

# **Tameside Metropolitan Borough Council**

## **Brownfield Land Register – Methodology**

Published – 13<sup>th</sup> December 2017

## 1.0 Introduction

- 1.1 The Town and Country Planning (Brownfield Land Register) Regulations 2017 requires each local planning authority in England to prepare, maintain and publish a register of previously developed (brownfield) land suitable for housing by 31 December 2017.
- 1.2 The government considers that the purpose of the register is to provide up-to-date and consistent information on brownfield sites that local authorities consider appropriate for residential development. Guidance was published to support local planning authorities in preparing and publishing Brownfield Land Registers, including the brownfield land registers data standard, on 28 July 2017. Both these documents are available via the following links:
  - <https://www.gov.uk/guidance/brownfield-land-registers>
  - <https://www.gov.uk/government/publications/brownfield-land-registers-data-standard>
- 1.3 Local authorities are required to update the information relating to each entry and review the sites on their registers at least once a year, and are encouraged to conduct more frequent updates of the register where they wish to so do.
- 1.4 The Brownfield Land Register consists of two parts and these are detailed in the following sections.

## 2.0 Part 1 of the Brownfield Land Register

- 2.1 The guidance is clear that part 1 of the register must include all brownfield land sites at least 0.25 hectares in size, or capable of supporting at least 5 dwellings, that the council considers to be suitable and available for residential development and for development to be achievable. The council can also choose to include smaller sites in Part 1 of the register, but is not obliged to.
- 2.2 For the purposes of the register, brownfield land is the same as the definition of previously developed land as set out in Annex 2 of the National Planning Policy Framework:

*“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 private 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.”*
- 2.3 The Brownfield Land Register guidance states that greenfield land is not appropriate for inclusion in a brownfield register. It goes on to state that where it is unclear as to

whether a whole site is previously developed land, only the brownfield part of the site should be included in Part 1 of the register.

- 2.4 The register should include sites with extant full planning permission, outline planning permission and permission in principle that has not been implemented, as well as sites without planning permission where the local authority has assessed them as appropriate for residential development.
- 2.5 As stated in the Brownfield Land Register guidance, local planning authorities should utilise work undertaken as part of the Strategic Housing Land Availability Assessment (SHLAA) process to identify potential sites. This approach has been adopted by the council in completing the Brownfield Land Register by using information collected for the draft Strategic Housing and Land Availability Assessment (SHELAA) and previous Strategic Housing Land Availability Assessments (SHLAAs).
- 2.6 The criteria in Regulation 4 of the Town and Country Planning (Brownfield Land Register) Regulations 2017 set out that sites on the brownfield register must be:
- Suitable for residential development, means that on the entry date land:
    - has been allocated in a local development document for residential development;
    - has planning permission for residential development;
    - has grant of permission in principle for residential development; and
    - is, in the opinion of the council, appropriate for residential development having regard to any: adverse impact on the natural environment or local built environment (including heritage assets) taking into account the NPPF and relevant policies in the development plan; adverse impact on local amenity, either for occupiers of the housing or those of neighbouring properties (which presumably could include remaining employment uses); and relevant representations received.
  - Available for residential development, which means that there is known landowner or developer interest, or the council considers there are no issues relating to ownership or other legal impediments that might prevent residential development.
  - Achievable in relation to residential development of any land, means that the council considers that the development is likely to take place within 15 years of the entry date on the register; it has been assumed by the council that this relates to completion within 15 years rather than a start on site.
- 2.7 In addition to the criteria set out in regulation 4 of the BLR Regulations, section 14A of the Planning and Compulsory Purchase Act 2004 requires that LPAs have regard to a range of plans, advice and strategies including:
- Spatial Development Strategies;
  - Relevant neighbourhood plans;
  - The NPPF;
  - Planning Practice Guidance;
  - Any other guidance published by the Secretary of State; and
  - Any other relevant statutory requirements and guidance.

### **3.0 Tameside's Part 1 Brownfield Land Register**

- 3.1 Tameside Council has prepared Part 1 of its Brownfield Land Register to meet the requirement to publish of 31 December 2017. This has been directly informed by ongoing work on the council's 2017 draft SHELAA, given the links between the requirements of the Brownfield Land Register and the production of the SHELAA. Therefore the Brownfield Land Register is a subset of the SHELAA.
- 3.2 Having regard to the relevant Regulations and guidance, a site size threshold for inclusion on Part 1 of the register has been applied. The threshold for sites is 5 units and greater across the borough. Only wholly brownfield sites have been included on the register, with greenfield sites and those with a mixture of greenfield and brownfield land being excluded.
- 3.3 Under construction sites have not been included on the Brownfield Land Register. This is on the basis of such sites no longer being available for the purposes of the Brownfield Land Register as set out in Regulation 4(1)(c).
- 3.4 Through the council's annual housing monitoring work the status of all sites was updated at 31 March 2017. All sites categorised as under construction at 31 March 2017 have therefore been excluded from Part 1 of the Brownfield Land Register. No site with an application submitted after 31 March 2017 is included.
- 3.5 For each site on the register the council has identified the minimum net number of dwellings that it estimates the site should support. For sites with planning permission this has been given as the number of homes that have been approved as part of that permission; on sites without planning permission this minimum is based on an assumption in relation to the potential density of development on each site having regard to its location etc.
- 3.6 The council is also required to identify the maximum number of dwellings a site is capable of supporting where that site does not have planning permission. For simplicity in compiling its register, the council has assumed that the maximum is the same as the minimum. This would not prevent developers from applying for a higher or lower level of housing on any of these sites.
- 3.7 It is not considered that Part 1 of Tameside's Brownfield Land Register falls within the scope of the Environmental Assessment of Plans and Programmes Regulations 2004. This is because the Register does not fall within the categories of plans and programmes that require SEA (as set out in the SEA Directive and Regulations); specifically, it does not set the framework for future development consent nor is it required by legislative, regulatory or administrative provisions. The decision that the register does not require SEA will be kept under review.
- 3.8 It should be noted that the Brownfield Land Register presents only part of the amount of brownfield land that is in Tameside. This is because sites under construction and those sites that are not wholly brownfield in nature are excluded from the register. The SHELAA continues to remain the comprehensive assessment of future housing land supply in the borough and includes dwellings on sites that are excluded from the Brownfield Land Register for reasons set out above.

## **4.0 Part 2 of the Brownfield Land Register**

### 4.1 Part 2 of the Brownfield Land Register

4.2 Permission in Principle (PiP) has been introduced as an alternative route to gaining planning permission for residential development. The approach separates the approval of principle from that of detail; the latter is covered by the technical details consent stage. Therefore the process provides certainty on the 'in principle' matters of use, location and amount of development rather than using the outline permission process.

4.3 The PiP consent route has 2 stages:

- the first stage establishes whether a site is suitable in principle for residential development, and
- the second ('technical details consent') stage is when the detailed development proposals are assessed.

4.4 The scope of permission in principle is limited to location, land use and amount of development. Other matters should be considered at the technical details consent stage. However it is worth noting that Part 2 sites will receive permission in principle for a specified range of dwellings and they will need to be advertised and consulted on in a similar way to the development management process.

4.5 At the current time no work has been undertaken by the Tameside Council relating to Part 2 of its Brownfield Land Register.