

Part I  
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WELWYN HATFIELD BOROUGH COUNCIL  
CABINET PLANNING & PARKING PANEL – 29 OCTOBER 2020  
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING  
AND GOVERNANCE)

2020 BROWNFIELD LAND REGISTER

**1 Executive Summary**

- 1.1 In early 2017, the government introduced new legislation which required planning authorities to prepare and maintain a Brownfield Land Register. The first register was published in December 2017 and is required to be reviewed at least once per year. This report sets out details of the sites included in the Council's 2020 Brownfield Land Register. No sites have been included on Part 2 of the Register again this year, meaning that 'Permission in Principle' has not been granted for any proposals on any site.

**2 Recommendation(s)**

- 2.1 That the Panel notes the sites and dwelling capacity on the 2020 Brownfield Land Register, and that the Register will now be published on the Council's website.

**3 Background**

- 3.1 The introduction of the Town and Country Planning (Brownfield Land Register) Regulations 2017 brought a requirement for local authorities to publish, and update once a year, a register of previously developed land within their area which meets the outlined criteria<sup>1</sup>. The Government has been particularly keen to maximise the delivery of housing on previously developed land, evident in the 2019 National Planning Policy Framework (NPPF) which highlights that policies should "give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs"<sup>2</sup>.
- 3.2 The intention of the Brownfield Land Register (BLR) is to improve knowledge of the availability of previously developed land for residential development and encourage its use. Should they decide to do so, part 2 of the register also allows local planning authorities to grant 'permission in principle' (PiP). PiP allows the principle of development on a site to be established, without need

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<sup>1</sup> Outlined in regulation 4 of the Town and Country Planning (Brownfield Land Register) Regulations 2017.

<sup>2</sup> National Planning Policy Framework, February 2019, paragraph 118.

for the level of detail and evidence typically required when granting a conventional outline or full planning permission. Sites receiving PiP would then only need to seek a 'Technical Details Consent', where more detailed issues aside from the principle of development would be considered. As no sites have been included on Part 2 of the register, the Brownfield Land Register for Welwyn Hatfield is purely a means of providing information about land availability in the borough.

#### **4 Explanation**

- 4.1 Brownfield Land Registers apply to previously developed land, which is defined in the NPPF as: "land which is or was occupied by a permanent structure"<sup>3</sup>. However, the framework also details some exceptions including: agricultural and forestry buildings, land developed for minerals extraction or landfill waste disposal as well as land which has now returned to a more natural state over the passage of time, despite once having been developed. It is worth noting that some Green Belt land is previously developed (for example the former research and development facility at The Frythe in Welwyn, now redeveloped for housing), while in contrast, there are also some urban areas which have never been built on and are considered to be greenfield not brownfield.
- 4.2 The three main criteria for inclusion of a site on the BLR are whether or not a site is *suitable* for development, whether or not a site is *available* for development, and whether or not development on a site is likely to be *achievable*. Sites must also be at least 0.25ha in size, or otherwise be considered able to accommodate 5 or more dwellings. A local authority must be satisfied that any representations received do not create doubt around suitability, availability or achievability – the Regulations offer the opportunity to actively publicise the BLR prior to its formal publication in order to seek such representations, but there is no requirement to do so.
- 4.3 These criteria are very similar to those by which sites were assessed in the Council's 2016 and 2019 Housing and Economic Land Availability Assessment (HELAA), and all appropriate sites found suitable in the HELAA have been included in the BLR. These include both Draft Local Plan Site Allocations as well as additional proposed allocations in the 2020 consultation. In addition to these sites, the Register also includes sites which already have a form of planning permission. No sites have been promoted for inclusion in the Brownfield Land Register since it was last published in November 2019.
- 4.4 In terms of the actual content of Part 1 of the BLR, the requirements in Schedule 2 of the Brownfield Land Register Regulations 2017 are relatively straightforward. They primarily relate to a site's location and delivery status, as well as its potential dwelling capacity. The Register must be published in accordance with the government's prescribed Technical Data Standard.

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<sup>3</sup> National Planning Policy Framework, February 2019, Annex 2: Glossary.

- 4.5 A summary of the register, which includes a list of all sites as well as basic information such as dwelling capacity and current status, is included as Appendix 1 to this report. Due to the data standard's requirements to publish the BLR in CSV format with a significant number of columns, it is not possible to provide in a format where it would be legible on paper. Following this meeting, the 2020 Brownfield Land Register will be formally published at [www.welhat.gov.uk/brownfieldland](http://www.welhat.gov.uk/brownfieldland).
- 4.6 The 2020 Brownfield Land Register includes **64 sites with a total dwelling capacity of 3,987**. This compares with a dwelling capacity of 3,234 across 60 sites in the 2019 Brownfield Land Register.
- 4.7 The full version of the Brownfield Land Register also includes the opportunity, where applicable, to provide an upper 'range to' of dwellings for each site. For the Former Shredded Wheat site and the Bio-Park, the potential for increased capacity was indicated in representations to the 2020 consultation, however these higher figures have not yet been tested through the development management process and so on this occasion upper figures have not been included for these sites.
- 4.8 Sites identified in the Brownfield Land Register can also count towards the five-year land supply, provided there is clear evidence that they are deliverable within five years. Examples of such evidence comprises of: progress towards a planning application, progress with site assessment work and information on site viability, ownership constraints or infrastructure provision.<sup>4</sup> Of the 3,987 dwellings on the 2020 Register, 2,211 contribute to the five-year housing land supply.
- 4.9 The sites on the 2020 Brownfield Land Register can be summarised by current planning status and settlement as follows:

Current planning status	Number of sites	Dwelling Capacity
Permissioned – Full consent/outline consent/prior approval	42	2,336
Pending decision – Application submitted	4	328
Not permissioned – Local Plan allocation <sup>1</sup>	6	401
Not permissioned – HELAA 2019 sites <sup>2</sup>	9	904
Not permissioned – Other suitable site <sup>3</sup>	3	18
<b>Total</b>	<b>64</b>	<b>3,987</b>

<sup>1</sup>Includes urban allocations in the Draft Local Plan where a planning application has not yet been submitted.

<sup>2</sup>Includes urban HELAA 2019 sites where a planning application has not yet been submitted.

<sup>3</sup>Other suitable sites include two sites found suitable in the 2016 Housing and Economic Land Availability Assessment but were too small for allocation, and one site promoted for inclusion in the 2018 Brownfield Land Register.

Settlement	Number of sites	Dwelling Capacity
Welwyn Garden City	30	3,178

<sup>4</sup> Housing and Economic Land Availability Assessment Guidance, paragraph 36.

Hatfield	16	625
Woolmer Green	2	106
Rural Areas	7	36
Cuffley	3	18
Brookmans Park	2	11
Welwyn	2	9
Digswell	1	2
Oaklands & Mardley Heath	1	2
<b>Total</b>	<b>64</b>	<b>3,987</b>

4.10 The majority of sites on the 2020 BLR already have a form of planning permission, making up 59% of the total dwelling capacity. The remainder are largely Local Plan allocations or HELAA 2019 sites, which together account for 33% of the dwelling capacity. A high proportion of dwellings on the register are located in Welwyn Garden City (80%), with Hatfield accounting for a much smaller proportion (16%). However, this is largely a result of one site with a high capacity (Broadwater Road West SPD site), and in terms of the number of sites, the proportion in Welwyn Garden City is lower (47%).

4.11 The NPPF<sup>5</sup> requires local planning authorities to “identify, through the development plan and brownfield register, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare”<sup>6</sup>. Of the 64 sites included on the register, 52 of these are small sites of one hectare or less. They account for 28% (1,108 of 3,987) of dwellings on the register.

### **Implications**

## **5 Legal Implication(s)**

5.1 The Council has a statutory requirement under the Town and Country Planning (Brownfield Land Register) Regulations 2017 to update the Brownfield Land Register once a year.

5.2 It should be noted that there is no formal mechanism for a landowner or developer to appeal their site’s non-inclusion on the BLR, nor to contend individual conclusions made in the BLR even if a site is included. There is therefore a possibility that aggrieved landowners or developers would seek a full judicial review of the Council’s approach. However, landowners’ ability to still make a separate planning application through existing processes for a scheme of their choosing means that such an outcome should in practice be relatively unlikely.

## **6 Financial Implication(s)**

<sup>5</sup> Paragraph 68, National Planning Policy Framework (NPPF), February 2019.

6.1 The preparation of the BLR has been met within existing budgets, and there are no financial implications arising from its publication.

## **7 Risk Management Implications**

7.1 There are no identified risk management implications as a result of publishing the BLR.

## **8 Security & Terrorism Implication(s)**

8.1 There are no security and terrorism implications as a result of publishing the BLR.

## **9 Procurement Implication(s)**

9.1 There are no procurement implications arising as a result of publishing the BLR.

## **10 Climate Change Implication(s)**

10.1 There are no climate change implications arising as a result of publishing the BLR.

## **11 Policy Implication(s)**

11.1 There are no policy implications arising as a result of publishing the BLR.

## **12 Link to Corporate Priorities**

12.1 The production of the BLR is linked to Priority 3 (meet the borough's housing needs).

## **13 Health and Wellbeing**

13.1 There are no health and wellbeing implications arising as a result of publishing the BLR.

## **14 Human Resources**

14.1 There are no human resources implications arising as a result of publishing the BLR.

## **15 Communications and Engagement**

15.1 There are no communications and engagement implications arising as a result of publishing the BLR.

## **16 Equality and Diversity**

16.1 Because the preparation of a BLR follows a prescribed process and is not the Council's own policy, an Equalities Impact Assessment has not been carried out. The Department for Communities and Local Government's February 2016 Technical Consultation on the introduction of BLRs and PiP did consider

the equalities impacts of the proposals, and judged that they would not be adverse.

**Appendices:**

Appendix 1 – List of sites included on the 2020 Brownfield Land Register