

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Cllr Roger Gambba-Jones, Portfolio Holder for Place

To: Planning Committee Wednesday, 18 December 2019

(Author: Maria Salemm- Planning Policy Officer)

Subject South Holland District Brownfield Land Register 2019

Purpose: The purpose of the report is to inform Members of the annual update to the South Holland Brownfield Land Register, which will be published on the Council's website.

Recommendation(s):

- 1) That the South Holland District Brownfield Land Register 2019 is approved for publication.

1.0 BACKGROUND

- 1.1 The Government is seeking to maximise the numbers of new homes built on brownfield land. Brownfield Land Registers (BLR) are intended to provide up-to-date, publicly available and consistent information on brownfield sites. 'Brownfield land' refers to land which has previously been developed and must meet the definition set out in Annex 2 of the National Planning Policy Framework (2019) (NPPF).
- 1.2 Brownfield Land Register, as a whole (Parts 1 and 2), provides publicly available information on brownfield (previously developed) land that is suitable for housing. However, the fact that sites may be 'suitable' does not mean that housing on such sites will be 'acceptable'. As the web site goes on to explain, the register consists of two parts, which are:
 - **Part 1** of the register identifies brownfield land within the district that is larger than 0.25ha or capable of delivering 5 or more dwellings and is suitable for residential development, available for residential development and that residential development of the land is achievable. To be suitable, an assessment is made as to whether the site offers a suitable location for development having regard to adopted national and local policy. It can include sites with planning permission (either outline or full) or allocated in a Local or Neighbourhood Plan, as well as sites without planning permission that meet other legislative criteria. There is no legal requirement to consult on sites included in Part 1 of the BLR.
 - **Part 2** of the BLR comprises only those sites in Part 1 that the LPA has decided would be suitable for the grant of Permission in Principle (PiP) in accordance with the Regulations. The PiP consent routes is an alternative way of obtaining planning permission. It is a two-stage process and separates the consideration of matters of principle for the proposed residential development (stage one) from the technical detail of the development (stage two) when the detailed proposals are assessed. A

PIP does not amount to a full planning permission and therefore development cannot commence without additional information being submitted to and approved by the Council. The additional information is known as a 'Technical Details Consent' and is similar to an application for approval of reserved matters.

- 1.3 The Council are required to complete a part 1 register, which only covers sites which '**could be suitable**'. It is the Council's choice as to whether or not to invest the resources into doing the work on behalf of third parties to determine whether or not to take sites forward to a Part 2 register. This would identify them as sites which are suitable, and acceptable, and confirm their suitability for housing in principle. In the case of South Holland we have only produced the Part 1 register.
- 1.4 In December 2017, the Council published its first BLR following its approval to do so by the Planning Committee. The BLR was updated in December 2018 in compliance with the Town and Country Planning (Brownfield Land Register) Regulations 2017 (the Regulations) which require that the BLR is reviewed on at least an annual basis in order to ensure that sites that no longer meet the criteria for inclusion are removed or new sites added.

2.0 UPDATING OF THE REGISTER

- 2.1 The work involved in updating the register has consisted of a four step approach.
- Consideration of any new sites submitted, there were none.
 - Raising the issues with colleagues to identify new sites
 - Considering new planning permissions on Brown field sites not previously on the register
 - Considering all sites on the register to look at which ones may no longer qualify, or where details need to be updated.
- 2.2 This has resulted in 4 sites being removed as they have been redeveloped. The sites which have been removed are:
- The Robin Hood Inn, 1 Bourne Road, Spalding
 - Banbury Close, Spalding
 - Land off Willow Walk (Former Laws Yard), Spalding
 - Land off Park Lane, Donington
- 2.3 The status of 2 sites has changed as planning permission has now lapsed, however they remain within the register:
- Former Red Cow Hotel, 8 High Street, Donington
 - The Sycamores Farm, Church Gate, Whaplode
- 2.4 9 additional sites have been identified for inclusion within the BLR:
- Former Welland Hospital Site, Holbeach Road/Roman Bank
 - Locksmill Farm including Travel Stop Motel, Cowbit Road, Spalding
 - Land at: Crease Drove, Crowland
 - The Chequers Hotel, 15 High Street, Holbeach
 - Former Station Yard & Croft House Nursery, Mill Drove South, Cowbit
 - Land off: Main Road, Quadring, Spalding

- Adjacent: Havencombe, Chapelgate, Sutton St James
- 19 High Street, Holbeach
- British Royal Legion, 3 Malting Lane, Donington, PE11 4XA

2.5 As there is a requirement to update the BLR on an annual basis, officers will continue to reassess the appropriateness of producing a Part 2 register in future years. There is no proposal to include any sites in Part 2 of the BLR at the present time.

2.6 Draft Part 1 of the register is set out in Appendix A to this report and site location plans for all sites are contained within Appendix B.

3.0 **NEXT STEPS**

3.1 Subject to Planning Committee agreeing the recommendation of this report, it is proposed to publish the updated BLR on the Council's website in the prescribed format by the end of December 2019.

