

	<h2>Strategic Planning Committee</h2>
Title	Brownfield Land Register
Date of meeting	13 th June 2023
Report of	Deputy Chief Executive
Wards	All
Status	Public
Urgent	No
Appendices	Appendix A – <i>Brownfield Land Register 2022</i>
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Summary	
<p>The Town and Country Planning (Brownfield Land Register) Regulations 2017, 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.</p>	
Recommendations	
<ol style="list-style-type: none"> 1. That the Strategic Planning Committee approves the 2022 Brownfield Land Register (BLR) (as set out in Appendix A) for publication. 	
1. Reasons for the Recommendations	
<ol style="list-style-type: none"> 1.1 As set out above it is recommended that entries included in Part 1 of the 2022 Register remain limited to those sites with an existing planning allocation and/or extant residential-led planning consent. 	

- 1.2 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 developed¹ (brownfield) land. The Council published its first Register in December 2017 and has updated it annually in accordance with Regulation 17.
- 1.3 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.
- 1.4 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.
- 1.5 The following methodology is used in site selection for Part 1 of the Register:
- i) Sites with planning consent that are listed as part of the Planning London Datahub in December 2022, 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) and Supplementary Planning Documents have been reviewed and where meeting the Regulations criteria, have been included. All of these sites are considered suitable, available and achievable.
- 1.6 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.
- 1.7 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.
- 1.8 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 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012)) underwent public consultation from June to August 2021. The Local Plan was submitted in November 2021 to the Secretary of State for the Department of Levelling Up, Housing and Communities for independent examination. The Local Plan Examination remains open following hearing sessions in Autumn 2022. The majority of sites promoted through the Local Plan are residential led proposals on

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](#)

previously developed land. Following examination and adoption of the Local Plan these site proposals will be eligible for inclusion within the Register.

1.9 Part 1 of the 2022 Register contains 79 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 are from Brent Cross, Colindale and Mill Hill East.

1.10 In 2022 ten new permissions met the criteria required to be included on the Brownfield Land Register. The newest additions to the register have been highlighted bold in Appendix A, comprising sites located in the West Hendon, Whetstone and Woodhouse wards.

2. Alternative Options Considered and Not Recommended

2.1 Not to approve publication of the updated Register. This would be in breach of the Regulations³ which stipulate that the Register should be reviewed at least every 12 months. Publication has been delayed due to the ongoing Examination in Public into the Local Plan. The Examination commenced in September 2022.

2.2 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.

3. Post Decision Implementation

3.1 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 in 2017.

4. Corporate Priorities, Performance and Other Considerations

Corporate Plan

4.1 The Brownfield Register helps to support delivery of the Corporate Plan Caring for people, our places and the planet : 2023-2026

Corporate Performance / Outcome Measures

4.2 The Brownfield Register will help deliver the following corporate priorities:

- Delivering the right homes, that people can afford to meet diverse needs and providing it in the right places, places that integrate well with surrounding areas, celebrate good design and are supported with the right infrastructure.
- Caring about Barnet's local environment, helping to safeguard what people like and value.

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

Sustainability

- 4.3 New homes will be energy efficient and designed in accordance with Council guidance on Sustainable Design and Construction.

Corporate Parenting

- 4.4 N/A

Risk Management

- 4.5 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 Register and Local Plan is arrived at through a consistent and transparent process and following a robust assessment.
- 4.6 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 the Regulations prior to consideration being given to entering in Part 2 of the Register.

Insight

- 4.7 N/A

Social Value

- 4.8 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.
- 4.9 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 the wide range of green spaces in the Borough from extensive areas of Green Belt and Metropolitan Open Land to small green spaces that contribute to a vital biodiversity network.

5. Resource Implications (Finance and Value for Money, Procurement, Staffing, IT and Property)

- 5.1 The cost for producing the Register will be contained within existing resources.

6. Legal Implications and Constitution References

- 6.1 The requirement for all local planning authorities to publish a Brownfield Land Register and update at least annually is stipulated in the Regulations. Details on publication of the Register are set out above.
- 6.2 Under Part 2B section 16 of the Council Constitution the terms of reference of the Strategic Planning Committee includes: 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.

7. Consultation

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

8. Equalities and Diversity

8.1 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.

8.2 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.

8.3 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.

9. Background Papers

9.1 Strategic Planning Committee 22nd February 2022 (Item 9) – Brownfield Land Register 2021

<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=703&MIId=10833&Ver=4>