SOUTH HOLLAND DISTRICT COUNCIL

Report of: Strategic Planning Manager

To: Planning Committee - Wednesday, 8 November 2017

(Author: Lucy Buttery, Planning Policy Officer)

Subject South Holland District Brownfield Land Register

Purpose: To consider the content of Part 1 of the Brownfield Land Register for South Holland District and to seek Members' approval of the sites listed. It is also to obtain Members' agreement that the sites proposed to be included on Part 2 of the Register are progressed to consultation.

Recommendation(s):
That Members endorse Option 1 of this report, as follows:

1) That the Planning Committee considers the content of this report and approves the list of sites identified in Appendix 1 for inclusion in Part 1 of the South Holland District Brownfield Land Register; and,

2) That Members agree that the sites proposed to be included on Part 2 of the Register are progressed to consultation in accordance with the Town and Country Planning (Brownfield Land Register) Regulations 2017.

1.0 BACKGROUND

1.1 On 16th April 2017, the Government’s Town and Country Planning (Brownfield Land Register) Regulations 2017 came into force which introduced a requirement for local planning authorities to prepare, maintain and publish a Brownfield Land Register (BLR). ‘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 (2012) (NPPF).

1.2 The purpose of a BLR is to provide up-to-date and consistent information on brownfield sites. In basic terms, registers will list all the brownfield sites in an area that are considered appropriate for housing development. This will help provide certainty to developers and communities, encouraging investment in local areas. It is the Government’s intention that they will help developers identify suitable sites quickly and speed up the construction of new homes on previously developed land. They have pledged to get planning permission in place on 90% of suitable brownfield sites for housing by 2020.

1.3 Regulation 3(3) of the above Regulations requires that each local planning authority publish their register by 31st December 2017. The Department for Communities and Local Government (DCLG) have published a prescribed format that all local authorities must use to publish their data.
2.0 THE BROWNFIELD LAND REGISTER FOR SOUTH HOLLAND DISTRICT

2.1 South Holland District’s BLR will consist of two parts. Part 1 – which is mandatory - will comprise of all sites within the District which are categorised as previously developed land which meet the following criteria set out in the Regulations:

- The land must be at least 0.25ha in size or have the capacity to accommodate 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.

The Regulations provide further specification on each of the criteria. In respect of the second criterion – ‘suitable’ – regard has to be taken to any adverse impact on the natural and built environment, including in particular on heritage assets and any adverse impact on local amenity.

2.2 National Planning Practice Guidance states that when deciding if a site should be entered onto the register, local planning authorities should have regard to: the development plan; national policies and guidance; and any guidance issued by the Secretary of State. Only sites which comply with such policy and guidance have been selected for the draft Part 1.

2.3 The draft Part 1 of the BLR, which is appended to this report in Appendix A, contains sites that have the benefit of full or outline planning permission (as at 30th September 2017) as well as sites without planning permission which are considered appropriate having regard to the criteria set out in the Regulations. In total, 27 of the 38 sites on the draft Part 1 have an extant planning permission. The remaining 11 brownfield sites without planning permission were identified using the most recent Strategic Housing Land Availability Assessment (April 2017) (SHLAA). The SHLAA is a technical document covering the South East Lincolnshire area (i.e. South Holland District and Boston Borough), which considers the suitability of sites for housing development and determines whether they are available, achievable and, ultimately, deliverable. As well as assisting in site selection for the BLR, it is also a key part of the evidence base for the South East Lincolnshire Local Plan. It should therefore be noted that 5 of the 11 sites identified without planning permission are proposed allocations in the South East Lincolnshire Local Plan which is currently undergoing an Examination in Public. Site location plans for all sites are contained within Appendix B.

2.4 Part 2 – which is non-statutory - will consist of sites from Part 1 which the local planning authority has decided would be suitable for a grant of permission in principle (PiP; see below) for residential development.

2.5 When entering sites into the register, the Council must indicate whether sites are ‘deliverable’ i.e. there is a reasonable prospect that residential development will take place on the land within 5 years. Where a site on the register is considered deliverable it can be counted towards the District’s 5-year housing land supply. All of the sites on draft Part 1 of the BLR are considered to be deliverable.

3.0 PERMISSION IN PRINCIPLE

3.1 Part 2 of a BLR is effectively a subset of Part 1 and will comprise only those sites where the council wishes to grant permission in principle for residential development.
3.2 PiP is a newly introduced consent route which is similar in practice to an outline planning permission. The new PiP route is intended to give developers/applicants more certainty by settling the fundamental principles of development (use, location, amount of development).

3.3 However, following PiP being granted, development cannot proceed until technical details consent (TDC) has been obtained. TDC would be similar to the approval of reserved matters following the grant of outline planning permission. A developer or landowner(s) will have five years in which to seek planning consent for technical details, the approval of which will mean that development can commence on site. The TDC would require an application to the local planning authority and would be subject to a fee.

3.4 It should be noted that PiP is a new tool which will work alongside, not replace, existing routes for obtaining planning permission. Permission in principle can only be granted for housing-led developments.

