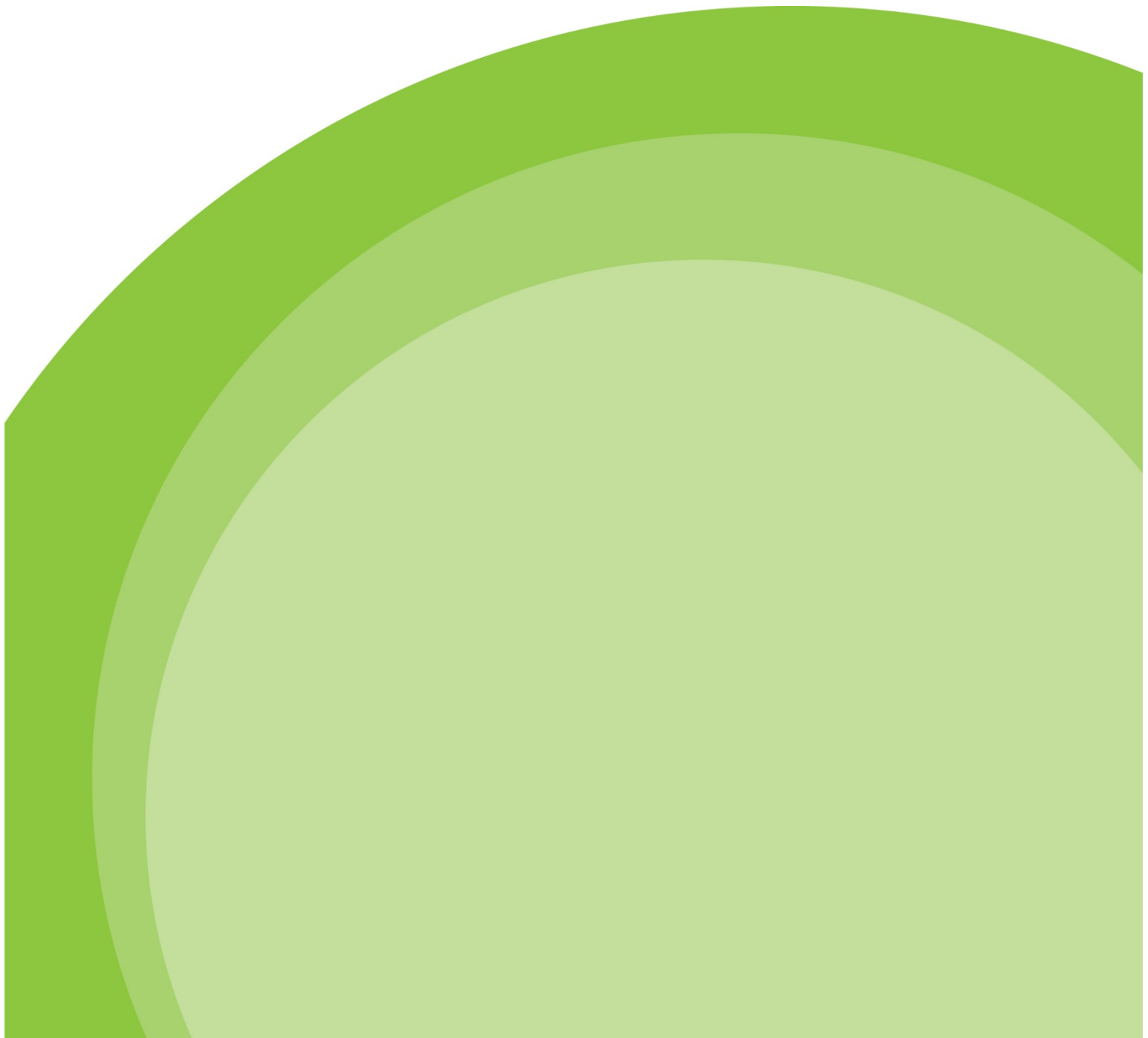




Brownfield Land Register

December 2017



Introduction

Guidance and Regulations

One of the National Planning Policy Framework's (NPPF) core planning principles is to *'encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.'* Paragraph 111 of the NPPF re-affirms this prioritisation of brownfield land.

The Government is committed to rolling out the Brownfield Register as a statutory requirement of all Local Authorities by 31 December 2017 and to ensure that 90% of all suitable brownfield sites have planning permission for housing by 2020.

The Town and Country Planning (Brownfield Land Register) Regulations 2017 sets out the statutory requirements for local planning authorities to prepare a Brownfield Land Register. Under the Regulations, local planning authorities are required to prepare, maintain and publish registers of previously developed (brownfield) land.

