



Report for:	Cabinet
Date of meeting:	17 October 2017
Part:	1
If Part II, reason:	

Title of report:	Brownfield Land Register
Contact:	<p>Cllr Graham Sutton, Portfolio Holder for Planning & Regeneration.</p> <p>Author/Responsible Officer: James Doe, Assistant Director, Planning, Development and Regeneration.</p> <p>Jo Deacon, Project Officer, Brownfield Land Register Officer, Infrastructure and Project Delivery</p>
Purpose of report:	To consider the content of the first Brownfield Land Register for the Borough of Dacorum and set out proposed changes to the Constitution for its preparation and implementation.
Recommendations	<p>That Cabinet recommend Council:</p> <ol style="list-style-type: none"> 1. To approve the sites listed in Part 1 of the Brownfield Land Register (BLR) as drafted in Appendix 1 and delegate authority to the Assistant Director (Planning, Development and Regeneration) to finalise the site specific information before publication noting that there will be no sites in Part 2 on first publication. 2. Delegate authority to the Solicitor to the Council to amend the constitution to give effect to the following procedures and authorisations for administering the BLR: <ol style="list-style-type: none"> (a) That the Assistant Director (Planning, Development and Regeneration) will be responsible for considering which sites go onto the BLR (Part 1 and 2) for consultation, carrying out

	<p>required consultation, and reporting the BLR to Cabinet and Council for final approval.</p> <p>(b) That applications for Technical Details Consent be dealt with in accordance with the existing scheme of delegation for all planning applications.</p>
Corporate Objectives:	<p><i>A clean, safe and enjoyable environment, Building strong and vibrant communities; Ensuring economic growth and prosperity; Providing good quality affordable homes; Delivering an efficient and modern council;</i></p> <p>The Brownfield Register will assist in more housing led sites becoming available for development (within 5 years of being eligible for Part 2 of the Brownfield Land Register). This will provide more local housing, improved communities and economic growth.</p> <p>The reduction in the number of council own cases presented to committee will make the meeting a more efficient process.</p>
Implications:	<p><u>Financial</u></p> <p>Brownfield</p> <p>DCLG have confirmed that a new burdens grant will be given to assist LA's to produce their BLR. £14,645 was given for 16/17 (paid to DBC 31/3/16), a further grant will be given for 17/18, 18/19 and 19/20, however the figures and timescales are as yet unknown making it difficult for LA's to budget effectively.</p> <p>There are clear opportunities for the Council as a landowner to consider and progress whether any of its own sites should be included in the BLR. There may be considerable financial and phased delivery advantages if Council sites are included in the BLR. With regards external sites, there is the opportunity to influence timescales of delivery and therefore strategically plan potential infrastructure contributions, as appropriate.</p> <p>The remaining budget for this project will be funded from the Management of Change budget (see Cabinet Sept 17)</p>
'Value For Money Implications'	<p><u>Value for Money</u></p> <p>The reduction in the number of council own cases presented to committee will make the meeting a more efficient process</p>
Risk Implications	Risk Assessment included within the PID for this area of work.
Community Impact Assessment	Community Impact Assessment reviewed/carried out* - N/A
Health And Safety Implications	None arising from this report.
Monitoring	Monitoring Officer:

<p>Officer/S.151 Officer Comments</p>	<p>The Council is required to publish a Brownfield Land Register by 31st December 2017 and therefore agreement of this report will enable the Council to achieve that deadline.</p> <p>Statutory guidance for the matters which must be included in the BLR, including all consultation requirements, is set out in The Town and Country Planning (Brownfield Land Register) Regulations 2017 and officers must ensure that they follow these regulations when publishing future registers.</p> <p>S.151 Officer:</p> <p>No further comments to add to this report.</p>
<p>Consultees:</p>	<p>Mark Brookes, Solicitor to the Council, Legal Governance Management Christopher Gaunt, Team Leader, Legal Governance Management Mark Gaynor, Corporate Director, Housing and Regeneration James Doe, Assistant Director, Planning Development and Regeneration Corporate Property Management Board Cllr Graham Sutton, Portfolio holder, Planning Development and Regeneration</p>
<p>Background papers:</p>	<p>None</p>
<p>Glossary of acronyms and any other abbreviations used in this report:</p>	<p>BLR – Brownfield Land Register TDC – Technical Details Consent PIP – Permission in Principle</p>

BACKGROUND – Brownfield Land

1. The Government, in its efforts to boost the supply and availability of land for housing-led developments and to limit use of greenfield land, has required that all Councils prepare a register of brownfield land within their areas, of sizes from 0.25ha or capable of accommodating 5 dwellings or more.
2. A pilot scheme was launched in 2016 to pave the way for Local Authorities (LA) to prepare a Brownfield Land Register (BLR). 73 LAs have participated and the outcome (and lessons learnt) of the pilot is currently awaited.
3. Legislation was issued in April 17 with additional guidance issued July 17. All LA's are required to publish their BLR by 31st December 2017. The register will form two parts:
 - a. Part 1 will include all brownfield sites that are suitable for housing but in order to develop the site will still need to go through the full planning application process to achieve a consent.
 - b. Part 2 will include sites for which Permission in Principle (PIP) has been granted, following prescribed publicity, notification and consultation requirements being met.
4. PIP settles the principle of development including its use, location and the quantum of development. However, work cannot commence until a Technical Details Consent (TDC) is obtained and this requires an application to be submitted to the local planning authority to enable them to assess the detailed design and ensure mitigation and contributions to infrastructure are secured, via conditions and planning obligations. Community Infrastructure Levy may also be payable.
5. The 2017 Regulations do not contain any mandatory consultation for Part 1 however, the Brownfield Project Group, supported by the Corporate Property Management Board, has agreed that discretionary consultation with key stakeholders and Parish and Town Councils should take place. Part 2 contains mandatory consultation requirements.
6. The draft BLR for consideration by Cabinet is at Appendix 1.
7. It will be noted that Part 1 has been taken from the Council's existing Strategic Housing Land Availability Assessment (SHLAA)/Site Allocation sites and there will be no sites in Part 2 on first publication. Due to time constraints there will be no part 2 sites identified but Part 2 of the register is still to be published.
8. Due to this being new legislation there is currently no provision within our constitution to formally approve the contents of the published Brownfield Land Register. The Brownfield Land Regulations 2017 state this is a non-executive function.
9. This report proposes a process whereby the Assistant Director of Planning and Regeneration will recommend the sites, to be put forward to Cabinet and then endorsed by Council, to form the BLR as Part 1 & Part 2. The final decision would remain with Council.

10. Due to the time constraints following late guidance, the BLR will contain the list of proposed Part 1 sites in the correct format (as per the regulations), however some technical detail is still to be completed prior to publishing.
11. The regulations require a review of the BLR which must be conducted at least annually.
12. For the purposes of the BLR annual review any sites recommended by the Assistant Director of Planning and Regeneration to be contained within in Part 1 and/or Part 2 will then be reported to Cabinet for information each October/November with the final decision as to the BLR to be published to be made by Council before December.
13. This report also proposes amendments to the constitution to make clear that Technical Details Consent applications in relation to sites listed in Part 2 of the Brownfield Register would sit within the current scheme of delegation for Development Management Committee for planning matters. This would delegate decisions on the approval of Technical Design Consent applications to respective Officers. Members will note that the facility for referral of applications to Development Management Committee by Ward Members would be included.