



## Strategic Planning Committee

9<sup>th</sup> December 2020

**Title** **Brownfield Land Register**

**Report of** Deputy Chief Executive

**Wards** All

**Status** Public

**Urgent** No

**Key** Yes

**Enclosures** *Appendix A – Brownfield Land Register*

**Officer Contact Details** **Nick Lynch – Planning Policy Manager 020 8359 4211** [Nick.Lynch@barnet.gov.uk](mailto:Nick.Lynch@barnet.gov.uk)

### Summary

The Housing and Planning Act 2016 introduced a requirement for local planning authorities to produce a register of particular kinds of land. This was reinforced by The Town and Country Planning (Brownfield Land Register) Regulations 2017, which now requires local planning authorities to prepare, maintain and publish registers of previously, developed (brownfield) land. This provides up-to-date, digitally and publicly available information on brownfield land that is suitable for new homes, helping to provide certainty for developers and communities, encouraging investment in local areas.

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.

# Officers Recommendations

## 1. That the Strategic Planning Committee approves the updated 2020 Brownfield Land Register (BLR) (as set out in Appendix A) for publication.

### 1. WHY THIS REPORT IS NEEDED

- 1.1 The Town and Country Planning (Brownfield Land Register) Regulations 2017 (“Regulations”) introduced a new requirement on local planning authorities to prepare, maintain and publish registers of previously developed<sup>1</sup> (brownfield) land. The Council published its first Register in December 2017 and has updated it annually in accordance with Regulation 17.
- 1.2 Part 1 of a Brownfield Land Register (“the Register”) 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 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 Regulations<sup>2</sup>. 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 November 2020 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, as well as Town Centre Frameworks / Strategies have been reviewed and where meeting the Regulations criteria, have been included. All of these sites are considered suitable, available and achievable.
- 1.5 This Register is in the prescribed format set out in the MHCLGs 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 Register.
- 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.

---

<sup>1</sup> As defined in annex 2 of the NPPF

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

- 1.7 In order to identify and justify site proposals in the Local Plan the Council has conducted an extensive site selection process. The methodology used for selecting appropriate sites to meet identified housing and other development needs, including for employment, community and leisure, is set out in the Site Selection Background Report (2019). Barnet's Local Plan (Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012)) underwent public consultation from 27<sup>th</sup> January to 16<sup>th</sup> March 2020. The majority of sites promoted through this exercise are residential led proposals on previously developed land, and following examination and adoption of the Local Plan will be eligible for inclusion within the Register.
- 1.8 Part of the 2020 Register contains 94 sites, all of which are in the public domain. 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.
- 1.9 As part of the proposals for transformation of the English planning system, as reflected in the Government's White Paper 'Planning for the Future,' and 'Changes to the current planning system' published in August 2020 the Government has highlighted the need for a more efficient system, driven more by data rather than documents. Although it is looking again at the role of the Register the Government plans to publish a national brownfield map to provide a clearer picture of brownfield sites.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 As set out above it is recommended that entries included in Part 1 of the 2020 Register remain limited to those sites with an existing planning allocation and/or extant residential led planning consent.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 Not to approve publication of the updated Register. Failure to update the Register within a year of its previous approval would be in breach of the Regulations<sup>3</sup> which stipulate that the Register should be reviewed at least every 12 months.
- 3.2 To publish the Register subject to amendments. It is strongly advised not to add additional sites to the Register 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 Register in December 2017 provided the basis for applications to be submitted for Permission in Principle (PiP). Following formal notification and consultation in accordance with 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 Register.

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

---

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

5.1.1 The Brownfield Register helps to support delivery of the Corporate Plan 2019-2024, particularly the following stated corporate priority:

- Ensuring decent quality housing that buyers and renters can afford, prioritising Barnet residents
- Responsible delivery of our major regeneration schemes to create better places to live and work, whilst protecting and enhancing the borough

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

5.2.1 The cost for producing the Register 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 the Regulations<sup>4</sup>. Details on publication of the Register are set out above.

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

---

<sup>4</sup> Regulation 3(2) refers

requests received must be subject to notification and consultation procedures set out in The Town and Country Planning (Permission in Principle) Order 2017 and the 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
- 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 Register sites are determined by regulatory criteria. Part 1 of the Register has no statutory weight in either decision taking or plan making. At present there are no sites in Part 2 of the Register (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 Corporate Parenting

5.7.1 N/A

## 5.8 Consultation and Engagement

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

## 5.9 Insight

5.9.1 N/A

## 6. BACKGROUND PAPERS

- Planning Committee 14<sup>th</sup> January 2020 – Brownfield Land Register 2019 <https://barnet.moderngov.co.uk/documents/s57073/Brownfield%20Land%20Register.pdf>
- The Town and Country Planning (Brownfield Land Register) Regulations 2017 <sup>5</sup> <http://www.legislation.gov.uk/ukxi/2017/403/contents/made>
- The Town and Country Planning (Permission in Principle) Order 2017 <sup>6</sup> <http://www.legislation.gov.uk/ukxi/2017/402/made/data.pdf>

---

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

- Planning Practice Guidance Brownfield land registers published 28<sup>th</sup> July 2017  
<https://www.gov.uk/guidance/brownfield-land-registers>
- Planning Practice Guidance Permission in principle published 28<sup>th</sup> 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>
- Policy and Resources Committee 6<sup>th</sup> January 2020 – Barnet’s Local Plan – Preferred Approach (Reg 18 Stage)  
<https://barnet.moderngov.co.uk/documents/s56947/Reg%2018%20PR%20Committee%20Report2.pdf>
- Site Selection Background Paper (2019)  
[https://www.barnet.gov.uk/sites/default/files/site\\_selection\\_background\\_document.pdf](https://www.barnet.gov.uk/sites/default/files/site_selection_background_document.pdf)

---

<sup>6</sup> Order enables local authorities to grant permission in principle on suitable sites in their registers