

# Chelmsford City Council Brownfield Land Register 2023

## What is the Brownfield Land Register?

The Town and Country Planning (Brownfield Land Register) Regulations 2017 require local authorities to prepare and maintain registers of brownfield land that is suitable for residential development. Previously developed (brownfield) land has the same meaning as land of that description in Annex 2 of the National Planning Policy Framework.

Brownfield Land Registers provide up-to-date and consistent information on sites that local authorities consider to be appropriate for residential development having regard to the criteria set out in regulation 4 of the Town and Country Planning (Brownfield Land Register) Regulations 2017. (<http://www.legislation.gov.uk/ukxi/2017/403/regulation/4/made>)

Local planning authorities can trigger a grant of permission in principle for residential development for sites on their registers where they follow the required procedures.

Brownfield Land Registers comprises two parts:

### Part 1

Part 1 of the Brownfield Land Register comprises all brownfield sites that the Council has assessed as appropriate for residential development having regard to the criteria set out in regulation 4 of the Town and Country Planning (Brownfield Land Register) Regulations 2017. This includes sites with extant full or outline planning permission that have not been implemented and permission in principle, as well as suitable sites without planning permission. Windfall sites can be considered for inclusion as part of an annual review process.

### Part 2

Part 2 is a subset of Part 1 and will include only those sites in Part 1 that the Council has decided that the land would be suitable for a grant of permission in principle for residential development. The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The first stage, or permission in principle stage, establishes whether a site is suitable in-principle. The second stage is when the detailed development proposals are assessed.

## What sites have been included in Part 1 of the Brownfield Land Register?

Chelmsford City Council has published Part 1 of the Brownfield Land Register. It is available to view on the Council's website in the standardised format set out by the Town and Country Planning (Brownfield Land Register) Regulations 2017.

In addition to the criteria set out in regulation 4 of the Town and Country Planning (Brownfield Land Register) Regulations 2017, section 14A of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to have regard to:

1. the development plan;
2. National policies and advice; and
3. any guidance issued by the Secretary of State.

The National Planning Practice Guidance on Brownfield Land Registers sets out that local planning authorities should consider how they can integrate well-established processes to identify sites that are already set out as part of the Strategic Housing Land Availability Assessment, to identify sites that may be suitable for including in brownfield land registers. In accordance with this guidance, the Council utilises the work undertaken as part of the Strategic Housing and Employment Land Availability Assessment (SHELAA) process to identify potential sites.

SHELAA sites to be considered for inclusion in Part 1 of the Brownfield Land Register include:

- all sites on the SHELAA which are wholly previously developed land in the latest published SHELAA; and
- sites in the latest published SHELAA which are promoted for housing; and
- sites in the latest published SHELAA that have been assessed, with regard to the Council's latest development plan, as Category 1 sites.

Where these potential sites also meet the criteria in regulation 4 of the Town and Country Planning (Brownfield Land Register) Regulations 2017 and section 14A of the Planning and Compulsory Purchase Act 2004, they must be included in Part 1 of the Brownfield Land Register.

The Council publishes a Housing Site Schedule in April each year. All wholly previously developed land sites on the Housing Site Schedule published with the April 2023 date (whether they have Planning Permission or not) which have not yet been implemented and are expected to be delivered within the next 5 years have been included on Part 1 of the Brownfield Register.

Sites on the Housing Sites Schedule published with the April 2023 date that have planning permission and expect to be delivered within the next 6 – 15 years have also been included on Part 1 of the Brownfield Register.

Sites on the Housing Site Schedule published with the April 2023 date which have started but stalled in their construction are included on the register with a note indicating that they are 'stalled'.

Where a site appears in both the latest published SHELAA and latest

published Housing Site Schedule and the site has planning permission, the Housing Site Schedule details are used. Where a site appears in both the latest published SHELAA and latest published Housing Site Schedule but does not have planning permission, the SHELAA details are used.

Regulation 5(3) of the Town and Country Planning (Brownfield Land Register) Regulations 2017 allows local planning authorities to enter sites below the minimum site size of capacity threshold of 0.25 hectares, or capable of supporting at least 5 dwellings in brownfield land registers, where a site meets the criteria in paragraphs (1)(b) to (d) of regulation 4 of the Town and Country Planning (Brownfield Land Register) Regulations 2017.

If a site is no longer considered brownfield land or no-longer needs to be listed because development has completed, it will remain on Part 1 of the Brownfield Land Register with an end date.

