this requirement in more detail and came into force in April 2017. The aim is to promote the development of brownfield sites, potentially resulting in investment and regeneration.

- 6.2 Full details of what a Brownfield Land Register must contain are set out in Schedule 2 of the 'Regulations'. Registers are required to include, amongst other data, site identification information, descriptions of proposed housing developments and notes on the deliverability of sites.
- 6.3 All previously developed land (as defined in Annex 2 of the National Planning Policy Framework) is expected to be included in Part 1 of the Register, subject to the following criteria being satisfied:
- The land has an area of at least 0.25 hectares or is capable of supporting at least five dwellings;
 - The land is suitable for residential development – i.e. it has been allocated in a development plan document, benefits from planning permission or planning permission in principle, or, in the opinion of the local planning authority, is appropriate for residential development, having regard to any adverse impact on local amenity and the natural and built environment (including heritage assets) and any relevant representations from third parties;
 - The land is available for residential development – i.e. the owners of the land (or developer in control of the land) have expressed an intention to sell or develop the land and the local planning authority considers that there are no ownership or other legal matters that might prevent residential development taking place, having regard to publicly available information and any relevant representations; and
 - Residential development of the land is achievable – i.e. it is the opinion of the local planning authority that, based on publicly available information and any relevant representations, the development is likely to take place within 15 years.
- 6.4 Part 2 of a Brownfield Land Register is a subset of Part 1 and only contains sites where a local planning authority has decided to grant a PiP for housing-led development. Local planning authorities are expected to consider the suitability of all relevant sites on their Brownfield Land Registers for a grant of PiP, taking into account relevant policies in the development plan and other material considerations. However, there may be cases where other routes to planning permission, e.g. traditional applications for outline planning permission, are more appropriate.
- 6.5 A PiP is granted for the provision of a number of dwellings falling within the range specified in the relevant entry in the Register as well as any non-residential development described in the entry. This is designed to provide developers with some certainty that the fundamental principle of development on a site is acceptable before technical matters are examined, thus reducing financial risk.
- 6.6 Before entering land into Part 2 of a Brownfield Land Register, a local planning authority must publicise, notify and consult on its intention to include sites in Part 2.
- 6.7 Any development that would be prohibited under habitats protection legislation or subject to Environmental Impact Assessment (EIA) is exempt from the grant of a PiP. As such, a screening opinion may be required before an entry in Part 2 of a Register is confirmed.

The Brownfield Land Register for Bracknell Forest

- 6.8 The Brownfield Land Register for Bracknell Forest (attached as Appendix A) proposes 30 sites for inclusion in Part 1, of which 11 have planning permission, 13 were identified in the Site Allocations Local Plan and 7 are sites extracted from the Borough's Strategic Housing and Employment Land Availability Assessment (SHELAA).
- 6.9 None of these sites are considered suitable for a grant of PiP and it is therefore recommended that there are no entries in Part 2 of the Register this year. Any future decision to include land in Part 2 of the Register and to grant a PiP is specifically excluded from being an Executive decision – this is dealt with in Regulation 19 of the 'Regulations' which is concerned with a consequential amendment to the Functions and Responsibilities Regulations 2000.
- 6.10 This Register has been compiled in accordance with the brownfield land register data standard published by DCLG and is a standardised open spreadsheet with a consistent structure that will enable the information to be analysed by data analysis software. Local planning authorities are encouraged to make their Registers available in this format so that they can easily meet the requirements of any request for information issued by the Secretary of State. The Government intends to use this data to develop a more comprehensive understanding about the location and capacity of brownfield land suitable for development in the UK.

7 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 7.1 The decision to grant planning permission is a non executive function under Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. The 2017 'Regulations' amends Schedule 1 (functions not be the responsibility of an authority's executive) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 by inserting that the decision to enter a site in Part 2 of the Register is a non-executive function, as entering a site in Part 2 grants a site a PiP. In terms of the Council's constitution, whilst Part 2/Section 4 covers the fact that this is a Planning (non Executive function) and therefore does not need amending, the current delegations to the Chief Officer Part 2/Section 6 /Table 1/Paragraph J suggest that the delegation runs to the Chief Officer rather than Planning Committee. An amendment will therefore be required if decisions are to be reserved to Planning Committee.

Borough Treasurer

- 7.2 The Council has received a New Burdens grant of £15,000 from the government to cover the costs associated with the production and publication of the Brownfield register. This grant is considered sufficient to cover costs incurred.

Equalities Impact Assessment

- 7.3 An Equalities Impact Screening Record Form is attached as Appendix B.

Strategic Risk Management Issues

- 7.4 The Strategic Risk Register (2017) does not include any risks which are relevant.

8 CONSULTATION

- 8.1 There is no statutory requirement to carry out a consultation prior to producing and publishing the Brownfield Register. The sites included have already been consulted on through the development management or local plan process.

Background Papers

- Planning and Compulsory Purchase Act 2004 (as amended)
- Housing and Planning Act 2016
- Town and Country Planning (Brownfield Land Register) Regulations 2017
- Town and Country Planning (Permission in Principle) Order 2017
- National Planning Policy Framework (2012)
- Site Allocations Local Plan (2013)
- Bracknell Forest Strategic Housing and Employment Land Availability Assessment (SHELAA) (2017)

Contact for further information

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