



**Rochford District
Council**

PLANNING POLICY COMMITTEE

17 OCTOBER 2023

REPORT TITLE:	Brownfield Land Register 2023: Second Update
REPORT OF:	Director of Place

REPORT SUMMARY

This report consists of the 2023 update to the Council's Brownfield Land Register, which broadly aims to identify the capacity of brownfield sites in the District to meet long-term housing needs.

RECOMMENDATIONS

R1. That the Brownfield Land Register 2023, attached at Appendix A, is noted and published on the Council's website.

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATIONS

- 1.1 The preparation and maintenance of a Brownfield Land Register is required by the Housing and Planning Act 2016, and the Town and Country Planning (Brownfield Land Register) Regulations 2017. The Brownfield Land Register provides a list of brownfield sites within the District that are considered to be suitable, available and achievable for residential development, subject to the criteria set out in the Brownfield Land Register Regulations 2017.
- 1.2 Having an up-to-date understanding of brownfield land capacity within the District is useful from the perspective of testing future growth strategies.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 As above, the preparation and maintenance of a Brownfield Land Register is a legal requirement. There are no other reasonable options available.

3.0 BACKGROUND INFORMATION

Summary of Changes since Previous Presentation

- 3.1 The Brownfield Land Register 2023, attached to this report, has been updated following an exercise to consider potential omission sites, pursuant to the decision of the Planning Policy Committee on 27th July 2023 upon the first reading of the Brownfield Land Register 2023 as then presented.
- 3.2 In short, changes relative to the previous version are:
- The addition of Lubards Farm as site ROC046
 - The extension of the boundary to site ROC033 to include some land to the rear known as Limehouse Nurseries
- 3.3 The caveat stated at Paragraph 2.12 in the Brownfield Register is relevant to both these changes, specifically [...] *“where a site falls within the extent of the Metropolitan Green Belt, where the provisions of Paragraph 149(g) of the NPPF would apply. This states that limited infilling or the partial or complete redevelopment of previously developed land in the Green Belt would not be inappropriate provided it would not have a greater impact on the openness of the Green Belt than the existing development; or would not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. In estimating the capacity of previously developed sites within the Green Belt, the Council has applied the steps in Paragraph 2.11 (of the Brownfield Register document) but has not formed a view on whether the capacity would conform with the requirements of Paragraph 149(g) of the NPPF, i.e. whether the estimated capacity stated in the Register would have a greater impact on the openness of the Green Belt than the existing development.”*
- 3.4 Paragraph 2.13 goes on to say “...the estimated capacity of sites in the Register is without prejudice to further consideration of each site’s appropriate capacity through a planning application (save for those sites which already benefit from an extant planning permission). **These estimated capacities should therefore not be relied upon in the absence of formal pre-application advice or a planning permission.**”
- 3.5 Other sites considered as part of the omission site exercise were agreed to have developed characteristics or planning histories which may be material to a future decision. However, where these did not precisely meet the NPPF definition of ‘previously developed land’, they continue to be excluded from the Brownfield Register.

- 3.6 In total, the Brownfield Land Register 2023 now identifies a total of 33 sites meeting the criteria for inclusion. Together, these 33 sites have a minimum capacity of 964 dwellings, which represents a 36% increase in the capacity identified at the time of the previous update.

Context

- 3.7 The Brownfield Land Register 2023 forms the latest update of the Council's Brownfield Land Register. The broad purpose of a Brownfield Land Register is to establish a list of broadly available, suitable and viable brownfield sites that could contribute to meeting the Council's long-term housing needs.
- 3.8 Brownfield Land Registers are prepared within a regulatory framework and set of definitions established by the Town and Country Planning (Brownfield Land Register) Regulations 2017.
- 3.9 Brownfield land is commonly also referred to as 'previously developed land.' The definition of previously developed land, as set out in Annex 2 to the National Planning Policy Framework (NPPF), is: "*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.*"
- 3.10 For a site to be included within the Brownfield Land Register, it must:
- Meet the definition of Previously Developed Land, as set out in Annex 2 to the NPPF;
 - Have a site area of at least 0.25 hectares OR be capable of supporting at least 5 dwellings;
 - Be considered suitable for residential development (i.e. development on the site complies, or is likely to comply, with local and national planning policies);
 - Be considered available for residential development (i.e. on best information, the landowner/developer is willing to develop the site); and
 - Be considered achievable for residential development (i.e. on best information, it would be viable to develop the site within 15 years).
- 3.11 'Suitable for residential development' is taken to mean that the land at the entry date has been allocated in a local development plan document for residential development; has planning permission for residential development; has a grant of permission in principle for residential development; or is, in the opinion of the local planning authority, appropriate for residential development, having regard to any adverse impact on the natural environment; the local built environment, including in particular on heritage assets; any adverse impact on the local amenity which such

development might cause for intended occupiers of the development or for occupiers of neighbouring properties; and any relevant representations received.

- 3.12 'Available for residential development' is taken to mean the relevant owner (or, where there is more than one, all the relevant owners), has expressed an intention to sell or develop the land and at a date not more than 21 days before the entry date there is no evidence indicating a change to that intention, having regard to any information publicly available on that date; and any relevant representations received; the developer has expressed an intention to develop the land and at a date not more than 21 days before the entry date there is no evidence indicating a change to that intention, having regard to any information publicly available on that date; and any relevant representations received; or in the opinion of the local authority there are no issues relating to the ownership of the land or other legal impediments which might prevent residential development of the land taking place, having regard to any information publicly available on that date; and any relevant representations received.
- 3.13 'Achievable for residential development' is taken to mean that, in the opinion of the local planning authority, the development is likely to take place within 15 years of the entry date, having regard to any information publicly available; and any relevant representations received
- 3.14 As the above tests must be met, Brownfield Land Registers do not form absolute measures of total brownfield land capacity in an area. For examples, small sites (with capacities of 4 or fewer dwellings) are not included, albeit they are included in the overall Housing trajectory published as part of the Authority Monitoring Report.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications arising from this report.

5.0 LEGAL IMPLICATIONS

- 5.1 By publishing and maintaining the Brownfield Land Register, the Council is fulfilling the requirements of the Housing and Planning Act 2016.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 There are no direct resource implications arising from this report.

7.0 RELEVANT RISKS

- 7.1 There are no substantial risks arising from this report.

8.0 ENGAGEMENT/CONSULTATION

8.1 There is no engagement or consultation connected specifically to this report, however it will inform future Local Plan consultations which will be undertaken in accordance with the Council’s adopted Statement of Community Involvement.

9.0 EQUALITY IMPLICATIONS

9.1 There are no equalities or diversity implications arising from this report.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 There are no direct environment or climate implications arising from this report, however it is recognised that having an up-to-date understanding of brownfield land capacity in the District can inform planning strategy decisions which themselves may help to avoid or mitigate environment and climate implications associated with development.

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APPENDICES

Appendix A – Brownfield Land Register 2023 Report and Spreadsheet

BACKGROUND PAPERS

None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Planning Policy Committee	27.07.2023