



North Northamptonshire Joint Committee Seminar 14th July 2016

Briefing Note on the preparation of Pilot Registers of Brownfield Land suitable for housing

1. Introduction

- 1.1 This note provides an update on work on pilot “brownfield registers” for the North Northamptonshire local planning authorities. It sets out the statutory background to these registers, the approach adopted in North Northamptonshire and the proposed process for finalising the registers. Information on specific sites will be shared at the meeting.

2. Background

- 2.1 The Government is seeking to maximise the number of new homes built on suitable brownfield land. It has set a target for 90% of suitable brownfield sites to have planning permission for housing by 2020, and is using the provisions of the Housing and Planning Act 2016 (HPA 2016) to require local planning authorities (LPAs) to prepare a register of brownfield land suitable for housing development.
- 2.2 The HPA 2016 has also introduced “permission in principle” as a new route to obtaining planning permission. This enables planning bodies to grant permission in principle for housing development on sites allocated in “qualifying documents” (local plans, neighbourhood plans or brownfield registers) and allowing small builders to apply directly for permission in principle for minor development. Permission in principle must be followed by an application for technical details consent to agree the details of the scheme before the applicant obtains full planning permission.
- 2.3 The February 2016 [DCLG technical consultation on implementation of planning changes](#) explains (para 2.8) that the choice about which sites to grant permission in principle in a qualifying document will be a local one, but that the Government expectation is that it will be used in most cases. This has influenced the North Northamptonshire approach to the pilot registers of brownfield land.

3. The North Northamptonshire approach

- 3.1 Regulations to implement the HPA 2016 provisions on brownfield registers are expected later this summer, with registers needing to be in place during 2017. To inform the Regulations, DCLG has supported a number of LPAs in preparing pilot registers. The Joint Planning Unit (JPU) secured funding to undertake this work on behalf of the four LPAs, working through a Brownfield Working Group of planning,



highway and environmental health officers, and reporting to the Chief Planning Officers Steering Group.

- 3.2 The preparation of pilot registers has been a rapid piece of technical work. The flow chart at [Appendix 1](#) shows how this has been undertaken. It sets out a pragmatic approach to preparing pilot registers by the DCLG deadline (end of June), recognising that future consultation on the draft registers, including a “call for sites”, may result in additional sites being identified and decisions in relation to other sites being reviewed.
- 3.3 There is no provision for landowners to appeal if their site is not included on the register, as they will still be able to make a planning application and appeal any refusal in the usual way. However, the HPA 2016 requires a LPA to explain why they have decided not to enter a site on the register, if that site would otherwise meet the prescribed description/ criteria set out in Regulations.

Stage 1 – Identification of provisional sites

- 3.4 This involved reviewing a ‘long-list’ of around 200 potential sites identified through a review of existing evidence (primarily the SHLAA and input from the LPAs). The JPU also invited input from the HCA, County Council, NHS, Network Rail and property managers at the districts/ boroughs.
- 3.5 Potential sites have been filtered through the criteria set out in the flow chart, with the reasons for omitting sites being recorded at each stage. The starting point (step 1) is that all sites must meet the following NPPF definition of Previously Developed Land.

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.

- 3.6 DCLG guidance indicates that sites on registers must be “capable of supporting five or more dwellings or more than 0.25 hectares”. The JPU has used the 0.25 ha threshold for filtering sites (step 2 in flow chart), as this is consistent with the Strategic Housing Land Availability Assessment (SHLAA) and smaller sites can be considered if they are promoted when a call for sites is undertaken. Similarly, the JPU has discounted sites at this stage if they are committed for non-housing uses in up-to-date plans or planning



permissions (step 4), or where there is already an active use on the site (unless housing is being actively promoted by the owner – step 5).

- 3.7 Given the prospect that the majority of sites on registers of brownfield land will eventually benefit from “permission in principle”, the JPU has discounted sites that do not accord with the spatial strategy set out in the Joint Core Strategy (step 6) and has also taken a view on whether the location is suitable for a residential-led development (step 7). This last filter has discounted sites that are very poorly located for housing (e.g. isolated pockets of land within an industrial estate) or where the preferred form of development would not be dominated by housing, for instance land identified for town centre use.
- 3.8 This process resulted in the initial long-list being filtered down to **36** provisional sites, spread evenly between the four LPAs (of which 20 already benefit from an extant permission or allocation for housing). Details of this shortlist will be referred to at the seminar. It has not been provided with this note as assessment work is not yet complete and signed-off by all partner Councils.

Stage 2 – Assessment of provisional sites

- 3.9 This stage involved assessment of the shortlist of provisional sites against more detailed criteria. DCLG guidance indicates that sites must be:
- **Available** - in a suitable location for housing and with a reasonable prospect that the site will be available and viable for development within the next 10 years; and
 - **Capable of development** - suitable for residential development and free from constraints that cannot be mitigated.
- 3.10 The criteria used for this assessment (steps 8 & 9) cover physical constraints (such as flood risk and access), potential impacts (for example, the impact on heritage or biodiversity assets) and residential environment (such as noise and odour arising from adjacent land uses). These are based on the SHLAA and site assessments for the JCS and Wellingborough Local Plan. The JPU has enlisted assistance from a range of stakeholders in undertaking this assessment.
- 3.11 A traffic-light system has been used for all criteria, with green where there is no known constraint; amber where an identified or potential constraint is likely to be capable of mitigation without rendering a site unviable; and red for potential “show-stoppers” where an identified or potential constraint could render the site unsuitable for residential use (and either cannot be mitigated viably or mitigation measures are not yet know). This approach allows potential hidden constraints such as contamination or archaeology to be flagged, based on available mapped information and/ or local knowledge.

- 3.12 In its technical consultation on the implementation of planning changes, DCLG has recognised that permission in principle cannot be granted for developments that need to be screened under the Environmental Impact Assessment Regulations. This means that housing sites within sensitive areas (e.g. SSSIs, SPA), or where the development includes more than 150 dwellings or the overall area of the development exceeds 5 ha, cannot be granted permission in principle unless adequate information is available to determine either that an EIA is not required, or that a satisfactory EIA has been undertaken..
- 3.13 For those brownfield sites assessed as being suitable for housing, it will be necessary to consider whether they are likely to be available and whether they can be viably developed. Land ownership will be reviewed to establish whether sites are in complex/ multiple ownerships that are likely to delay their availability. Sites will be excluded from the final register if landowners advise (in response to consultation on the draft registers) that they have no intention to make them available for development within the next 10 years.
- 3.14 DCLG guidance indicates that viability evidence should be proportionate, having regard to the particular circumstances of the site and other relevant factors. The JPU proposes to assess sites against the SHLAA criterion relating to achievability (marketability and viability), taking account of the values in different localities (using CIL viability work and/or house price heat-mapping) and potential exceptional development costs arising from identified constraints. It is unlikely that sufficient information will be available to exclude from the register anything but the most constrained sites in the lowest value areas.
- 3.15 Finally, the brownfield registers will need to include an estimate of the number of homes that the site would support, preferably as a range of provision (step 10). This is likely to form the basis of the permission in principle relating to the site. In responding to the DCLG technical consultation the JPU questioned whether the amount of residential development on a site can be determined without considering design issues that may ultimately determine the appropriate scale and form development. There is a risk that this could result in permission in principle (and related expectation of land value) for a scale of residential development that is unachievable when full and proper site assessment is undertaken.
- 3.16 The JPU has explored the potential to establish key design parameters for sites on the brownfield registers through 'co-ordinating design codes' (as promoted by the Place Alliance¹). These would cover matters such as land-use, landscape, movement and built form, establishing the parameters for permission in principle, and allowing public consultation on these through the brownfield registers. This has proved a time-consuming process and, while considered important to undertake this for the final brownfield registers (certainly for sites that will benefit from PiP), it has not been possible for the JPU to do this for the pilot registers. The yield assumptions for most

¹ <https://www.bartlett.ucl.ac.uk/placealliance>



sites on the pilot register have instead be calculated using the SHLAA methodology, which applied a density assumption (taking account of site accessibility) to a net developable area (taking account of site constraints and whether any development is likely to include a mix of uses). By way of a secondary check, the JPU's urban design team reviewed the outputs of this work on a site by site basis to consider the type of development best suited on a site. In doing so, the density assumptions on some sites were amended and this had a corresponding impact on yield/dwelling outputs (for example if a site was considered best suited to apartments as opposed to houses).

4. Feedback to DCLG

- 4.1 The JPU has provided ongoing feedback to DCLG as the pilot project has progressed. In particular, it has suggested that brownfield registers should be split into a number of parts to ensure that they perform their role in promoting brownfield development without resulting in permission in principal (PiP) on sites where inadequate information is available, or resulting in local planning authorities being penalised if 90% of all identified brownfield sites do not have planning permission by 2020.
- 4.2 Further to this, it is proposed to suggest to DCLG that registers are structured as follows:
 - Part 1 – brownfield sites suitable for housing development that could be eligible PiP. The 'prescribed particulars' set out in the register to guide subsequent approval of technical details should include any coordinating design codes consulted upon by the LPA in preparing the register.
 - Part 2 – brownfield sites suitable for housing development that already have planning permission or where development would require screening for Environmental Impact Assessment.
 - Part 3 – brownfield sites potentially suitable for housing development, where additional information is required for promotion to part 1 or 2 of the register.
- 4.3 If this approach is taken, it is suggested that the 90% target should only apply to Parts 1 & 2. The inclusion of a site in Part 3 would give the land owners/ developers a clear incentive to provide the additional information required to move sites to part 1 or 2 of the register.
- 4.4 It is considered that the only alternative to sub-dividing the registers, along the above lines, would be to exclude any sites with a red or amber against key assessment criteria. This cautious approach would diminish considerably the value of the registers in highlighting and promoting brownfield development opportunities, although it should be noted that exclusion from a brownfield register does not mean that a site could not be allocated in a development plan (subject to suitable policy provisions to require mitigation).



