



Elmbridge
Borough Council
... bridging the communities ...

April 2019

Elmbridge Borough Council Brownfield Land Register

Information for Users

Acronyms

BLR – Brownfield Land Register

DCLG – Department for Communities and Local Government

EBC – Elmbridge Borough Council

LAA – Land Availability Assessment

LPA – Local Planning Authorities

NPPF – National Planning Policy Framework

NPPG – National Planning Practice Guidance

PIP – Permission in Principle

Contents

| | |
|--|----|
| 1. Important Notice – Disclaimer | 3 |
| 2. Introduction | 5 |
| 3. Methodology | 8 |
| 4. Review | 11 |

1. Important Notice – Disclaimer

In reference to information within Elmbridge Borough Council (EBC) this Brownfield Land Register (BLR) has produced up to date findings of suitable, available and achievable brownfield sites. The Council makes the following disclaimer:

- Part 1 of the BLR only identifies sites using 'Housing Monitoring' data and sites from the Land Availability Assessment (LAA) 1-5 years. EBC do not have any site allocations for future housing and thereby will not be included within this BLR.
- Sites that are under-construction or are completed will be removed from the BLR once confirmation of their status has been determined by EBC.
- The identification of potential housing sites within the BLR does not imply that the Council would necessarily grant planning permission for residential development. All planning applications incorporating residential development will continue to be considered against the appropriate policies in the development plan and will have regard to any other material considerations.
- The site boundaries identified on the BLR does not limit an extension or contraction of these boundaries for the purpose of a planning application.
- The exclusion of sites from the BLR i.e. because they were not identified, does not prevent the possibility of planning permission for residential permission granted on them. It is acknowledged that brownfield sites will continue to come forward that may be suitable for residential development that has not been identified in the BLR.
- The BLR does not have material weight in the determination of planning applications, i.e. the existence of a site on the BLR does not increase the likelihood of securing planning permission.
- It is expected that brownfield sites may come forward at the time of the updating of the BLR. Circumstances or assumptions may change which may mean that sites could come forward sooner or later than originally envisaged.
- The housing capacity of a brownfield site being entered on a BLR relates to a certain set of criteria set out in the Brownfield Land Register Regulations (December 2017) (which will be mentioned in more detail below). However, the site capacities in the study do not prevent densities being increased on sites, subject to details. Nor does it mean that the densities envisaged within the BLR would be appropriate and these

would need to be assessed through the planning process on a case by case basis of submitted planning applications.

- The information that accompanies the BLR is based on information that was available at the time of the update. Users of the BLR findings will need to appreciate that there may be additional constraints on some sites that were identified at the time of the survey and that planning applications will continue to be treated on a case by case basis. Issues may arise during the planning application process that could not/ were not foreseen at the time of this update. Applicants are therefore advised to carry out their own analysis of sites to identify constraints or other information that would hinder a brownfield sites entry within the BLR.
- The Council will regularly update the BLR with brownfield sites that are suitable, available and achievable to meeting the housing need.

2. Introduction

Brownfield Land Origins

- 2.1. The Government published the Housing White Paper entitled 'Fixing our Broken Housing Market' on 7 February 2017. The White Paper set out a number of proposals that would support LPAs and developers to deliver more land for housing and to ensure development on land comes forward more quickly and efficiently. The White Paper refers to the importance of utilising brownfield land back into use stating in paragraph 1.24:

"We must make as much use as possible of previously developed (brownfield) land for homes – so that this resource is put to productive use, to support the regeneration of our cities, towns and villages, to support economic growth and to limit the pressure on the countryside."

- 2.2. Since 2017 the National Planning Policy Framework (NPPF) was updated in July 2018 and was subsequently amended in February 2019. The definition of 'Previously Developed Land' other known as 'brownfield land' has been mostly unchanged. It is described in Annex 2 of the NPPF (February 2019) as:

"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 was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where the provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape."

