

**Title of meeting:** Cabinet Member for Planning, Regeneration and Economic Development  
**Date of meeting:** Tuesday 31<sup>st</sup> July 2018  
**Subject:** Brownfield Land Register Update  
**Report by:** Assistant Director of Development  
**Wards affected:** All  
**Key decision:** No  
**Full Council decision:** No

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**1. Purpose of report**

- 1.1 The purpose of this report is to inform the committee members of the requirements of the Town and Country Planning (Brownfield Land Register) Regulations 2017 and to request authorisation for the Assistant Director of Culture and City Development to undertake a review of parts 1 and 2 of the register as required.

**2. Recommendations**

**It is recommended that:**

- 1. The content of this report is noted**
- 2. The Assistant Director of Development is authorised to prepare, maintain and publish a statutory Brownfield Land Register (Part 1) of previously developed land suitable for housing development in accordance with the relevant national legislation.**
- 3. The Assistant Director of Development is authorised to prepare, maintain and publish a statutory Brownfield Land Register (Part 2) of previously developed land suitable for housing development in accordance with the relevant national legislation, in consultation with the Cabinet Member for Planning, Regeneration and Economic Development.**

**3. Background**

- 3.1 Following the Housing and Planning Act 2016, the Town and Country Planning (Brownfield Land Register) Regulations 2017 and the Town and Country Planning (Permission in Principle) Order 2017 came into force in April 2017, introducing a new statutory requirement to prepare and maintain a Brownfield Land Register (BLR).

- 3.2 The BLR must list all brownfield sites within a given local authority area that are considered to be suitable for housing or housing-led development. The intention of Government is that the BLR is used to help developers to identify sites that are suitable for development quickly and to speed up the construction of new homes on previously developed land.
- 3.3 The regulations state that the BLR must be published on the Council's website, presented in a prescribed format.
- 3.4 The BLR is made up of two parts; part 1 is mandatory and contains all sites which meet the following criteria:
- The land has an area of at least 0.25ha or is capable of supporting at least 5 dwellings;
  - The land is suitable for residential development;
  - The land is available for residential development; and
  - Residential development of the land is achievable
- 3.5 The Town and Country Planning (Brownfield Land Register) Regulations 2017 require that the first version of part 1 of the register was published by 31<sup>st</sup> December 2017. In order to prepare the first version of the BLR in time for this publication deadline, officers initially assessed sites that had been promoted through the Strategic Housing Land Availability Assessment 2017. Sites that had existing planning permission were also reviewed to consider whether they met the criteria for inclusion on the BLR. Version 1 of part 1 of the Portsmouth BLR was published on 15<sup>th</sup> December 2017.
- 3.6 Part 2 of the BLR is a subset of part 1 and lists those sites which the Local Planning Authority deems suitable, in principle, for development. By adding a site to part 2 of the BLR the site is awarded a grant of Permission in Principle (PiP).
- 3.7 PiP is a newly introduced route to de-risking sites. The PiP is used to establish the principle of development, and is limited to issues such as location of development, amount of development and the land-use. The details of the proposed development are then assessed through a separate application for Technical Details Consent.
- 3.8 Before a site can be entered on part 2 of the BLR (and therefore granted PiP), statutory consultation and publicity must be undertaken in a similar way to a planning application. There is a requirement to display site notices and publicise the intention to include sites on part 2 of the register. Any representations received should be taken into account when deciding whether a site should be added to part 2.
- 3.9 The benefit of including sites on part 2 of the BLR is that it de-risks sites for developers. PiP was introduced for Local Planning Authorities to use to speed up the delivery of new housing. Including sites on part 2 of the BLR would also demonstrate that they are able to contribute towards the 5 year housing land supply.

3.10 Unlike part 1 of the BLR, Local Planning Authorities are not required to include any sites on part 2 of the register; therefore there is no statutory requirement to consider a site for a grant of PiP. With the introduction of part 2 of the register the Local Planning Authority will now review sites across the city to consider suitable sites for inclusion.

3.11 Should any site be considered appropriate for inclusion on part 2 of the register then it is proposed the Assistant Director for Development be given delegated authority, in consultation with the Cabinet Member for Planning, Regeneration and Economic Development, to include that site on Part 2. This approach is suggested in recognition of the technical nature of the register and will enable the management of the register to be as responsive as possible while ensuring appropriate Member oversight. It is recognised that this approach would not be appropriate for certain sites.

#### **4. Requirement to review the register**

4.1 The Town and Country Planning (Brownfield Land Register) Regulations 2017 require that the local planning authority review the entries on the BLR at least once each register year.

4.2 The review of the BLR should consider any sites that have existing planning permission, sites that are identified through the Strategic Housing and Employment Land Availability Assessment, and sites which are promoted for inclusion by developers and landowners as per the 2017 regulations.

#### **5. Reasons for recommendations**

5.1 Portsmouth City Council has a statutory duty to prepare, maintain and publish a Brownfield Land Register. There is a requirement for the entries on this register to be reviewed on an annual basis.

#### **6. Equality impact assessment**

6.1 An equality impact assessment is not required as the recommendations do not have a negative impact on any of the protected characteristics as described in the Equality Act 2010.

#### **7. Legal implications**

7.1 A review of the Brownfield Land Register meets with the requirements of the Town and Country Planning (Brownfield Land Register) Regulations 2017 which state that the local planning authority must review the entries in the register at least once within each register year.

**8. Director of Finance's comments**

8.1 The recommendation within this report, to undertake a review of Portsmouth City Council's Brownfield Land Register, has no adverse financial implications to the Council, and any associated costs are anticipated to be met from existing approved budgets.

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Signed by:

**Appendices:** None

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

<b>Title of document</b>	<b>Location</b>
Portsmouth Brownfield Land Register (version 1)	<a href="https://www.portsmouth.gov.uk/ext/development-and-planning/planning/brownfield-land-register">https://www.portsmouth.gov.uk/ext/development-and-planning/planning/brownfield-land-register</a>
Town and Country Planning (Brownfield Land Register) Regulations 2017	<a href="http://www.legislation.gov.uk/uksi/2017/403/contents/made">http://www.legislation.gov.uk/uksi/2017/403/contents/made</a>
Housing and Planning Act 2016	<a href="http://www.legislation.gov.uk/ukpga/2016/22/contents/enacted">http://www.legislation.gov.uk/ukpga/2016/22/contents/enacted</a>
Town and Country Planning (Permission in Principle) Order 2017	<a href="http://www.legislation.gov.uk/uksi/2017/402/contents/made">http://www.legislation.gov.uk/uksi/2017/402/contents/made</a>

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by ..... on .....

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Signed by: