



PART A:	MATTERS DEALT WITH UNDER DELEGATED POWERS
REPORT TO:	PLANNING COMMITTEE
DATE:	19 DECEMBER 2017
REPORT OF THE:	HEAD OF PLANNING GARY HOUSDEN
TITLE OF REPORT:	BROWNFIELD LAND REGISTER
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 For Members to agree Ryedale's Brownfield Land Register for publication.

2.0 RECOMMENDATION

2.1 It is recommended that Members:

(i) Approve the publication of the Council's brownfield land register to include the sites listed in Appendix 1 of this report.

3.0 REASON FOR RECOMMENDATION

3.1 The Council is required to prepare, publish and maintain a register of previously developed (or brownfield) land which is suitable for residential development and meets the criteria set out in relevant legislation (see below). The deadline for publication is 31 December 2017.

4.0 SIGNIFICANT RISKS

4.1 The risks associated with inclusion of sites within the Register as proposed are considered to be negligible.

4.2 Failure to publish the Register by the 31st December 2017 would mean that the Council was not complying with legislation and leave the Council open to criticism.

5.0 POLICY CONTEXT AND CONSULTATION

5.1 This report impacts upon the Council's priority of "Sustainable Growth" and in particular "Enabling the provision of housing that meets existing and anticipates future need".

5.2 Consultation is not required in order to identify those sites for inclusion in the register as it is proposed. However, it should be noted that in considering sites for inclusion on the register, the sources of information used have themselves been the subject of consultation. These include the Strategic Housing Land Availability Assessment and sites put forward for consideration in the Local Plan process.

6.0 REPORT

Legislative requirement

6.1 The requirement for Local Planning Authorities to prepare and maintain a register of previously developed land suitable for residential development is set out under Regulation 3 of the Town and Country Planning (Brownfield Land Register) Regulations 2017 (the Regulations), which came into force on 16th April 2017.

6.2 The purpose of the Register is to provide up-to-date and consistent information on sites that Local Planning Authorities consider to be appropriate for residential development having regard to the criteria set out in the regulations.

6.2 For the purposes of the Register, brownfield or previously developed land has the same definition as that set out in the in Annex 2 of the National Planning Policy Framework and is as follows:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.”

6.3 The Register is in two parts:

- Part 1 - includes all sites which meet the set criteria (see below);
- Part 2 - is a subset of Part 1 and comprises **only** those sites that the Local Planning Authority has decided would be suitable for grant of ‘permission in principle’ for residential development. This is a new form of planning permission to specifically facilitate the redevelopment of brownfield sites.

6.4 The Council will be discharging its legal obligations in respect of the Regulations by publishing a Register, containing entries only in Part 1, by the deadline of 31st December 2017 and maintaining it thereafter. It is left to the discretion of Local Planning Authorities which sites (if any) they propose to include on Part 2 of the Register – although a consistent and transparent approach is required as this is subject to specific publicity and notification requirements as set out in the Regulations.

Criteria for assessing whether to include a site on the Register

6.5 The Council *must* enter land in Part 1 of the Register if it meets the following criteria:

- area of at least 0.25ha or is capable of supporting at least 5 dwellings [the Council may also choose to enter smaller sites, which do not meet the first of the above criteria, into Part 1 of the Register but is not obliged to do so].

- is suitable for residential development;
 - is available for residential development;
 - residential development of the land is achievable.
- 6.6 'Suitable for residential development': means sites which have existing residential planning permissions or which form part of residential allocations within the Council's Local Plans Sites Document, or where, in the opinion of the Council, they are appropriate for development having regard to: any adverse impact on the natural environment and local built environment, including heritage assets; and adverse impact on local amenity which such development might cause (for occupiers of the development or of neighbouring properties); and any representations received.
- 6.7 'Available for residential development': means where there is known landowner or developer interest in such development or, in the opinion of the Council, there are no issues relating to ownership of the land or other legal impediments that might prevent residential development taking place.
- 6.8 'Residential development of the land is achievable': means that in the opinion of the Council, the development is likely to take place within 15 years of the entry date onto the register.
- 6.9 In addition to the above criteria the Council is required (under section 14A of the Planning and compulsory Purchase Act 2004) to have regard to the development plan (in this case the Ryedale Plan), national policies and advice, and any guidance issued by the Secretary of State when considering the inclusion of sites within the register.
- 6.10 As noted above, the Council *may* also elect (having publicised its intention to do so and given notice in accordance with the Regulations) to include certain sites within Part 2 of the Register. This will have the effect of granting such sites 'Permission in Principle' for residential development. [Specific exemptions and processes apply to sites where there are significant environmental or ecological considerations, e.g. where residential development would require an Environmental Impact Assessment]

