

Broxbourne Borough Council - Brownfield Register - Guidance - December 2017

The Housing and Planning Act (2016) Part 6 section 151 states that "the Secretary of State may make regulations requiring a local planning authority in England to prepare and maintain and publish a register of land within (or partly within) the authority's area". The Town and Country Planning (Brownfield Land Register) Regulations 2017, which came into force on 16th April 2017, requires local planning authorities to prepare and maintain a register of previously developed land that is suitable for residential development. Government guidance provides for two parts to a Brownfield Register. Part 1 of the brownfield register is a comprehensive list of all brownfield sites in a local authority areas that are suitable for housing, irrespective of their planning status. Part 2 of the brownfield register only includes sites that have been granted permission in principle. At present the Council's register contains only Part 1 sites.

What is Brownfield Land?

Brownfield land is land that has been previously developed. It can include land with buildings as well as cleared sites. The National Planning Policy Framework (NPPF) defines previously developed land as "Land which is or was occupied by a permanent structure, including curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed 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".

What is Permission in Principle?

Permission in principle may be granted for housing-led development of land in England as provided in section 59A of the Town and Country Planning Act 1990. Permission in principle will settle the fundamental principles of development (use, location, amount of development) A developer cannot proceed with development, however, until they have also obtained technical consent. Permission in principle may not be granted for development consisting of the winning and working of minerals.

Information to be included in the Register

Schedule 2 of the "Town and Country Planning (Brownfield Land Register) Regulations 2017" includes a list of information that the register must contain for each entry of land in Part 1 and part 2 of the register. This schedule can be viewed on the Council's website. Certain information contained within the register has to be expressed using certain terms/phrases. These terms and phrases are explained in the tables below.

In accordance with Schedule 2 of 'The Town and County Planning (Brownfield Land Register) Regulations 2017' the following phrases are used to express ownership status:	
	Definition
owned by a public authority	Land that is in sole ownership of a public authority, as identified in Schedule 19 of the Equality Act 2010
not owned by a public authority	of a public authority, as identified in Schedule 19 of the Equality Act 2010
mixed ownership	land that is partly owned by a public authority.
unknown ownership	land ownership is not known

In accordance with Schedule 2 of 'The Town and County Planning (Brownfield Land Register) Regulations 2017' the following phrases are used to express planning status:	
	Definition
permitted	There is a grant of permission in principle or an unused grant, or unused deemed grant, of planning permission
not permitted	There is no grant of permission in principle or an unused grant, or unused deemed grant, of planning permission
pending decision	Application for planning permission or permission in principle has been made or is deemed to have been made and has not finally disposed of

In accordance with Schedule 2 of 'The Town and County Planning (Brownfield Land Register) Regulations 2017' where a status is permitted, the Register must detail whether the grant of planning permission is:	
	Definition
Full Planning Permission	Planning permission, other than a grant of technical details consent, granted by the local planning authority under section 70, 73 or 73A of the Town and Country Planning Act 1990
Outline Planning Permission	A planning permission for the erection of a building subject to a condition requiring reserved matters approval granted by the local planning authority under section 92 of the Town and Country Planning Act 1990
Reserved Matters Approval	In relation to an outline planning permissions means approval given under section 92 of the Town and Country Planning Act 1990 for any of the following matters in respect of which details have not been given in the application: (a) access; (b) appearance; (c) landscaping; (d) layout; and (e) scale
Permission in Principle	Please refer to above explanation of Permission in Principle
Technical Details Consent	Planning permission granted following an application under section 70 (2ZZB) of the Town and Country Planning Act 1990(b)
Planning Permission granted under a local development order, a mayoral development order or a neighbourhood development order	Permission granted under an order made under Section 51a, 61DA or 61E of the TCPA 1990
Other	In relation to land the planning status of which is "permitted", means that the land has a grant or deemed grant of planning permission which does not fall within the definitions of the terms mentioned above

User Notes:

Sites have not been included where construction is nearing completion or the planning permission has lapsed.

Borough of Broxbourne URI:

<http://opendatacommunities.org/doc/district-council/broxbourne>