Brownfield Land Registers will provide up-to-date and consistent information on sites that local authorities consider appropriate for residential development having regard to the criteria set out in the Town and Country Planning (Brownfield Land Register) Regulations 2017.

The Register is in two parts. Part 1 comprises all brownfield sites appropriate for residential development and Part 2 those sites granted permission in principle. Central Bedfordshire Council will have a Brownfield Land Register comprising Part 1.

Definition

In order for sites to be considered as Brownfield Land, they need to meet the definition of previously developed land as set out in the National Planning Policy Framework, Annex 2:

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.

Methodology

Regulations and Guidance Requirements

The Town and Country Planning (Brownfield Land Register) Regulations 2017 sets out the criteria against which sites needs to be assessed. Each parcel of land needs to ensure that:

- (a) The land has an area of at least 0.25 hectares or is capable of supporting at least 5 dwellings;
- (b) The land is suitable for residential development;
- (c) The land is available for residential development; and
- (d) Residential development of the land is achievable.

The Regulations further identify what is meant by suitable, available and achievable.

If a site is considered **suitable**, the site:

- (a) Has been allocated in the local development plan for residential development;
- (b) Has planning permission for residential development;
- (c) Has a grant of permission in principle for residential development; or
- (d) Is appropriate for residential development having regard to the impact on the natural environment, the impact on the local built environment including heritage assets and the impact on the local amenity which the development might cause for the future occupiers of the development or occupiers of the neighbouring properties.

For a site to be considered **available**:

- (a) The relevant owner has expressed an intention to sell or develop the land;
- (b) The developer has expressed an intention to develop the land; or
- (c) It is considered that there are no issues relating to the ownership of the land or other legal impediments which might prevent residential development of the land taking place.

For a site to be considered **achievable** in relation to the residential development of the land, the development should be considered likely to take place within 15 years of the entry date on the Brownfield Land Register.

The Brownfield Land Registers Guidance states that in addition to the above criteria set out in regulation 4, section 14A of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to have regard to the development plan, national policies and advice and any guidance issued by the Secretary of State. This includes development plan document, any

relevant neighbourhood plans, National Planning Policy Framework, Planning Practice Guidance and other relevant statutory requirements and guidance.

For Central Bedfordshire Council, the relevant development plan documents are the South Beds Local Plan 2004, North Core Strategy and Development Management Policies Development Plan Document 2009, North Site Allocations Document 2011 and saved policies from the Mid Bedfordshire Local Plan 2005. The emerging Local Plan for Central Bedfordshire Regulation 18 is also relevant and will be more as it progresses to submission and adoption in 2018.

Sources of information

Central Bedfordshire Council holds information on potential brownfield land on a number of different databases. The following databases were used to create a shortlist of brownfield register:

- (a) Current planning application approved, refused, withdrawn and pending a decision.
- (b) Call for Sites 2014
- (c) Call for Sites 2016.
- (d) Functional Economic Market Assessment (FEMA) sites.
- (e) Public Land database: <https://www.epims.ogc.gov.uk/government-property-finder/SearchForPropertyAndLand.aspx>

Following a search of these databases, a list of sites was drawn up to be assessed against the criteria as to whether they would be suitable, available and achievable for residential development.

Use of Call for Sites and Strategic Housing Land Availability Assessment

A Call for Sites was undertaken in 2014 and 2016 for residential development for the production of a Strategic Housing Land Availability Assessment (SHLAA) and the allocation of sites in the emerging Local Plan.

The criteria set for the submitted sites was a threshold requirement for sites of providing no less than 10 dwellings per site and no less than 5 dwellings for brownfield land. Both Call for Sites resulted in approximately 840 being submitted. Of the submitted sites, approximately 60 were on brownfield land or partly brownfield land.

All sites, meeting the above criteria, were assessed using a Site Assessment Framework. This Framework was developed in accordance with up-to-date SHLAA guidance to determine whether the sites were suitable, available and achievable for residential development.

To ensure consistency between the SHLAA Site Assessment and Brownfield Land Register Site Assessment, the Brownfield Land Site Assessment

Framework has used the same Framework as the SHLAA Site Assessment process. All sites submitted through the Call for Sites process, including brownfield land, have been assessed for their suitability for residential development through the SHLAA process. Therefore those sites considered to be suitable for housing have been considered as suitable for housing for the Brownfield Land Register as the assessment processes have been aligned for assessment purposes, as discussed above.