### **Which sites are included on Part 2 of the Brownfield Land Register?**

All the sites included on Part 1 of the Brownfield Land Register are assessed to determine whether they are considered appropriate for permission in principle to be granted for residential development. As at the April 2023 assessment date, most sites included in Part 1 of the Brownfield Land Register already have a grant of planning permission or a resolution to grant planning permission. Those sites included in Part 1 that do not have a grant of planning permission will now be considered, in terms of their suitability for a grant of permission in principle for residential development for Part 2, although all sites without planning permission in Part 1 are allocated for residential development in the Local Plan.

### **How often will the Brownfield Land Register be updated?**

After the initial publication of Part 1 of the register in December 2017, the Brownfield Land Register has been aligned to update on an annual basis with the following datasets that have an April baseline:

- Housing Site Schedule
- Five-year Housing Land Supply position statement
- Strategic Housing and Employment Land Availability Assessment (SHELAA)<sup>1</sup>
- Brownfield Register (Part 1 and Part 2)

Reviews of the Brownfield Land Register ensure that sites which no longer meet the criteria for inclusion are listed with an end date and new sites are assessed and entered if it is appropriate to do so.

### **What information is included in the Part 1 Register?**

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<sup>1</sup> The publication of the 2022 SHELAA annual report has been delayed. As a result, the 2021 SHELAA annual report outputs have been used to inform the April 2023 Brownfield Land Register. A revised Brownfield Land Register will be published later in 2023 when the 2022 SHELAA annual report has been published Summer 2023.

The Department for Levelling Up, Housing and Communities provides guidance on how to publish brownfield land data to ensure brownfield land registers are:

- published in the agreed format and contain the required data
- kept up to date
- easily found online

<https://www.gov.uk/government/publications/brownfield-land-registers-data-standard/publish-your-brownfield-land-data>

The Council has followed this guidance and the following table sets out what data has been used or included within the Part 1 Register and where it can be found in the register. The Council updates, publishes and submits Part 1 of the Brownfield Register on a quarterly basis to increase trust in the data.

Column Title	SHELAA Sites	HSS Sites
Organisation URI	Open Data Communities URI.	Open Data Communities URI.
Site Reference	SHELAA reference.	Planning application/PE reference or if allocated without planning permission or not a SHELAA site the site allocation reference is used.
Site Name	Site address.	Site address.
GeoY	North grid reference	North grid reference
GeoX	East grid reference	East grid reference
Site Plan URL	URL of web page hosting the site plan.	URL of web page hosting the site plan.
Hectares	The overall Ha of the site up to 2 decimal places.	The overall Ha of the site up to 2 decimal places.
Ownership Status	Must be one of the following: <ul style="list-style-type: none"> <li>• owned by a public authority</li> <li>• not owned by a public authority</li> <li>• mixed ownership</li> </ul>	Must be one of the following: <ul style="list-style-type: none"> <li>• owned by a public authority</li> <li>• not owned by a public authority</li> <li>• mixed ownership</li> </ul>

Column Title	SHELAA Sites	HSS Sites
Planning Status	Not permissioned.	<p>Must be one of the following:</p> <ul style="list-style-type: none"> <li>• permissioned</li> <li>• not permissioned</li> <li>• pending decision</li> </ul> <p>Where part of a site has planning permission then it is marked as 'permissioned' and the notes field used to explain why only part of it is permissioned.</p>
Permission Type	Will not be required.	<p>One of the following must be added if the status of the site is 'permissioned':</p> <ul style="list-style-type: none"> <li>• full planning permission</li> <li>• outline planning permission</li> <li>• reserved matters approval</li> <li>• permission in principle</li> <li>• technical details consent</li> <li>• planning permission granted under an order</li> </ul> <p>other</p>
Permission Date	N/A	Date of permission is in the following format yyyy-mm-dd
Planning History	N/A	N/A

<b>Column Title</b>	<b>SHELAA Sites</b>	<b>HSS Sites</b>
Deliverable	Yes NB - these are only sites expected to be delivered in the next 5 years.	Yes NB - these are only sites expected to be delivered in the next 5 years.
Net Dwellings Range From	Min net new dwellings that would be acceptable on the site.	N/A
Net Dwellings Range To	Maximum net new dwellings that would be acceptable on the site. This is the estimated yield taken from the SHELAA assessment.	Number of net new homes granted pp.
Hazardous Substances	Enter 'yes' if the local planning authority is required to conduct an environmental impact assessment on the proposed development otherwise leave blank.	Enter 'yes' if the local planning authority is required to conduct an environmental impact assessment on the proposed development otherwise leave blank.
Notes	Any other relevant information about a site is included.	Any other relevant information about a site is included.
First Added Date	Date first added to the register yyyy-mm-dd	Date first added to the register yyyy-mm-dd
Last Updated Date	Date site was last updated yyyy-mm-dd	Date site was last updated yyyy-mm-dd
End Date	N/A	Date site was developed or determined to no longer be brownfield land yyyy-mm-dd