



Planning Committee

11 December 2018

Title	Brownfield Land Register
Report of	Deputy Chief Executive
Wards	All
Status	Public
Urgent	No
Key	Yes
Enclosures	Appendix A – Brownfield Land Register Extract
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Summary

The Housing and Planning Act 2016 introduced a requirement for local planning authorities to produce a register of previously developed (brownfield) land. The Council published the first Barnet Brownfield Land Register in December 2017. Regulations stipulate that local planning authorities review their registers at least once a year.

The Council has updated the Brownfield Land Register adding sites of at least 0.25 hectares or capable of supporting at least 5 dwellings and that they are suitable, available and achievable. It is recommended that the Brownfield Land Register only includes sites within Part 1 with either an extant unimplemented planning permission for residential use or Local Plan residential site allocation. There are no entries included in Part 2 as to date no sites have been granted Permission in Principle.

Officer Recommendation

That Planning Committee approves the updated 2018 Brownfield Land Register (BLR) (Appendix A) for publication.

1. WHY THIS REPORT IS NEEDED

- 1.1 The Town and Country Planning (Brownfield Land Register) Regulations 2017 introduced a new requirement on local planning authorities to prepare, maintain and publish registers of previously developed¹ (brownfield) land. The Council published its first Register in December 2017. Regulation 17 requires local planning authorities to review their registers at least once a year.
- 1.2 Part 1 of a Brownfield Land Register (“BLR”) can include sites with extant full planning permission, outline planning permission and also sites without planning permission deemed suitable for residential development. Although not mandatory to include, any sites entered in Part 2 of the Register comprise a subset of those in Part 1 and that, by virtue of their inclusion, are granted ‘Permission in Principle’ for residential development.
- 1.3 The Council is required to include sites in the Register that it considers meet criteria in the Regulations². Sites should be at least 0.25 hectares in size or capable of supporting at least 5 dwellings and suitable, available and achievable for residential development.
- 1.4 The following methodology is used in site selection for Part 1 of the Register –
 - i) sites with planning consent as part of the London Development Database (LDD) in July 2018 that have not yet been completed and meet the above criteria have been included
 - ii) Undeveloped residential site proposals which form part of Barnet’s Housing Trajectory by virtue of allocations in Development Plan Documents (Mill Hill East and Colindale Area Action Plans), Supplementary Planning Documents, Town Centre Frameworks / Strategies and Planning Briefs have been reviewed and where meeting the BLR criteria included. All of these sites are considered suitable, available and achievable.
- 1.5 This Register is in the prescribed format set out in the DCLGs Brownfield Land Register Data Standard. For sites of 0.25 ha or more the best available information is used to ascertain if they are ‘deliverable’. The Council will continue to gather intelligence on these sites when updating the BLR.
- 1.6 Smaller sites of less than 0.25 ha sites where planning permission has been granted for 5 or more residential units have also been included in the Register based on the assumption that they are likely to be completed within the next five years. Details of Part 1 sites are attached at Appendix A.
- 1.7 In August 2018 the Council completed a 12 month Call for Sites exercise to inform site selection for the new Local Plan. Barnet’s Local Plan (Regulation18) is expected to be published for public consultation in Spring 2019. The majority of sites promoted through this exercise are residential led proposals on previously developed land, and therefore eligible for inclusion

¹ As defined in annex 2 of the NPPF

² These criteria are set out in Regulation 4 of [The Town and Country Planning \(Brownfield Land Register\) Regulations 2017](#)

within Barnet's BLR. However it is considered premature at this stage to use the BLR to promote new housing sites. Site selection for inclusion in the Local Plan requires a thorough, consistent, transparent and robust assessment is undertaken of all known potential sites. This is neither possible nor, for the reasons explained above, considered desirable to undertake before publication of the Regulation 18 Local Plan.

- 1.8 Therefore, based on the above methodology and reasoning, Part 1 of the 2018 BLR contains 111 sites, all of which have been in the public domain for some time. The majority of these sites already have planning permission and a number are under construction. The largest proportion of this capacity is from Brent Cross, Colindale and Mill Hill East growth areas.

2. REASONS FOR RECOMMENDATIONS

- 2.1 As set out above it is recommended that entries included in Part 1 of the 2018 BLR remain limited to those sites with an existing Local Plan allocation and/or extant residential led planning consent.

3 ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Not to approve publication of the Brownfield Land Register. Failure to update the BLR within a year of it's initial approval would be in breach of the Government Regulations³ which stipulate that the BLR should be reviewed at least every 12 months.
- 3.2 To publish the BLR subject to amendments. It is strongly advised not to add additional sites to the initial BLR because of the relationship with Local Plan proposals and the robust site selection process that this necessitates.