Central Bedfordshire Council Local Plan Policy

The Brownfield Land Guidance makes allowances for local planning authorities to have regard to development plan documents in addition to regulation 4. For Central Bedfordshire Council, the relevant development plan documents are the South Beds Local Plan 2004, North Core Strategy and Development Management Policies Development Plan Document 2009, North Site Allocations Document 2011 and saved policies from the Mid Bedfordshire Local Plan 2005. The emerging Local Plan for Central Bedfordshire Regulation 18 is also relevant and will be more relevant as it progresses to submission and adoption in 2018..

The overall policy approach in the adopted development plans and the strategic approach in the emerging Local Plan is to safeguard employment sites for future use. Central Bedfordshire Council has a portfolio of employment land and seeks to retain this portfolio to meet the needs of different employment uses. There are flexible policies in the emerging Local Plan which allow for a change of use for employment sites to other employment generating uses and non-employment uses. This will be determined on a site by site basis through the planning process. The implication of this approach for the Site Assessment is that employment sites in Central Bedfordshire are not considered suitable for residential use.

Sites have also been considered against their impact on the character of the settlement and settlement pattern so as not to have a detrimental impact on the natural and built environment, in line with the policies in the adopted Core Strategy and emerging Local Plan.

Site Assessment

An initial assessment of the above databases excluded sites which are below 0.25ha in size or provide less than 5 dwellings and also those which do not conform to the NPPF definition.

Types of land that have been excluded are listed below:

- (a) Agricultural land and buildings;
- (b) Grazing land, paddocks and equestrian land;
- (c) Forestry and forestry buildings;
- (d) Scrubland and vacant land (not previously developed);
- (e) Minerals or waste disposal sites with restoration conditions imposed;

- (f) Private residential gardens;
- (g) Parks, recreation grounds and amenity land;
- (h) Allotments; and
- (i) Previously developed land which has now been re-assimilated into the landscape.

Any brownfield land which has planning permission for residential development and has not yet been developed or is partially developed has automatically been entered onto the Brownfield Land Register. Through the grant of planning permission these have been deemed suitable for residential development

Where sites comprise both brownfield and greenfield land, the portion that is brownfield and meets the previously developed land definition has been included and assessed further for suitability.

Sites that passed the initial assessment above and have not been subject to a planning permission have been assessed against the site assessment framework for their suitability, availability and achievability. It is important to note that if these sites were considered, through the Brownfield Land Site Assessment Framework, to be suitable for development, this does not guarantee or support the development of the site. Planning permission will still be required.

A template of the site assessment framework used to determine suitability, availability and achievability for inclusion in the Brownfield Land Register is provided in Appendix 1.

In terms of suitability, the assessment ensures that the sites are suitable based on the following criteria:

- Provisional site capacity: above 0.25ha or more than 5 dwellings
- Nationally significant designation: no nationally significant designation within the site; these include Sites of Special Scientific Interest, National Nature Reserves, Local Nature Reserves, Scheduled Ancient Monuments and Registered Parks and Gardens, and whether the site is located in the Area of Outstanding Natural Beauty.
- Relationship to settlement: whether the site can be considered a logical extension to the settlement, the impact of the site size on the settlement and whether the site results in coalescence with adjoining settlements.
- Physical constraints: if there are any physical constraints or permanent features that affect the site's developability, such as pylons and topography.
- Environmental constraints: impact on landscape, biodiversity, archaeology and built heritage.
- Impact on the local amenity both in terms of future occupiers and adjoining neighbours: impact on any residential adjoining neighbours and the impact of adjoining employment use and the residential amenity on the future residential occupiers.
- Flood risk: if more than 50% of the site is within Flood Zone 2 and 3.

In terms of availability, the assessment ensures that the sites are available:

- If the land owners and develops has expressed an intention to sell or develop the land; and
- There are no issues relating to land ownership or other legal impediments which might prevent residential development coming forward.

The sites were considered achievable if there was a reasonable prospect of the site being delivered within 15 years.

If the site meets the NPPF Previously Developed Land definition and passes each stage of the site assessment criteria it has been considered appropriate for inclusion is the Brownfield Land Register.

The Register

The Brownfield Land Register for Central Bedfordshire is available to view online and has been prepared in accordance with the requirements as set out in Brownfield Land Registers Data Standard: Preparing and publishing a register.

The format of the Brownfield Land Register will ensure that standardised information and data about brownfield land is kept up-to-date and made publically available. Using the data standard which has been designed to ensure that brownfield land registers are accessible for those entering data and navigating the information they contain.

The register will be published in an 'open' format that can be read within specific software. This standard approach to registering the location of data will make it possible to find, collect and analyse the data.

Monitoring

Regulation 17 requires local planning authorities to review the entries in the Brownfield Land Register at least once a year. Central Bedfordshire Council will therefore update the register at least once a year as a minimum and may seek to update the register following quarterly monitoring processes.