Ryedale Brownfield Land Register

- 6.11 The list of sites proposed for inclusion on the register is included at Appendix 1 to this report. Officers have identified potential sites by reviewing existing information from the most recent Strategic Housing Land Availability Assessment (SHLAA), extant planning permissions, as well as any representations from site owners / promoters.
- 6.12 Members are aware that Ryedale has a relatively small amount of brownfield land – particularly when agricultural land/building and residential garden land is not included in the definition. The limited list of sites included in Part 1 also reflects the fact that many of the brownfield sites that exist in Ryedale do not meet the suitability; availability and achievability criteria set out in the regulations. Ryedale has a strong housing market and brownfield sites which meet these criteria tend to get developed. Longstanding, persistent brownfield sites, such as the Woolgrowers site are not developable for a range of reasons and, despite being brownfield land cannot be included on the register if their redevelopment is not considered to be achievable. Clearly, if the Council becomes aware of any change in the circumstances relating to the achievability/deliverability of any brownfield site then the Register can be revised at any time to include further sites. Members should also be aware that sites which are at risk of flooding are not considered to be suitable for residential development (unless they have the benefit of planning permission) and such sites are not proposed for

inclusion on the register.

- 6.13 Officers have considered the inclusion of the upper deck of Wentworth Street Car Park in the register. It is considered that once the Council's current asset review is completed and following the completion of a car parking strategy for Malton and Norton, the availability and achievability of the site will be clearer and the site can be included in the register at a future point in time.
- 6.14 The Council has been asked by a landowner to include a significant proportion of land at Wombledon Airfield on the register. In considering whether this site should be included on the Register, there are two key considerations: firstly, whether it is 'suitable' and, secondly, whether the site meets the definition of 'previously developed land'?
- 6.15 In assessing whether the site is 'suitable', Policy "SP1 General Location of Development and Settlement Hierarchy" of the Local Plan Strategy has been applied. This states that future development requirements will be distributed on the basis of:
- i) Principal Town (Malton / Norton) – primary focus for growth
 - ii) Local Service Centres (Market Towns) – secondary focus for growth
 - iii) Local Services Centres (Service Villages) – tertiary focus for growth.
- 6.16 Wombledon Airfield, being outside of the development limits for Wombledon village, is classed as being within the 'open countryside' and is not considered 'suitable' for residential development when considered against the policies set out in the adopted development plan. The development of the site for residential purposes would not be considered to be sustainable development in Ryedale.
- 6.17 Furthermore, in assessing whether the site constitutes 'previously developed land', it is clear that the site has previously held permanent structures and fixed surface infrastructure. However, some of these have either been demolished or 'blended into the landscape in the process of time'. At least one small building (believed to be the airfield's physical training office for the parade ground) does still remain. However, given its small scale in relation to the surrounding land, it does not seem reasonable to class the whole curtilage of the land at the airfield as previously developed land.
- 6.18 For these reasons it is proposed not to include land at Wombledon Airfield in the Register.
- 6.19 Members will note that some of the sites listed in Appendix 1 already have planning permission for residential development. It should be noted that sites with permission can be included on the register. It is considered that the sites proposed in the register individually and in combination are unlikely to have a significant effect upon the environment and as such, it is considered that a Strategic Environmental Assessment is not required.
- 6.20 At this stage it is not proposed to include any sites within Part 2 of the register. The use of 'Permission in Principle' is very new and Officers are keen to explore how this is working elsewhere before recommending sites for Part 2 of the register. Officers will, however, bring a separate report to members next year considering this in further detail and if appropriate, recommending sites for inclusion in Part 2 of the register.

7.0 IMPLICATIONS

- 7.1 The following implications have been identified:
- a) Financial

None.

- b) Legal
The Council has a legal obligation to publish and maintain a Brownfield Land Register. Failure to do so may have reputational consequences and potentially leave the Council open to challenge by land owners / developers.
- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)
There are no implications of entering sites onto Part 1 of the Register. By entering sites onto Part 2 of the Register, the Council would be granting 'Permission in Principle' for residential development – effectively in perpetuity (unless revoked under Section 97 of the Town and Country Planning Act 1990).

8.0 NEXT STEPS

- 8.1 Officers will compile the register in the data format prescribed by the government and ensure its publication by the 31st December 2017.

Gary Housden
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Background Papers are available for inspection at:

- Requirement to prepare Brownfield Land Register:
<http://www.legislation.gov.uk/uksi/2017/403/regulation/3/made>
- Guidance on brownfield land registers: <https://www.gov.uk/guidance/brownfield-land-registers>
- Brownfield registers & permission in principle: frequently asked questions:
<https://www.gov.uk/government/publications/brownfield-registers-and-permission-in-principle/brownfield-registers-and-permission-in-principle-frequently-asked-questions>

ANNEX A – PROPOSED RYEDALE BROWNFIELD LAND REGISTER

Site Name	Area (ha)
Old Brickworks (southern part), North of Swineherd Lane, Kirkbymoorside	0.38
Ryedale House, Old Malton Road, Malton	1.40
Land South of Outgang Road, North of Crossgates Lane, Pickering	0.48
ATS (Car Workshop), north of Commercial Street, Norton	0.74
Russells (western part), New Road, Kirkbymoorside	0.64
Former Highways depot, Westgate, Old Malton	0.45