

Brownfield Land Register - FAQs

1. What is the Brownfield Register?

A Brownfield Register is a list of sites on 'brownfield' land (land meeting the definition of 'previously developed land' in Annex 2 of the National Planning Policy Framework*) which the Councils deem 'suitable', 'available', and 'achievable' to deliver residential led development of 5 or more dwellings.

The regulations state that each local authority must produce a register. Therefore, the Councils will produce a separate Brownfield Register for the two local authorities.

2. What is meant by 'suitable', 'available' and 'achievable'?

- **Available:** there is a willing landowner;
- **Suitable:** the site is free from constraints that cannot be mitigated and is policy compliant; and
- **Achievable:** viable and capable of being delivered within 15 years of the entry date.

3. Why produce a Brownfield Register?

The Town and Country Planning (Brownfield Land Register) Regulations 2017 (the Regulations) places a responsibility on the Council to prepare and maintain a register of brownfield sites which are: suitable, available and achievable for residential development. The Regulations state that the Council's Register must be published by 31st December 2017.

4. What is the purpose of the Brownfield Register?

The purpose of the Register is to provide house builders with up-to-date information on available sites for housing. Therefore, the aim of the register is to speed up the construction process as house builders will be able to identify suitable sites quickly and easily. This will, therefore, maximise the number of homes being built on previously developed land and reduce the pressure to develop on greenfield sites.

5. What is currently being consulted on?

The Brownfield Register consists of 2 parts:

- Part 1 represents a list of proposed sites which are in the opinion of the Councils deemed to be 'suitable', 'achievable' and 'available'. This, however, does not affect a site's status; in other words, for any development to take place, planning permission would still need to be granted.
- Part 2 includes sites which are given 'permission in principle'. Inclusion on part 2 grants planning permission in principle for residential development (the scale determined by the Councils) and the land owner/developer will have to apply for 'technical details consent' before any development can commence.

This is a non-statutory consultation relating to the **draft** version of Part 1. **Further** consultation will be undertaken in line with the regulations as and when sites are proposed for inclusion on Part 2 of the register.

Representations received will be considered by the Councils to inform the production of the final Part 1 Register.

Furthermore, please note that the Brownfield Register is subject to change should more evidence come forward and will be reviewed annually in line with the Regulations.

6. How has the Council produced the Draft Brownfield Register?

Chiltern and South Bucks Councils are producing a joint Local Plan to cover the period of 2014 to 2036. As part of the emerging Local Plan process, the Councils produced a draft Housing and Economic Land Availability Assessment (the HELAA). The HELAA is a technical study which determines sites likely to come forward for development (residential and commercial) in the built-up areas and on previously developed Green Belt sites. This has been used to shortlist sites which could be included on the Brownfield Register.

The HELAA identified sites from a Call for Sites exercise, two Consultations on the emerging Local Plan, and information collected by the Councils relating to extant planning permissions and planning applications. The latest HELAA was published in May 2017 and assessed sites on their 'suitability', 'availability', and 'achievability' for residential development as well as employment development.

7. What can I comment on?

Although the Councils' selection of Part 1 sites has been set out through a technical exercise, meeting criteria specified in the Regulations, you may wish to comment on the suitability, availability and achievability of sites contained in the draft Part 1 Register by filling in a Response Form. This can be found on the website, as well as being available in hard copy at the districts' libraries and the two Council offices (King George V House in Amersham and Capswood in Tatling End).

The Councils must consider all representations received when determining whether sites can be included on the Register.

8. How long is the consultation running for?

The consultation will run for 6 weeks beginning at 12:00 pm on Friday 29th September and closing at **4:30pm** on Friday 10th November.

9. How do I promote a site?

You are welcome to promote additional sites which could be included by filling in a Nomination Form which can be found on the website, as well as being available in hard copy at the districts' libraries and the two Council offices. If you have already promoted a site then you do not need to do so again unless you wish to submit more or updated information.

Sites must be brownfield and capable of supporting 5 or more dwellings or be at least 0.25 hectares in size.

If you are promoting additional sites, please provide a map clearly identifying the site and evidence to support your claim that the site is:

- suitable in planning terms,
- available: likely to come forward for development (such as land owner support for any potential development); and
- achievable within 15 years.

10. When will the final Brownfield Registers be published?

The Councils will be publishing a Part 1 Register by 31st December 2017 with the intention to produce a Part 2 register in 2018 following a **further** consultation.

11. Can I appeal against a decision to not include a site I have nominated?

Please note that if a site is not included in the Register there is no right of appeal as the land owner/developer can still apply for planning permission through the normal development management process.

*** 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.

Source: <https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary>.