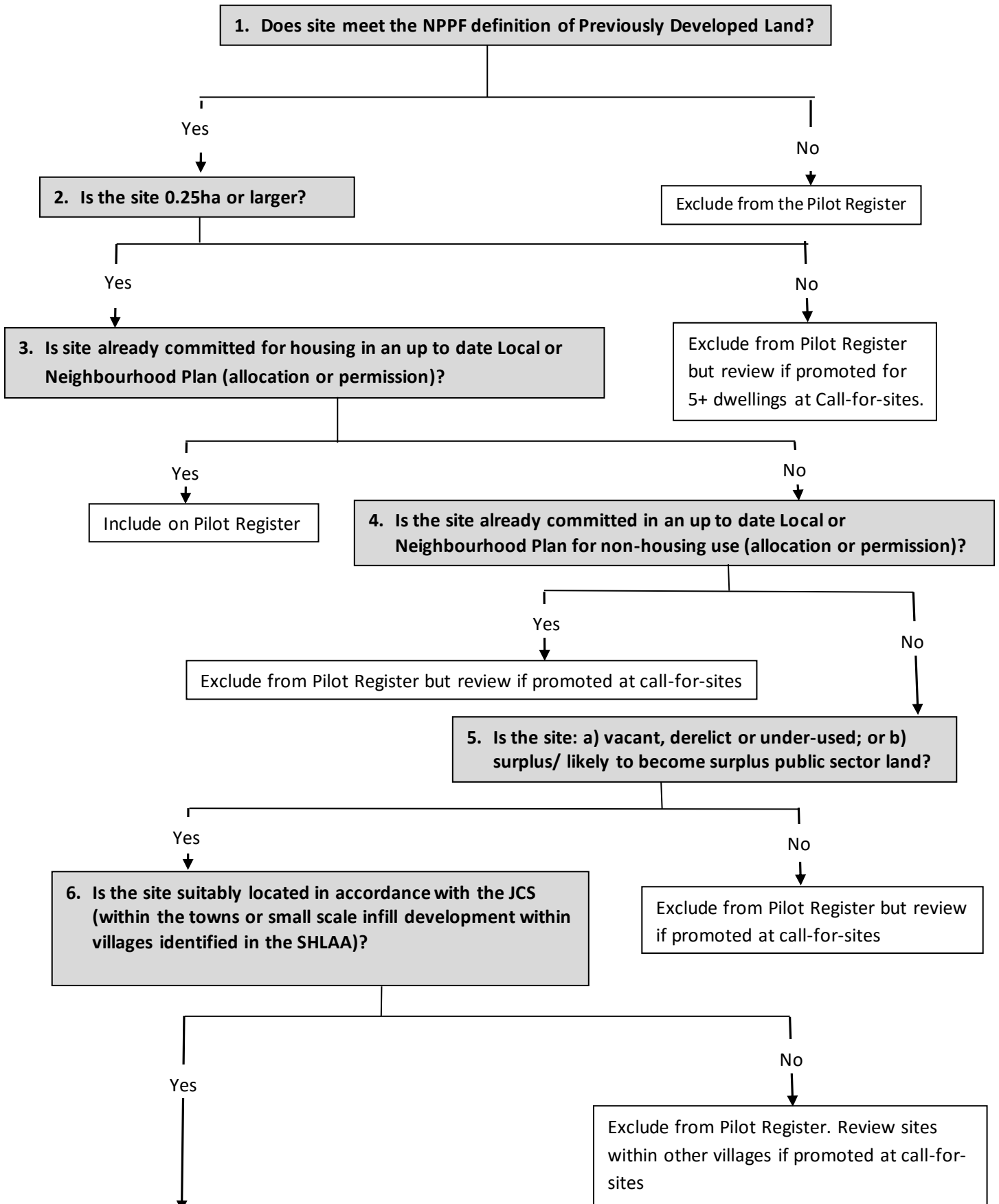
5. Next steps

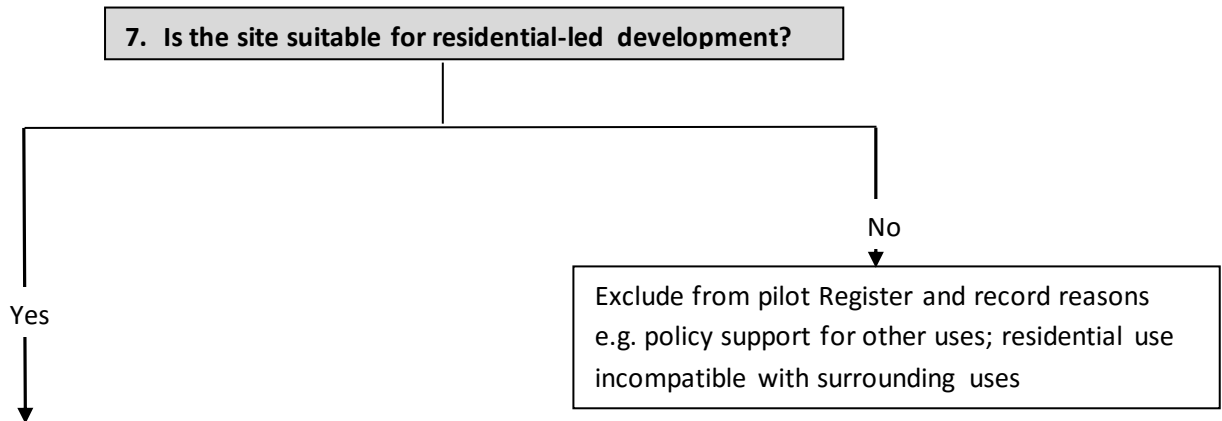
- 5.1 The JPU is aiming to complete assessment work on the pilot registers by mid-August, but to provide feedback to DCLG following the Joint Committee Seminar (the original deadline for feedback on the pilot project was the end of June).
- 3.2 Regulations are expected from DCLG later this summer. Based on these, draft brownfield registers will be finalised for consideration by each of the LPAs before public consultation and a wider “call for sites” is undertaken in the autumn.
- 3.3 Coordinating design codes will be prepared for key sites, for consultation alongside the registers. If it is not possible to give these codes weight through the brownfield registers, consideration will be given to progressing them as supplementary planning documents (to JCS policies 6 and 8).
- 3.4 Subject to the timing of the Regulations, the objective is to complete work on the North Northamptonshire registers of Brownfield Land by April 2017.

For further information, please contact Andrew Longley, Paul Woods or Simon James at the Joint Planning Unit by e-mail info@nnjpu.org.uk or telephone 01832 742359.

Appendix 1 - flow chart for the selection of sites for North Northamptonshire pilot registers of brownfield land suitable for housing

Stage 1 – Identification of Provisional Sites





Stage 2 – Assessment of short-listed Provisional Sites

