

WELWYN HATFIELD BOROUGH COUNCIL
CABINET PLANNING & PARKING PANEL –16TH FEBRUARY 2023
REPORT OF THE ASSISTANT DIRECTOR - PLANNING

BROWNFIELD LAND REGISTER UPDATE 2023

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 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 Cabinet Planning and Parking Panel recommends to Cabinet that the Brownfield Register be approved for publication, and that the Assistant Director (Planning) be given delegated authority to agree any minor alterations to finalise the Register, following consultation with the Executive Member for Environment, Planning, Estates and Development. If unanimously agreed by the Panel, for the decision to be taken by the executive member using their delegated powers under paragraph 18.1(b) of the Cabinet procedure rules.

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 annually, a register of previously developed land within their area which meets the outlined criteria¹. The 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

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.

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"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.
- 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, the majority of these sites are proposed Draft Local Plan allocations. 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 updated in November 2021.
- 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 Technical Data Standard. A summary of the register, which includes a list of all sites is included in Appendix 1 to this report.
- 4.5 The Brownfield Land Register now includes **46 sites with a total dwelling capacity of 3,724**. This compares with a dwelling capacity of 3,676 across 51 sites at the point the Brownfield Land Register was last updated in November 2021. The sites which have been removed from the register are sites which have completed since the last Brownfield Land Register update, and therefore no longer meet the criteria for inclusion on the register. There were three new sites added to the Brownfield Register this year, which were all planning permissions granted during the year, amounting to 154 dwellings.
- 4.6 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

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

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 3,724 dwellings on the register, 58% will contribute to the five-year housing land supply.

4.7 The sites on the 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	33	2,865
Pending decision – Application submitted	1	122
Not permissioned – Proposed Local Plan allocation ¹	5	387
Not permissioned – HELAA 2019 sites ²	4	332
Not permissioned – Other suitable site ³	3	18
Total	46	3,724

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.

Settlement	Number of sites	Dwelling Capacity
Welwyn Garden City	20	2,899
Hatfield	15	711
Rural Areas	3	42
Woolmer Green	1	34
Cuffley	3	18
Welham Green	1	9
Brookmans Park	1	7
Digswell	1	2
Oaklands & Mardley Heath	1	2
Total	46	3,724

4.8 The majority of sites on the BLR already have a form of planning permission, making up 77% of the total dwelling capacity. Local Plan allocations or HELAA 2019 sites (without permission) together account for 19% of the dwelling capacity. A high proportion of dwellings on the register are located in Welwyn Garden City (78%), with Hatfield accounting for a smaller proportion (19%). 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 (43%).

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

- 4.9 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 46 sites included on the register, 37 of these are small sites of one hectare or less. They account for 31% (1,139 of 3,724) 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. However, landowners’ could still apply for planning permission through the planning application process.

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).

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

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 Brownfield Land Register