

POLICY AND RESOURCES COMMITTEE

11 DECEMBER 2017

PART I - NOT DELEGATED

5. BROWNFIELD LAND REGISTER (DCES)

1. Summary

1.1 To approve the publication of the Brownfield Land Register on the Council's website, and to delegate the responsibility for approving the data contained in the Brownfield Land Register to the Director of Community and Environmental Services and/or Principal Planning Officer (Policy and Projects).

2. Details

2.1 The Town and Country Planning (Brownfield Land Registers) Regulations 2017 and the Town and Country Planning (Permission in Principle) Order 2017 require local planning authorities to prepare, maintain and publish registers of previously developed land (brownfield land) suitable for residential development by 31 December 2017. The latter enables local authorities to grant permission in principle on suitable sites in their registers.

2.2 The register should be published on the Council's website in spreadsheet form and is to be reviewed at least once annually.

2.3 The Regulations require the Brownfield Land Register to be split into two parts. Part 1 will comprise all brownfield sites that a local planning authority has assessed as appropriate for residential development. This will include sites with extant planning permission and permission in principle as well as sites without planning permission. Part 2 is a subset of Part 1, and will comprise only those sites in Part 1 that the Council has decided would be suitable for a grant of planning permission in principle for residential development. Consultation is mandatory for sites where authorities intend to grant permission in principle and enter them on Part 2 of the register.

2.4 All potential sites must have regard to local and national planning policy and guidance and will need to be considered against the criteria set out in the Town and Country Planning (Brownfield Land Registers) Regulations 2017, which are as follows:

- the land is capable of supporting five or more dwellings or is more than 0.25ha
- the land is suitable for residential development
- the land is available for residential development – the owner has expressed an intention to sell or develop the land and the developer has expressed an intention to develop the land
- the residential development of the land is achievable – the development is likely to take place within 15 years of being entered onto the register

2.5 The Government are proposing that local planning authorities should use existing evidence within an up-to-date Strategic Housing and Employment Land Availability Assessment (SHELAA) as the starting point for identifying suitable sites. The definition of brownfield land is the same as that for previously developed land as defined in the National Planning Policy Framework (NPPF).

2.6 Suitable sites for Part 1 of the Brownfield Land Register (the Register) have been identified through the preparation of the Strategic Housing and Employment Land Availability Assessment (SHELAA) as required by the Regulations. No sites have been identified in Three Rivers that would meet the criteria for entry on Part 2 of the Register at this time.

2.7 **Proposed Amendments to the Council's Constitution**

2.8 Changes are required to the Council's Constitution in order for the Council to produce and publish a Brownfield Register. The proposed changes relate solely to the everyday processes required for the maintenance, administration and review of the Register.

2.9 The proposed changes are to establish the Brownfield Register within the Constitution and that delegated powers for the maintenance, administration and review of the Register are given to the Director of Community and Environmental Services.

2.10 The proposed changes are set out in Appendix 2.

3. **Options/Reasons for Recommendation**

3.1 The regulations require the Council to prepare, maintain and publish a register of previously developed land (brownfield land) that is suitable for housing in the District by 31 December 2017. This is a statutory requirement, and as such there are no reasonable alternative options.

4. **Policy/Budget Reference and Implications**

4.1 The recommendations in this report are within the Council's agreed policy and budgets. The relevant policy document is the Local Plan.

4.2 The recommendations in this report relate to the achievement of the following performance indicators:
ESD04 Percentage of new homes built on previously developed land

4.3 The impact of the recommendations on this/these performance indicator(s) is:
Brownfield Land Registers will provide up-to-date, publicly available information on brownfield land that is suitable for housing. This will encourage the development of brownfield sites rather than greenfield alternatives.

5. **Financial Implications**

5.1 None specific: The preparation and publication of the Brownfield Land Register on the Council's website will be met by existing budgets.

6. **Legal Implications**

6.1 The Town and Country Planning (Brownfield Land Registers) Regulations 2017 require the Council to prepare, maintain and publish a register of previously developed land (brownfield land) that is suitable for housing in the District by 31 December 2017. The register should be published on the Council's website in spreadsheet form, and is to be reviewed at least once annually. The Town and Country Planning (Permission in Principle) Order 2017 enables local authorities to grant permission in principle on suitable sites in their registers.

7. Equal Opportunities Implications

7.1 Relevance Test

Has a relevance test been completed for Equality Impact?	No No proposed change to current policy or service
Did the relevance test conclude a full impact assessment was required?	N/A

8. Staffing Implications

8.1 Matters relating to the Brownfield Land Register are dealt with in house by officers in the Local Plans Team.

9. Environmental Implications

9.1 None specific.

10. Community Safety Implications

10.1 None specific.

11. Public Health implications

11.1 None specific.

12. Customer Services Centre Implications

12.1 The Customer Services Centre will be briefed to advise on whom to contact regarding the Brownfield Land Register.

13. Communications and Website Implications

13.1 The Brownfield Land Register will be available on the Council's website.

14. Risk Management and Health & Safety Implications

14.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

14.2 The subject of this report is covered by the Economic and Sustainable Development service plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this plan.

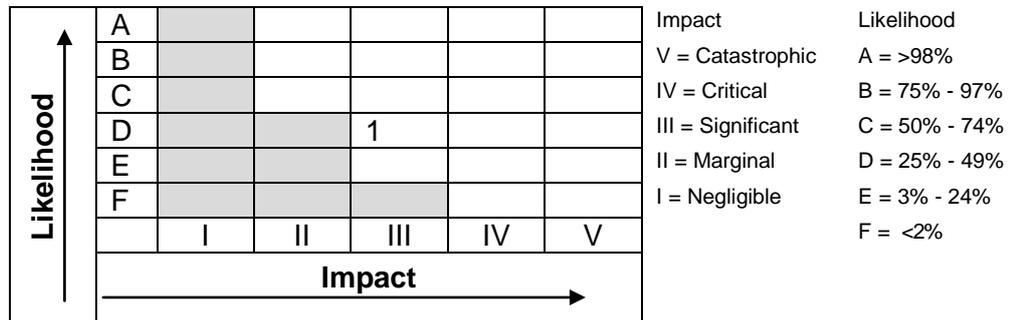
14.3 There are no risks to the Council in agreeing the recommendation.

14.4 The following table gives the risks that would exist if the recommendation is rejected, together with a scored assessment of their impact and likelihood:

	Description of Risk	Impact	Likelihood
1	Risk of Government intervention for failure to publish the Brownfield Land Register as it is a statutory requirement	III	D

14.5 Of the risks detailed above none is already managed within a service plan.

14.6 The above risks are plotted on the matrix below depending on the scored assessments of impact and likelihood, detailed definitions of which are included in the risk management strategy. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood are plotted in the shaded area of the matrix. The remaining risks require a treatment plan.



14.7 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of treatment plans are reviewed by the Audit Committee annually.

15. **Recommendation**

15.1 In order to ensure that we meet the current statutory requirements Members are asked to recommend to Full Council to:

Approve the Three Rivers Brownfield Register (Appendix 1) for publication on the Council's web site by the 31 December 2017

Approve the changes to the Constitution set out in Appendix 2.

Report prepared by: Marko Kalik MSc, Senior Planning Officer

APPENDICES

Appendix 1: Three Rivers Brownfield Register

Appendix 2: Proposed changes to the Council's Constitution

Brownfield Register Explanatory Notes

Column 1 – Organisation URI

- Uniform Resource Identifier for Three Rivers District Council
- DCLG maintains a list of all local authorities in England and gives them a unique persistent identifier in the form of a URI
- These URIs are published at their Open Data Communities web pages
- This is where open data such as the Brownfield Land Register will be held by DCLG

Column 2 – Organisation Label

- The name of the local authority that is identified using the Organisation URI

Column 3 – Site Reference

- Reference applied by the local authority to identify a site

Column 4 – Previously Part Of

- The Site Reference that this site was previously part of when reported on an earlier register
- This is blank as this will be the Council's first register

Column 5 – Site Name Address

- Name and address of a site

Column 6 – Site Plan URL

- A URL to a web page giving a site plan for the site
- This will be added to the register when it goes live

