Brownfield Land Register

Frequently Asked Questions and Guidance Note

1. What is the brownfield land register?

In April 2017 the Government introduced a requirement for Local Planning Authorities to publish a brownfield land register by 31st December 2017. Brownfield registers will provide up-to-date, publicly available information on brownfield land that is suitable for housing. The brownfield register will be updated annually to ensure that all new and existing sites are kept up-to-date.

2. What is the relationship between the brownfield land register and the SHLAA?

If the Local Planning Authority (LPA) receive an application to include a brownfield site within the brownfield land register, this land will be automatically placed within the Strategic Housing Land Availability Assessment (SHLAA). If a brownfield site is submitted to be included within the SHLAA, this site, if it meets the proposed criteria below, will be placed automatically into Part 1 of the brownfield land register. Therefore both the brownfield land register and the SHLAA will work in tandem with one another throughout this process.

3. What criteria does a site need to meet in order to be included within the brownfield register?

- The site needs to meet the definition of **previously developed land** as defined in the National Planning Policy Framework;
- The site must have an area of at least **0.25** hectares or be capable of supporting at least **5 dwellings**;
- The site must be **suitable** for residential development;
- The site must be **available** for residential development;
- Development of the site must be **achievable** in the next fifteen years.

4. What is previously developed land?

Land which 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 residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

5. How is a site defined as being suitable, achievable and available?

Suitable – the site is allocated in a development plan document (e.g. local plan), benefits from planning permission or Permission in Principle (PIP) for residential development, or the LPA considers it suitable for residential development having considered any adverse impact on the natural environment, the local built environment (including heritages assets), local amenity and any 'relevant' representations (i.e. from third parties);

Achievable –based on publicly available information and any relevant representations, the authority's opinion that the site will come forward within 15 years; and

Available – either all the owners of the site, or the developer in control of the land have expressed an intention to develop (or sell, in the case of an owner(s)*) the site within the 21 days before the entry date on the register, or the LPA considered that there are no ownership or other legal matters that might prevent residential development (again, based on publicly available information and any relevant representations).

**Note that in the BLR Order; 'owner' only includes a party with at least a 15 years leasehold interest in the land, i.e. significantly longer than the 7 year period that requires a tenant to be notified of a planning application.*

6. Why is the brownfield land register in two parts?

Part 1 –
Is a comprehensive list of all brownfield sites in a local authority area that are suitable for housing, irrespective of their planning status. Sites which were included within Part 1 of the brownfield land register were identified from using our existing sources of information. In this instance we used Craven District Council's Strategic Housing Land Availability Assessment (SHLAA).

Consultation –

Before entering sites into Part 1 of the brownfield land register, Parish Councils will be notified of the brownfield land register and will have the option to request to be notified in future of any changes to these sites (for example - if they are to be placed into Part 2 of the register). Infrastructure managers for land within 10 metres of relevant railway land must also be notified.

Part 2 –
Part 2 allows Local Planning Authorities to select sites from Part 1 and grant Permission in Principle for housing-led development, after undertaking necessary requirements for publicity, notification and consultation. Permission in Principle establishes the fundamental principle for development of a site in terms of its use and approximate number of homes that the site can reasonably accommodate.

Consultation –

Before entering a site in Part 2 of the brownfield land register consultation needs to be undertaken, this includes:

1. Displaying a site notice for at least 21 days close to the land proposed for Part 2;
2. Display specified information on the relevant Local Planning Authority's website
3. Take into account any representations received, having served notice or publicised the intention to include land in Part 2;
4. Undertake specific notification/consultation requirements for sites within 10m of railway land, or where we consider that residential development would constitute development that requires consultation with the county planning authority.
5. Serve notice on a parish council, where they have previously requested to be notified.

Craven District Council is currently undertaking steps to start including sites within Part 2 of the brownfield land register. Once consultation is completed, information will be posted on to the Craven District Council website to view.

7. What is Permission in Principle?

This stage establishes whether a site is suitable in principle for residential development. This route is similar to outline planning applications; however permission in principle cuts out the need to apply for outline planning permission, therefore saving the developer/owner both time and money.

Only 'in principle matters' are to be determined as part of permission in principle, these include:

Location	This would be a red line plan drawn to a scale that clearly identifies the location and parameters of the site.
Uses	Permission in principle should be given for proposals that are housing led. Retail, community, and commercial uses that are compatible with a residential use can also be granted permission in principle where they form part of housing led development.
Amount of residential development	To achieve a good balance between ensuring upfront certainty and flexibility, it is proposed that permission in principle will specify a minimum and maximum level of residential development that is acceptable. This range will be indicated either by a number of units or by the dwellings per hectare. Using a range will allow some flexibility to address issues emerging at the technical details consent stage. The amount of non-residential development will not have to be specified.

Following permission in principle, the developer or landowner(s) has five years to seek technical details consent, the approval of which will mean that the site has full planning permission. A fee will need to be paid when submitting an application for technical details consent.

8. What is technical details consent?

Following a grant of permission in principle, the site must receive a grant of technical details consent before development can proceed. The granting of technical details consent has the effect of granting planning permission for the development and other statutory requirements may apply at this stage e.g. relating to protected species or listed buildings. Technical details consent can be obtained following submission of a valid application to the local planning authority. An application for technical details consent must be in accordance with the permission in principle that is specified by the application in the technical details consent application form. It must also be a single application and not broken down into a series of applications.

Consultation for technical details consent mirrors the approach taken for planning applications; Local Planning Authorities may decide to take further steps to notify communities and other interested parties about an application for technical details consent. http://www.legislation.gov.uk/uksi/2015/595/article/15/made sets out the minimum requirements for Local Authorities.

Once a valid application for technical details consent has been received, the Local Planning Authority should make a decision on the proposal as quickly as possible, and in any event within the statutory time limit unless a longer period is agreed in writing with the application. The statutory time limits are 10 weeks for major development and 5 weeks for minor development. If an application is subject to an Environmental Impact Assessment a 16 week limit applies.

Technical details consent will be the stage at which planning obligations will be negotiated. When technical details consent is granted, the same standard condition limiting the duration of planning permission to three years will be applied, as is the case for other planning permissions.

9. How do I submit a site into the register?

If you would like to submit a brownfield site to next year's register that you think should be developed for housing, you can do so by contacting a member of the team at localplan@cravendc.gov.uk, please include an outline plan of the site and any details of the sites availability and suitability for development. The site must meet the above criteria and be free from constraints that cannot be mitigated.

Craven District Council

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