

WAVERLEY BOROUGH COUNCIL

EXECUTIVE – 07/06/2016

Title:

BROWNFIELD REGISTER PILOT

[Portfolio Holder: Cllr Brian Adams]

[Wards Affected: All]

Summary and purpose:

The purpose of this report is to update members on the preparation of the pilot brownfield register of sites suitable for housing development and to agree to its publication for the end of June 2016.

How this report relates to the Council's Corporate Priorities:

The development of brownfield sites to deliver housing will contribute to the wellbeing of Waverley's communities by considering their potential to meet its housing needs, including the provision of affordable housing. Developing brownfield sites will help protect the Borough's attractive environment by improving existing sites through their redevelopment and will reduce pressure for housing to be built on greenfield sites.

Financial Implications:

The DCLG has provided Waverley with a £10,000 grant that covers the cost of commissioning consultants to prepare the brownfield register.

Legal Implications:

1. The requirements relating to land to be included in a Brownfield Register will become statutory and once law, will amend the Planning and Compulsory Purchase Act 2004 with the intention of creating a register of brownfield land to facilitate unlocking of land to build new homes. Therefore Officers and Members should be made aware of these provisions throughout the pilot stages of the Bill in order to support proactive decision-making throughout. This bill has now passed its second reading in the House of Commons and is advanced.

2. It is intended that a development order will grant permission in principle for certain types of development (it is intended housing development of fewer than 10 units), in relation to land as allocated in the register. Application will then need to be made for a technical details consent. The full permission will be a combination of the permission in principle and the technical details consent.

3. In view of this and time limits imposed by Government delegated authority will need to be given to Officers in order for land and sites to be added to the Register.

Introduction

1. The Government is introducing a legal requirement for all councils to publish a register of brownfield land that is suitable for housing through the Housing and Planning Act. The Government has already carried out consultations on the introduction of a requirement for a brownfield register including a technical consultation on the implementation of one.
2. To help the Government produce policy and guidelines to prepare brownfield registers it invited councils to bid to pilot the formation of a register which comes with funding of £10,000. Waverley submitted a successful bid and is required to publish a pilot register by the end of June 2016. In order to meet this timetable Waverley has appointed consultants Fregonese Hayes Planning Ltd to prepare the register.
3. It is considered that being a pilot authority will show the Council's commitment to using suitable brownfield sites to meet housing needs. If a site is suitable for housing development, then this could help improve the appearance of an underused, vacant or derelict site and could contribute to the regeneration of the wider area. Furthermore, the efficient use of brownfield land will reduce the pressure to build on greenfield sites to help meet Waverley's housing needs.
4. Being a pilot register will also give Waverley the opportunity to help shape government guidance and inform it of the challenges that councils will face in preparing a register, over and above the normal opportunity of simply responding to the consultation paper on the technical changes. The Government has produced a practice manual for pilot councils undertaking the brownfield register and pilot councils will be expected to feed back to the Government on all aspects of preparing the register. Preparing a pilot will mean that Waverley will be in a good position to meet the statutory requirement when it comes in.
5. The pilot register is not expected to grant "planning permission in principle" for those sites that the Council has assessed as being suitable for housing. However, when the register becomes statutory, councils will be expected to grant "planning permission in principle" for most of its suitable sites (this is a new form of planning approval also being introduced through the Housing and Planning Act). Therefore, the Government's practice manual encourages pilots to consider the suitability of sites for a future grant of permission in principle.
6. Councils are not expected to undertake public consultation on the pilot brownfield register. Given the deadline for completing the pilot register by the end of June it was considered that this would have not been feasible to do so anyway. However, it is anticipated that when the register is published it will attract a lot of interest from both developers and local communities, particularly as it has not been consulted on. When the register becomes statutory it will be up to individual councils to decide what level of consultation they want to carry out. If Waverley proposes to grant "planning permission in principle" through a brownfield register, public consultation will be mandatory.

7. Importantly, as the pilot register is not yet a statutory requirement, it has not been consulted on and does not give “planning permission in principle”. It is considered that only very limited weight can be given to its status in determining planning applications.
8. The DCLG practice manual on the pilot brownfield register says that sites that are suitable must be “capable of development”. It goes on to advise that the register should only include sites that are suitable for residential use and free from constraints that *cannot be mitigated* (their emphasis). Sites that are allocated for non-housing uses (e.g. employment land), where compelling evidence supports the allocation, are unlikely to be regarded as suitable for housing. Therefore, the Council will need to be sure that any sites included in the pilot brownfield register as being suitable for development are clearly ones that can deliver housing.
9. The pilot brownfield register manual also says that they are working to ensure that it is possible for Councils to include sites that they have decided are not suitable for housing on the pilot register. This is to ensure transparency in the decisions taken. Given the resources needed and the time taken to do this, it is considered that the pilot should not include a register of unsuitable sites. It is not clear from the manual whether this will be a requirement when the brownfield register become statutory.
10. Although the pilot register will be completed by the Government deadline at the end of June, there has not been sufficient time for the register to be completed in time for this meeting. However, Annexe 1 gives an early example of a site assessment template drafted by the consultants who are preparing the pilot register.

Conclusion

11. The Council has successfully bid to be one of the councils to prepare a pilot brownfield register that sets out brownfield sites that are suitable for and capable of housing development. Although the pilot register will indicate the Council’s view on a site’s potential for housing development, the pilot is not a statutory requirement, it has not been subject to consultation and does not grant planning permission. Therefore, for development management purposes, it can only be given very limited weight.
12. The challenging timetable to prepare the pilot register means it has not been possible for the pilot register to be completed in time for this meeting. The next meeting will be after the deadline for publication. It is therefore recommended that, to ensure that the Government’s deadline is met, authority is delegated to the Head of Planning Services to agree:
 - the final pilot brownfield register for publication following the relevant ward member being notified of a suitable site in their ward and raising no objection to its inclusion; and
 - the feedback to government on the preparation of the pilot brownfield register.

Recommendation

It is recommended that the Executive agrees that the Head of Planning be authorised to

1. publish the pilot brownfield register following the relevant ward member being notified of a suitable site in their ward and raising no objection to the inclusion of that site; and
2. provide feedback to the Government on the preparation of a brownfield register as required by a pilot authority.

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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