Column 7 – Coordinate Reference System

- We have used the Ordnance Survey Coordinate Reference System OSGB36

Column 8 – GeoX

- Longitude or east grid reference for the centre of the site

Column 9 – GeoY

- Latitude or north grid reference for the centre of the site

Column 10 – Hectares

- Size of the site in hectares

Column 11 – Ownership Status

- The ownership Status of the land

- This has to be one of the following: owned by a public authority, not owned by a public authority, mixed ownership, or unknown ownership
- Public authorities include:
 - County council, district council or parish council
 - Transport for London
 - Police and Fire Services
 - Educational bodies
 - NHS
 - Armed Forces

Column 12 – Deliverable

- Where there is a reasonable prospect that residential development will take place on the land within 5 years beginning with the register entry date

Column 13 – Planning Status

- Indicates the stage, if any, that has been reached in the planning process for the site

Column 14 – Permission Type

- The latest type of permission that has been granted to the site

Column 15 – Permission Date

- The date permission was granted for the permission set out in the field ‘Permission Type’

Column 16 – Planning History

- Links to webpages giving information about the planning history of the site

Column 17 – Proposed For PIP

- Indicates whether the site has been proposed for permission in principle
- This relates to Part 2 of the register
- We are not proposing any sites for permission in principle at this stage, so this column will remain blank

Column 18 – Min Net Dwellings

- The minimum net number of dwellings that the local authority estimates the site should support

Column 19 – Development Description

- A description of any proposed housing development

Column 20 – Non Housing development

- A description of any proposed non-housing development

Column 21 – Part 2

- Indicates whether a site is on Part 2 of the register
- At this stage we are not including any sites on Part 2 of the register, and as such this column will remain blank

Column 22 – Net Dwellings Range From

- The minimum net number of dwellings which, in the authority's opinion, the land is capable of supporting
- This will be the same as Column 18
- For allocated sites we have used the indicative dwelling figure
- For non-allocated sites we have used a density calculation on 30 dwellings per hectare

Column 23 – Net Dwellings Range To

- The maximum net number of dwellings which, in the authority's opinion, the land is capable of supporting
- We have uses a density calculation of 40 dwellings per hectare

Column 24 – Hazardous Substances

- This refers to sites on Part 2 of the register only, and as such this column will remain blank

Column 25 – Site Information

- Links to webpages giving further information about the site, for example where there is a development brief

Column 26 – Notes

- Any further information developers may find useful

Column 27 – First Added Date

- The date the site was first added to the register

Column 28 – Last Updated Date

- The date that information about the site was last updated

APPENDIX 2

Proposed Changes to the Council's Constitution

Part 2 - Articles of the Constitution

Article 6 – Policy and Resources Committee

Terms of Reference for Policy and Resources Committee, Paragraph 6.02 (v)

(v) To be responsible for the following areas of concern and to review performance against the previous year's plans of the services within its remit:

- Audit and Fraud including Audit Recommendations
- Commercial Estate management
- Committee/Member support
- Communication
- Customer Services Centre
- Electoral registration and elections
- Land and Property (PFM) and Office Services
- Legal
- Policy/Corporate support
- Purchasing/procurement
- Rent Account
- Services provided jointly with other Local Authorities:
- Accountancy, Treasury, Income and Payments
- Benefits – Housing Benefit, Council Tax Benefit, discretionary NNDR relief
- Collection of Council Tax, National Non-Domestic Rate
- To undertake an annual review of the Council Tax Support Scheme and make recommendations to Council
- Information and Communications Technology
- Human Resources and Training)
- Themes / Strands allocated from the Council's Strategic Plan
- Resources and Finance including the development of Budget recommendations to Council
- Asset Management
- Major Projects
- Local Plan
- Community Infrastructure Levy
- Right to Build Register
- Brownfield Land Register

Part 3 - Responsibility for Functions

Part b – Matters Delegated to the Management Board and to Individual Officers, Paragraph 11. Director of Community and Environmental Services

11.32 Brownfield Land Register

11.32.1 To maintain, administer, review and take all necessary steps to process the Brownfield Land Register are given to the Director of Community and Environmental Services and/or Principal Planning Officer (Policy and Projects).