3.5 Since there would be no advantage in granting sites which already have outline or full planning permission for PiP as well, the draft Part 2 will only contain those sites identified through the SHLAA without permission. The sites proposed to be included in draft Part 2, and recommended be progressed to consultation as set out in Section 4 below, are as follows:

BLR/SPA/011  Land to the east of Spalding Road, Pinchbeck
BLR/SPA/012  Spalding Lifestyle, Spalding Road, Pinchbeck
BLR/SUB/001  Land to the south of Bridge Road, Sutton Bridge
BLR/COW/002  Land to the west of Mill Drove, Cowbit
BLR/MOU/001  Former Gardman Premises, High Street, Moulton
BLR/PIN/001  Land to the west of Bear Lane, Pinchbeck
BLR/PIN/005  Former Dairy Depot, Pennytoft Lane, Pinchbeck
BLR/PIN/006  Birchgrove Garden Centre, Surfleet Road, Pinchbeck
BLR/PIN/007  Land to the north of Market Way, Pinchbeck
BLR/SUJ/001  Land to the south of Chapel Gate, Sutton St James

4.0 CONSULTATION REQUIREMENTS

4.1 There is currently no statutory requirement to consult on the entry of sites into Part 1 of the Register. There are, however, relevant statutory consultation requirements for sites proposed to be entered into Part 2. These are to:

- Place a notice in at least one place on or near the land for not less than 21 days and on the website for not less than 14 days; and
- Consult any person, body or authority whom would have been consulted in relation to a planning application for residential development of the land (to include the county council and parish councils).

5.0 INITIAL IMPLEMENTATION

5.1 The Council’s first register must be published by 31st December 2017. Correspondence from Legal Services at the Council confirms that this requirement will be met if Part 1 is complete and that progress is being made in respect of Part 2. Therefore, in order to meet the nationally prescribed timeframes, it is recommended that Part 1 of the register is
published in December 2017, with Part 2 to follow in early 2018. This will enable officers to undertake the required additional assessment and notifications involved with including a site on Part 2, such as determining the number of dwellings to grant PiP for and considering representations received through the statutory consultation process.

5.2 Part 1 of the BLR will be published on the council's website in the format prescribed by DCLG.

6.0 NEXT STEPS

6.1 Providing Member approval for Part 1 to be published is obtained and implemented, the statutory consultation for Part 2 sites will be prepared for and undertaken as soon as possible. Following consideration of the representations received and any amendments necessary being made, Committee approval for Part 2 of the BLR to be published will be sought.

6.2 Regulation 17 requires that, once published, the register is reviewed at least once a year in accordance with that Regulation. As part of the review process, any new qualifying brownfield sites that may have come forward will be considered against the criteria set out in the Regulations and will be proposed for inclusion if appropriate.

7.0 OPTIONS

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

1. Option 1 - Planning Committee considers the content of this report and approves the list of sites identified in Appendix 1 for inclusion in Part 1 of the South Holland District Brownfield Land Register; and, Members agree that the sites proposed to be included on Part 2 of the Register are progressed to consultation in accordance with the Town and Country Planning (Brownfield Land Register) Regulations 2017.

2. Option 2 – Planning Committee do not agree the Part 1 Brownfield Land Register and proposed sites for Part 2 for consultation.

8.0 REASONS FOR RECOMMENDATION(S)

8.1 Given that the production and publication of a Brownfield Land Register is a legal requirement, endorsing Option 1 will ensure that the Council’s statutory duty is met. It will also ensure that Part 1 of the Register can be published by the prescribed date in the Regulations (31st December 2017).

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

9.0 EXPECTED BENEFITS

9.1 The expected benefits of approving the list of sites identified in Appendix 1 for inclusion in Part 1 of the South Holland District Brownfield Land Register are that: it will provide up-to-date and consistent information on brownfield sites in the District; and it will help provide certainty to developers and communities. It will also mean that our statutory requirement to prepare and publish a Brownfield Land Register is met.
10.0 **IMPLICATIONS**

10.1 **Carbon Footprint / Environmental Issues**

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

10.2 **Constitutional & Legal**

10.2.1 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. Draft Part 1 of the BLR has been prepared in accordance with these Regulations.

10.3 **Contracts**

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

10.4 **Corporate Priorities**

10.4.1 “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.

10.5 **Crime and Disorder**

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

10.6 **Equality and Diversity / Human Rights**

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

10.7 **Financial**

10.7.1 The additional cost of producing the brownfield register has been supplemented by a DCLG grant of £14,645 to reimburse authorities as a result of this new requirement.

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

10.8 **Health & Wellbeing**

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

10.9 **Reputation**

10.9.1 It is the opinion of the report author that there are no implications.
10.10 **Risk Management**

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

10.11 **Safeguarding**

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

10.12 **Staffing**

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

10.13 **Stakeholders / Constitution / Timescales**

10.13.1 There is currently no statutory requirement to consult on the entry of sites into Part 1 of the register. However, the regulations require notification to be given on those sites proposed to be entered on Part 2 which will be subject to a separate report.

10.14 **Transformation Programme**

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

11.0 **WARDS/COMMUNITIES AFFECTED**

11.1 This report affects the following wards: Cowbit, Weston & Moulton; Crowland & Deeping St Nicholas; Donington, Quadring & Gosberton; Fleet; Holbeach Town; Long Sutton; Pinchbeck & Surfleet; Spalding Castle; Spalding St Johns; Spalding Monks House; Spalding St Paul’s; Sutton Bridge; The Saints; and Whaplode & Holbeach St Johns.

12.0 **ACRONYMS**

12.1 **BLR** Brownfield Land Register  
**DCLG** Department for Communities and Local Government  
**NPPF** National Planning Policy Framework (March 2012)  
**PiP** Permission in Principle  
**SHLAA** Strategic Housing Land Availability Assessment
Background papers:-


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


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Appendices attached to this report:
Appendix A Draft Part 1 of the South Holland District Brownfield Land Register and sites proposed for draft Part 2
Appendix B Site location plans