During the update of the Brownfield Land Register, land that no longer meets the criteria of regulation 4 will be removed and entries will be updated as necessary. New sites considered appropriate for inclusion will also be entered into Part 1 of the register.

Next Steps

Additional procedures will be established to help identify sites which could potentially be included in the register.

One such procedure will be the availability of submission forms online. This will allow land owners and developers to download the forms and submit the

required information to Central Bedfordshire Council. This will ensure that data of potential sites is collected and assessed in a consistent way. The Site Submission Form is provided in Appendix 2.

Central Bedfordshire Council currently only publishes Part 1 of the Register. This comprises all brownfield sites considered appropriate for residential development.

Part 2 of the Register grants the listed sites permission in principle. To publish a Part 2 of the Register requires further publicity, notification and consultation. In order for Part 2 to be published the necessary procedures and process need to be set up and consulted upon.

Central Bedfordshire Council will consider in the update to Part 1 of the Brownfield Land Register whether to undertake a Part 2. This will be subject to further consultation.

Status of Sites

This Brownfield Land Register does not affect the status of sites that already have planning permission or are allocated in the adopted or emerging Development Plan documents for development. The inclusion of other sites in the register does not give them any formal status, or grant permission in principle, or in any sense infer that planning permission will be granted for development. The Brownfield Land Register will be subject to periodic review and through ongoing refinement further sites will be added whilst others may be removed.

Appendix 1

Site Stats

Reference:	Current use:
Alternative Reference:	
Name: name and address of site	Description/Character/ Surrounding Area:
Greenfield/Brownfield:	
Site Area:	
Brownfield Area:	
Capacity of site: indicative capacity	Planning History:

Suitability

- Provisional site capacity: above 0.25ha or more than 5 dwellings
- Nationally significant designation: no nationally significant designation within the site; these include Sites of Special Scientific Interest, National Nature Reserves, Local Nature Reserves, Scheduled Ancient Monuments and Registered Parks and Gardens, and is within an Area of Outstanding Natural Beauty.
- Relationship to settlement: whether the site can be considered a logical extension to the settlement, the impact of the site size on the settlement and whether the site results in coalescence with adjoining settlements.
- Physical constraints: if there are any physical constraints or permanent features that affect the site's developability, such as pylons and topography.
- Environmental constraints: impact on landscape, biodiversity, archaeology and built heritage.
- Impact on the local amenity both in terms of future occupiers and adjoining neighbours: impact on any residential adjoining neighbours and the impact of adjoining employment use and the residential amenity on the future residential occupiers.
- Flood risk: if more than 50% of the site is within Flood Zone 2 and 3.

Availability

- If the land owners and develops have expressed an intention to sell or develop the land; and
- There are no issues relating to land ownership or other legal impediments which might prevent residential development coming forward.

Achievability

The sites were considered achievable if there was a reasonable prospect of the site being delivered within 15 years.

Conclusion

Summary

Site Size	
Capacity	
Suitable	
Available	
Achievable	

Appendix 2

Brownfield Site Submission Form

Guidance Notes - How to submit a site

Please use this 'brownfield site submission form' to suggest sites that Central Bedfordshire Council should consider for residential use for inclusion on the Brownfield Register.

Sites may be submitted for assessment that meets the following requirements:

- NPPF Previously Developed Land definition as set out in Annex 2 of the NPPF <https://www.gov.uk/government/publications/national-planning-policy-framework--2>
 - Capable of accommodating 5 or more dwellings and greater than 0.25ha in size.
 - Available – Sites should be in suitable location for housing¹ and there should be a reasonable prospect the site will be available and that it could be viably developed at the point envisaged. Deliverable sites will be those available for development now and be constructed within five years. Developable sites will be viable sites deliverable within 6 – 10 years.
 - Capable of development - Sites must be suitable for residential use and free from constraints that cannot be mitigated.
- * Sites that have an extant planning permission for housing do not need to be assessed against the criteria as they have already been considered suitable for housing and will be automatically added to the register.

In completing your form:

- Use a separate submission form for each site proposed. Only information supplied on a form can be considered though additional supplementary information may be provided in addition.
- Submit sites that are likely to become available (deliverable or developable) within a 10 year timeframe.
- Attach a map (at an appropriate scale) outlining the precise boundaries of the whole site and the area suitable for development (if this is less than the whole). An electronic GIS generated plan exported in a .shp file format is preferable. Otherwise a PDF plan using an OS Mastermap base map should be used so that site boundaries can be accurately identified and redrawn into the Council's GIS system. Without this mapped information we are unable to consider the site for assessment.
- Complete the form as comprehensively as possible.
- You must give your name and contact details for your site to be considered.
- Sites may be submitted at any point during the year.