3.2 A form will be made available on the Council's website to allow new sites to be submitted for consideration. New sites would then be subject to consideration and, where appropriate, will be brought to a future Planning Committee with a recommendation as to which part of the register these sites should sit.

3.3 The regulations require Local Authorities to update their Brownfield Registers on an annual basis and as such, should new sites come forward these can be assessed and considered through these regular reviews.

4.0 **OPTIONS**

4.1 There are two options available to Members, as follows:

Option 1 – Planning Committee approves the updated BLR for publication.

Option 2 – Planning Committee decides not to approve the updated BLR for publication.

5.0 **REASONS FOR RECOMMENDATION(S)**

5.1 Given that the production, publication and annual update of a Brownfield Land Register is a legal requirement, endorsing Option 1 will ensure that the Council's statutory duty is met.

5.2 Option 2 is not recommended as this would not enable the Council to be in compliance with the requirements of the Regulations.

6.0 **EXPECTED BENEFITS**

6.1 The expected benefits of publishing the South Holland District Brownfield Land Register are that:

- It will provide up-to-date and consistent information on brownfield sites in the District;
- It will provide information to developers and communities.

- It will mean that our statutory requirement to prepare and publish a Brownfield Land Register is met.

7.0 **IMPLICATIONS**

In preparing this report, the report author has considered the likely implications of the decision - particularly in terms of the following issues. Where the report author considers that there may be implications under one or more of these headings, these are identified below.

7.1 **Carbon Footprint / Environmental Issues**

It is the opinion of the report author that there are no implications.

7.2 **Constitutional & Legal**

Under the Town and Country Planning (Brownfield Land Register) Regulations 2017, there is a statutory requirement for the Council to prepare, maintain and publish a Brownfield Land Register.

7.3 **Contracts**

There are no contracts associated with this work and there are considered to be no implications.

7.4 **Corporate Priorities**

“To have pride in South Holland by supporting the district and residents to develop and thrive”:

It is the Government’s intention that Brownfield Land Registers will help developers identify suitable housing sites quickly and speed up the construction of new homes on previously developed land.

7.5 **Crime and Disorder**

Brownfield sites can become problems in terms of tipping and unsociable behaviour. Promoting the development potential and availability of these sites will help to reduce any such impacts.

7.6 **Data Protection**

There is a public duty to produce the register and nothing placed into the public realm breaches GDPR guidance.

7.7 **Equality and Diversity/ Human Rights**

It is the opinion of the report author that there are no implications.

7.8 **Financial**

Funding has been made available via government to local authorities to meet the burdens associated with preparing and publishing their BLR.

No fee is payable to the Council for entering a site in Part 1 of the BLR.

7.9 **Health & Wellbeing**

There are no known Health and Wellbeing implications in this report.

7.10 **Reputation**

Not carrying out this work in accordance with a legal requirement would be injurious to our public reputation.

7.11 **Risk Management**

There are no risk management issues related to this work.

7.12 **Safeguarding**

It is the opinion of the report author that there are no implications.

7.13 **Staffing**

The preparation, maintenance and review of the Brownfield Land Register can be undertaken utilising existing staff resources within the Planning Policy team.

7.14 **Stakeholders / Constitution / Timescales**

There is currently no statutory requirement to consult on the entry of sites into Part 1 of the register. The Regulations require notification to be given if any sites were to be proposed to be entered onto a Part 2 of the register. However, the Council is only undertaking a Part 1 register, as outlined above.

7.15 **Transformation Programme**

There are no known implications.

8.0 **WARDS/COMMUNITIES AFFECTED**

8.1 This report affects the following wards: Spalding Castle, Pinchbeck and Surfleet; Spalding St. Pauls, Spalding St. Johns, Donington, Quadring and Gosberton; Crowland and Deeping St Nicholas; Holbeach Town, Long Sutton, Sutton Bridge, Moulton, Weston and Cowbit; The Saints, Whaplode and Holbeach St. Johns.

9.0 **ACRONYMS**

9.1	BLR	Brownfield Land Register
	DCLG	Department for Communities and Local Government
	NPPF	National Planning Policy Framework (February 2019)
	PiP	Permission in Principle
	SHLAA	Strategic Housing Land Availability Assessment

Background papers:-

The Town and Country Planning (Brownfield Land Register) Regulations 2017:
<http://www.legislation.gov.uk/ukxi/2017/403/made/data.pdf>

National Planning Practice Guidance (July 2017) for Brownfield Land Registers:
<https://www.gov.uk/guidance/brownfield-land-registers>

NPPF (February 2019) definition of Previously Developed Land (in Annex 2):
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

Brownfield Land Registers Data Standards (July 2017):
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/633593/BrownfieldL_andRegisters-DataStandard.pdf

South East Lincolnshire Strategic Housing Land Availability Assessment (July 2018):
<http://www.southeastlincslocalplan.org/wp-content/uploads/2018/07/SELSHLAA-text-July-2018.pdf>

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Key Decision: N

Exempt Decision: N

This report refers to a Mandatory Service

Appendices attached to this report:

Appendix A Draft Part 1 of the South Holland District Brownfield Land Register
Appendix B Site Location Plans