

Councillors Briefing Note No. 339

Service: Economic Development & Planning

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PUBLICATION OF WILTSHIRE COUNCIL'S BROWNFIELD LAND REGISTER

Wiltshire Council, as local planning authority, is required by legislation to prepare and publish a Brownfield Land Register for their area by 31 December 2017, and thereafter review at least once a year.

Brownfield Land Registers set out previously developed land¹ that a local planning authority consider appropriate for residential development subject to Regulations and guidance set out by government. Publication of the register will make information on previously developed sites available to communities and developers, encouraging investment in such sites.

The content and format of such registers, as set out in the *Town and Country Planning (Brownfield Land Register) Regulations 2017* and *Brownfield Land Registers Data Standard: Preparing and publishing a register (July 2017)* is explained further below.

Brownfield Land Registers are in two parts and to be included sites must meet criteria set out in Regulations:

¹ *Previously developed land (brownfield land) is land that is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.*

This excludes land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed, but where the remains of the permanent structure have blended into the landscape in the process of time.

(Source: Annex 2, National Planning Policy Framework)

- (a) the land has an area of at least 0.25 hectares or is capable of supporting at least five dwellings;
- (b) the land is *suitable* for residential development;
- (c) the land is *available* for residential development; and
- (d) residential development of the land is *achievable*.

The regulations define what is meant by achievable, suitable and available.

In general terms: achievable means in the opinion of the local planning authority that development is likely to take place within 15 years of the entry date; available means there is a willing landowner or developer who has expressed an intention to sell or develop the land; and suitable means that it has been allocated for residential development, or has planning permission for residential development, or has a grant of planning 'permission in principle'² for residential development or, in the opinion of the local planning authority, is appropriate for residential development having regard to adverse impact on natural and built environment, as well as local amenity.

Brownfield sites that are suitable for mixed use development where the main purpose is not residential are not permitted to be included in the register.

The Government's Planning Practice Guidance (PPG) clarifies that in compiling their register, local planning authorities should also have regard to the development plan, national policies and advice, as well as any guidance issued by the Secretary of State. Therefore, in assessing which sites to put on this first register, officers have carefully considered sites against policies in the Wiltshire Core Strategy.

As set out above, registers are in two parts:

Part 1 comprises all brownfield sites the local planning authority has assessed as appropriate for residential development consistent with the criteria referred to above and PPG. Part 1 of the register draws on information about sites submitted through the Strategic Housing and Employment Land Availability Assessment (SHELAA) process, as well as sites allocated in the development plan, or benefiting from extant planning permission.

Part 2 comprises only those sites in Part 1 that the local planning authority has decided to grant 'permission in principle'². New sites can be entered at any time. However, for a site to be entered onto Part 2, procedural requirements first must be met, which relate primarily to publicity, notification and consultation procedures. These procedures are like those that would relate to an application for outline or full planning permission. It is not compulsory for local planning authorities to enter sites into Part 2.

² *Permission in principle is an alternative way of obtaining planning permission for development and has two stages. The first stage (permission in principle) establishes whether a site is suitable in principle for residential development, and the second stage (technical details consent) is when the detailed proposals are assessed.*

Wiltshire Council's first register, the 'Wiltshire Brownfield Land Register', can be viewed here: <http://www.wiltshire.gov.uk/planning-brownfield-register> - consistent with the Government's data standards it is in a spreadsheet format and shows information as a series of rows (with a row relating to a single site).

Part 1 sites consist of: local and neighbourhood plan allocations; land for which planning consent had been achieved by 31 March 2017; and appropriate 'SHELAA' sites received up to 31 December 2016 that meet the assessment criteria including being located within settlement boundaries.

No sites have been entered under Part 2 in this first register. The priority this year has been to publish the register in line with legislative requirements, with a view to considering the process for Part 2 sites during 2018 including governance arrangements.