DATA PROTECTION STATEMENT AND FREEDOM OF INFORMATION ACT 2000

The information collected in this response form will be used by Central Bedfordshire Council in relation to the Central Bedfordshire Local Plan and promotion of brownfield sites. Question 1 of the pro forma will be kept confidential but the information given in the remaining questions will be made available to the public in the form of the brownfield register published on the Council's website. By signing and dating below you are accepting this statement and giving permission for Central Bedfordshire Council to hold your details on our database. Please address any questions or requests regarding our data processing practices to localplan@centralbedfordshire.gov.uk.

¹ 'Suitable location for housing' will be informed by criteria drawn from the NPPF and Local Plan and will form part of the site assessment.

Contact details		
Q1.1	Please provide your contact details:	
	Title	
	First Name	
	Surname	
	Organisation (if relevant)	
	Representing (if relevant)	
	Address	
	Postal Town	
	Postcode	
	Telephone	
	Fax	
	E-mail	
	Signed (by ticking this box you will be electronically signing this application)	<input type="checkbox"/>
Date		

Your details		
Q2.1	You (your client) are:	
	<input type="checkbox"/> A private landowner	
	<input type="checkbox"/> A public land-owning body	
	<input type="checkbox"/> A registered social landlord	
	<input type="checkbox"/> A land agent	
	<input type="checkbox"/> A developer	
	<input type="checkbox"/> Other If other, please specify:	

Site location		
Q3.1	Please provide details about the site location:	
	Site name (Is the site known by a particular name?)	
	Site address	
	Site postcode	
	Site co-ordinates	

Site details		
Q4.1	Please provide information about the site area:	
	Whole site: (in hectares)	
	Area suitable for development: (in hectares)	
	How many residential dwellings can the site accommodate?	
Q4.2	What is the previous or current use of the site? (please select all that apply)	
	<input type="checkbox"/> Housing	
	<input type="checkbox"/> Employment	
	<input type="checkbox"/> Other commercial If other commercial, please state.	
	<input type="checkbox"/> Gypsy and Traveller or Travelling Showpeople pitches	
	<input type="checkbox"/> Waste or minerals site	
	<input type="checkbox"/> Vacant/Derelict site	
Q4.3	What is the proposed use for the site? (Should be residential for inclusion on the Brownfield Register)	
Q4.4	What is the relevant planning history including any current planning permission?	

Constraints	
Q5 To the best of your knowledge, are there any constraints that might prevent the site from being developed? Please provide details.	
Q5.1 Access difficulties e.g. ransom strips or highways	
Q5.2 Planning policies	
Q5.3 Tree cover	
Q5.4 Topography	

Q5.5 Local character	
Q5.6 Ownership issues	
Q5.7 Legal issues e.g. covenants	
Q5.8 Contamination/ pollution	
Q5.9 Amenity issues e.g. noise, smell, dust	
Q5.10 Environmental designation	
Q5.11 Flood Risk	
Q5.12 Infrastructure/ utility requirements	
Q5.13 Market viability	
Q5.14 Other considerations (please specify)	
Q5.15 Do you believe that constraints on the site could be overcome? If so, please provide details.	

Phasing		
Q7.1	Is the site owned by a developer?	
	<input type="checkbox"/> Yes	
	<input type="checkbox"/> No	
Q7.2	Is the site under option to a developer?	
	<input type="checkbox"/> Yes	
	<input type="checkbox"/> No	
Q7.3	Please indicate the likely time scale for the commencement of development on the site.	
<input type="checkbox"/>	0-5 years	
<input type="checkbox"/>	5-10 years	
Q7.4	Once work has commenced, how many years would it take to complete?	
	<input type="checkbox"/> 0-5 years	
	<input type="checkbox"/> 5-10 years	
	<input type="checkbox"/> More than 10 years	

Thank you, please send your completed forms to the Strategic Planning Team

By email: localplan@centralbedfordshire.gov.uk

Or by post:

Call for Sites
 Strategic Planning Team
 Central Bedfordshire Council
 Priory House Monks Walk
 Chicksands Shefford
 SG17 5TQ



A great place to live and work

Contact us...

by telephone: 0300 300 84353

by email: local.plan@centralbedfordshire.gov.uk

on the web: www.centralbedfordshire.gov.uk

Write to Central Bedfordshire Council, Priory House,
Monks Walk, Chicksands, Shefford, Bedfordshire SG17 5TQ