4 POST DECISION IMPLEMENTATION

- 4.1 Publication of the initial BLR in December 2017 provided the basis for applications to be submitted for Permission in Principle (PiP). Following formal notification and consultation in accordance with BLR Regulations the Council would be able to add suitable PiP sites to Part 2 of the BLR. No applications for PiP have been submitted in Barnet since publication of the initial BLR.

5 IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The Brownfield Register helps to support delivery of the Corporate Plan 2015-2020, particularly the following stated corporate priority:

- Promote responsible growth within the Borough, encouraging development and success, revitalising communities whilst protecting what residents love about the Borough

³ The Town and Country planning (Brownfield Land Register) regulations 2017 - Regulation 3(2) refers

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 The cost for producing the BLR will be contained within existing resources.

5.3 Social Value

5.3.1 The Public Services (Social Value) Act 2012 requires people who commission public services to consider how they can also secure wider social, economic and environmental benefits.

5.3.2 Through the use of the Brownfield Register social and economic benefits will principally be secured through opportunities to increase housing delivery (including affordable housing) and make more efficient use of previously developed land. Focusing housing development on brownfield rather than greenfield sites will help to protect Barnet's Green Belt and Metropolitan Open Land. New homes will be energy efficient and designed in accordance with Council guidance on Sustainable Design and Construction.

5.4 Legal and Constitutional References

5.4.1 The requirement for all local planning authorities to publish a Brownfield Land Register and update at least annually is stipulated in Town and Country Planning (Brownfield Land Register) Regulations 2017.⁴ Details on publication of the Register are set out above.

5.4.2 Under Article 7 the functions of the Planning Committee include: To consider additions, deletions or amendments to the entries in the Council's Brownfield Land Register, including any referrals from the Area Planning Committees, and conduct any other functions related to the Brownfield Land Register.

5.5 Risk Management

5.5.1 Limiting site entries in the Register to those with an extant planning permission for residential use is considered to pose the least risk of subsequent challenge. Including sites from the BLR without extant planning permission could be seen as prejudicial to the consideration of residential site allocations included in the new Local Plan, and potentially result in a legal challenge. It is important therefore that the identification of sites in both the BLR and Local Plan is arrived at through a consistent and transparent process and following a robust assessment.

5.5.2 To date the Council has not received any requests to grant Permission in Principle. Any requests received must be subject to notification and consultation procedures set out in The Town and Country Planning (Permission in Principle) Order 2017 and Regulations prior to consideration being given to entering in Part 2 of the BLR.

5.6 Equalities and Diversity

5.6.1 The 2010 Equality Act outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010

⁴ Regulation 3(2) refers

- advance equality of opportunity between people from different groups
- foster good relations between people from different groups.

The broad purpose of this duty is to integrate considerations of equality into day business and keep them under review in decision making, the design of policies and the delivery of services.

5.6.2 BLR sites are determined by regulatory criteria. Part 1 of the BLR has no statutory weight in either decision taking or plan making. At present there are no sites on Part 2 of the BLR (which grants PiP). Sites coming forward for planning permission may require a more detailed equalities and diversity assessment relating to the specifics of the site and development in question. Officers consider that there are no specific equality and diversity implications arising from production of this Register.

5.7 Consultation and Engagement

5.7.1 There is no express statutory requirement to consult on Part 1 of the Register.

6 BACKGROUND PAPERS

- Planning Committee 14th December 2017 - Brownfield Land Register 2017
- <http://barnet.moderngov.co.uk/documents/s44001/171214%20Brownfield%20land%20Register%20Report%20-%20Planning%20Committee%20Report%2014th%20Dec.2.pdf>
- The Town and Country Planning (Brownfield Land Register) Regulations 2017⁵ <http://www.legislation.gov.uk/uksi/2017/403/contents/made>
- The Town and Country Planning (Permission in Principle) Order 2017⁶ <http://www.legislation.gov.uk/uksi/2017/402/made/data.pdf>
- Planning Practice Guidance Brownfield land registers published 28th July 2017 <https://www.gov.uk/guidance/brownfield-land-registers>
- Planning Practice Guidance Permission in principle published 28th July 2017 <https://www.gov.uk/guidance/permission-in-principle>
- Brownfield Land Registers Data Standard: preparing and publishing a register – July 2017 <https://www.gov.uk/government/publications/brownfield-land-registers-data-standard>

⁵ Regulations require local planning authorities to prepare, maintain and publish registers of brownfield land suitable for residential development

⁶ Order enables local authorities to grant permission in principle on suitable sites in their registers