

## **Brownfield Land Register – FAQs**

### **1. What is the Brownfield Land Register?**

A Brownfield Land 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, Chiltern and South Bucks Councils have produced a separate Brownfield Land Register for each local authority.

### **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 Land Register?**

The Town and Country Planning (Brownfield Land Register) Regulations 2017 (the Regulations) places a responsibility on the Councils to prepare and maintain a register of brownfield sites which are: suitable, available and achievable for residential development. The Regulations required the first Brownfield Land Registers to be published by 31<sup>st</sup> December 2017, and require the Councils to review the Registers at least once a year after this.

The first Brownfield Land Registers were published in December 2017.

### **4. What does a Brownfield Land Register look like?**

The Register consists of a list of 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.

The Brownfield Land Register can consist 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 planning status; in other words, for any development to take place, planning permission would still need to be granted.

- Part 2 would include sites which are given 'permission in principle'. Inclusion on part 2 grants planning permission in principle for residential development (the scale to be determined by the Councils) and the land owner/developer will have to apply for 'technical details consent' before any development can commence. Part 2 of the Register would be a **subset** of Part 1. This means that all sites which would be included on Part 2 would also be on Part 1 of the Register. Being on Part 1 of the Register does not mean that a site would necessarily be added to Part 2.

## **5. Will the Councils be producing a Brownfield Land Register Part 2?**

Part 2 is not a statutory requirement for Councils to complete.

At this point in time, the Councils do not intend to produce a Part 2 Register.

## **6. How was the Brownfield Land Register produced?**

The sites on the Brownfield Land Register were identified through a number of sources, including the Chiltern and South Bucks HELAA (Housing and Economic Land Availability Assessment), extant planning permissions, and through site nominations.

## **7. How do I promote a site?**

You are welcome to promote a site at any time during the year by completing a Site Nomination Form. 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.

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

Please note that although you may submit a site at any time, the Council may not review it for inclusion until the next review of the Register takes place.

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. The Council, however, may contact you to ensure that the land is still available for development.

## **Brownfield Land Register - Review 2019**

### **8. How did the review of the Brownfield Land Register take place?**

The existing Brownfield Land Register was reviewed, and sites which were deemed to no longer be "available" for residential development because construction had commenced on the site were removed. New sites were identified through the Council's monitoring process, consisting of sites which have been granted permission for residential development within the 2018/2019 monitoring year (1 April 2018 – 31 March 2019). As such, sites which have been granted planning permission since 31 March 2019 have not been included within this review. Sites which had been nominated to the Council were also assessed against the eligibility criteria to be included on the Register.

### **9. Can I appeal against a decision to not include a site I have nominated?**

No. If a site is not included in the Register there is no right of appeal. This is because 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 was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as 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.

Source: [NPPF \(Revised 2018\)](#)