

Part I

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All Wards

WELWYN HATFIELD BOROUGH COUNCIL  
CABINET PLANNING & PARKING PANEL –15<sup>TH</sup> FEBRUARY 2024  
REPORT OF THE ASSISTANT DIRECTOR - PLANNING

**BROWNFIELD LAND REGISTER UPDATE**

**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, Planning. 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 criteria<sup>1</sup>. The 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"<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 for the level of detail and evidence typically required when granting a conventional outline or full

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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, December 2023, paragraph 124.

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, 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 are included in the BLR, many of these are allocated in the Local Plan. 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.
- 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 **44 sites with a total dwelling capacity of 3,483**. This compares with a dwelling capacity of 3,724 across 46 sites at the point the Brownfield Land Register was last updated in February 2023. 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 five new sites added to the Brownfield Register this year, which were all planning permissions granted during the year, amounting to 31 dwellings.

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<sup>3</sup> National Planning Policy Framework, December 2023, Annex 2: Glossary.

4.6 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	31	2,624
Pending decision – Application submitted	1	122
Not permissioned – Local Plan allocation	10	730
Not permissioned – HELAA sites	1	5
Not permissioned – Other suitable site <sup>1</sup>	1	2
<b>Total</b>	<b>44</b>	<b>3,483</b>

<sup>1</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	18	2,765
Hatfield	16	611
Rural Areas	3	42
Woolmer Green	1	34
Cuffley	3	18
Welham Green	1	9
Brookmans Park	0	0
Digswell	1	2
Oaklands & Mardley Heath	1	2
<b>Total</b>	<b>44</b>	<b>3,483</b>

4.7 The majority of sites on the BLR already have a form of planning permission, making up 75% of the total dwelling capacity. Local Plan allocations or HELAA sites (without permission) together account for 21% of the dwelling capacity. A high proportion of dwellings on the register are located in Welwyn Garden City (79%), with Hatfield accounting for a smaller proportion (18%). 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%).

4.8 The NPPF<sup>4</sup> 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”<sup>5</sup>. Of the 44 sites included on the register, 36 of these are small sites of one hectare or less. They account for 29% (1,004 of 3,483) of dwellings on the register.

<sup>4</sup> Paragraph 70, National Planning Policy Framework (NPPF), December 2023.

## **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 subject of this report is linked to the Council's recently agreed Corporate Priority "Homes to be proud of", by seeking high quality homes for all and planning for future homes in the right places.

### **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