

WELWYN HATFIELD BOROUGH COUNCIL
CABINET PLANNING & PARKING PANEL – 11 NOVEMBER 2021
REPORT OF THE STRATEGIC DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

2021 BROWNFIELD LAND REGISTER

1 Executive Summary

- 1.1 Local planning authorities are required to publish and update annually a Brownfield Land Register of all previously developed sites which meet the criteria for inclusion and, in the opinion of the local authority, are considered to be suitable for development. This report sets out details of the sites included in the Council's 2021 update to the 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 2021 Brownfield Land Register, and that the Register will now be updated 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 criteria¹. The recently updated 2021 National Planning Policy Framework (NPPF) continues to highlight that policies should "give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs"².
- 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 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

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

² National Planning Policy Framework, July 2021, paragraph 120.

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”³. 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, while in contrast, there are also some urban areas which have never been built on and would be considered 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 October 2020.
- 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.
- 4.5 A summary of the register, which includes a list of all sites as well as information such as dwelling capacity and current status, is included in 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 updated Brownfield Land Register will be formally published at www.welhat.gov.uk/brownfieldland.

³ National Planning Policy Framework, July 2021, Annex 2: Glossary.

- 4.6 The 2021 Brownfield Land Register includes **51 sites with a total dwelling capacity of 3,676**. This compares with a dwelling capacity of 3,987 across 64 sites in the 2020 Brownfield Land Register. The sites which have been removed from the register this year include sites which have completed since the last Brownfield Land Register update, and therefore no longer meet the criteria for inclusion on the register. In addition two of the 2019 HELAA sites have also been removed as the Local Plan Inspector indicated that they were not appropriate for allocation due to being located in an Employment Area. Therefore these sites no longer meet the criteria of being 'suitable' for development. The removed sites include 73-83 Bridge Road East and 61 Bridge Road.
- 4.7 The 2019 HELAA site 29 Broadwater Road remains on the register as it has been granted planning permission subject to a S106 agreement. The Norton Building also remains on the register as this site has prior approval for 59 dwellings and a full planning application for a higher number is also currently submitted and under consideration. There were 6 new sites added to the Brownfield Register this year, which were all planning permissions granted during the year, amounting to 154 dwellings.
- 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.⁴ Of the 3,676 dwellings on the 2021 Register, 1,965 contribute to the five-year housing land supply.
- 4.9 The sites on the 2021 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	31	2,202
Pending decision – Application submitted	6	473
Not permissioned – Local Plan allocation ¹	6	401
Not permissioned – HELAA 2019 sites ²	5	582
Not permissioned – Other suitable site ³	3	18
Total	51	3,676

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

²Includes urban HELAA 2019 sites not in a designated employment area where a planning application has yet to be submitted.

³Other 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.

⁴ Housing and Economic Land Availability Assessment Guidance, paragraph 36.

Settlement	Number of sites	Dwelling Capacity
Welwyn Garden City	21	2,783
Hatfield	16	733
Woolmer Green	2	106
Rural Areas	6	25
Cuffley	3	18
Brookmans Park	1	7
Welwyn	0	0
Digswell	1	2
Oaklands & Mardley Heath	1	2
Total	51	3,676

4.10 The majority of sites on the 2021 BLR already have a form of planning permission, making up 60% of the total dwelling capacity. Local Plan allocations or HELAA 2019 sites together account for 27% of the dwelling capacity. A high proportion of dwellings on the register are located in Welwyn Garden City (76%), with Hatfield accounting for a smaller proportion (20%). However, this is partly 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 (41%).

4.11 The NPPF⁵ requires local planning authorities to “identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare”⁶. Of the 51 sites included on the register, 42 of these are small sites of one hectare or less. They account for 30% (1,088 of 3,676) 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.

⁵ Paragraph 69, National Planning Policy Framework (NPPF), July 2021.

6 Financial Implication(s)

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.

Name of author Sue Tiley
Title Planning and Policy Implementation Manager
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Appendices:

Appendix 1 – List of sites included on the 2021 Brownfield Land Register