- 2.3. It is important to note the updated position of national policy towards the BLRs, it is recognised in the NPPF (February 2019) that BLRs should be:

"Registers of previously developed land that local planning authorities consider to be appropriate for residential development, having regard to criteria in the Town and Country Planning (BLR) Regulations 2017. Local planning authorities will be able to trigger a grant of planning permission in principle for residential development on sites in their registers where they follow the required procedures."

- 2.4. The Government restated their position on Green Belt policy and that LPAs should be making effective and optimising use of brownfield land that is currently underused.

Legislation

- 2.5. The Town and Country Planning (Brownfield Land Register) Regulations 2017 (hereafter 'the Regulations') introduced a duty for LPAs to prepare, maintain and publish a register of brownfield sites within its area and introduce the 'Permission in Principle' (PIP) as a new route to obtaining planning permission for these sites. The PIP has its own legislative Regulations called Town and Country Planning (PIP) Regulations 2017. Sites that are give PIP can be allocated into Part 2 of the BLR.
- 2.6. The BLR is a publicly available list of brownfield land that is suitable for housing, irrespective of their planning status. LPAs must update the BLR at least once a year.
- 2.7. The BLR must be kept in two parts:
- **Part 1** – Will comprise all brownfield sites that an LPA has assessed as appropriate for residential development. This will include sites with full and outline permission, reserved matters of approval, PIP, technical details consent, planning permission granted under local development order or other (such as prior approval/ notification).
 - **Part 2** – Is a subset of Part 1 whereby sites that an LPA have decided to be suitable for the grant of PIP.
- 2.8. Part 2 of the BLR is optional for LPAs. At this time, EBC is not producing Part 2 of BLR.
- 2.9. The BLR spreadsheet produced, is a template from BLRs Data Standard provided by the Government. Guidance from the Department for Communities and Local Government (DCLG) have been used in order to complete the BLR accordingly.

What brownfield sites should be included on the BLR?

- 2.10. In addition, to meeting the NPPF 'Previously Developed Land' definition, sites included in Part 1 of the BLR are required to meet the following criteria (as set out in Regulation 4 of the 2017 Regulations):
- **Size** – The site must be 0.25 hectares or larger, or capable of supporting at least 5 dwellings;

- **Suitable** – The site should have obtained planning permission or has the grant of PIP. Included sites should have regard to any adverse impact on the natural environment, the built environment including heritage assets, local amenity and having regard to any representations received.
- **Available** – Available sites will need to be expressed by the owner to sell or develop at a date not less than 21 days before the entry date. Sites will not be included if there is no evidence of the site or if owners have changed their mind for the site to be included on the BLR.
- **Achievable** – Based on the opinion of EBC, achievable sites are sites that are likely to be developed within 15 years of the entry date having regard to publicly available information and relevant representations received.

3. Methodology

- 3.1. There is no legal requirement for LPAs to undertake consultation on sites proposed for Part 1 of the BLR.
- 3.2. The EBC BLR uses information on sites that was collected from January 2018 to April 2019. The following sources were used to compile an initial list of sites:
 - Elmbridge LAA (30 September 2018)
 - Elmbridge Housing Monitoring Data (2018 - 2019) (comprising of all extant planning permission and prior approvals)
- 3.3. All the identified sites were then assessed against the criteria in the Regulations. If a site was assessed and meets the thresholds and criteria set out in the Regulations, it will be included in Part 1 of the EBC BLR.
- 3.4. EBC have only included sites where a 'net increase' or five or more dwellings are capable of being achieved. The BLR did not restrict the entry of sites more than 0.25 hectares in size, because small sites can achieve more than 5 dwellings in EBC.
- 3.5. The BLR has been promoted in accordance with the BLR Data Standard template provided by the DCLG.

Assessment of sites

- 3.6. In preparing the BLR, the Council has taken into account the Regulations in detail as well as having regard to the National Planning Practice Guidance (NPPG) and advice from the DCLG. The following approach has been taken:

Size of sites

- 3.7. Sites that deliver less than 5 dwellings will not be included in the BLR. As this does not meet Regulation 4 of the 2017 Regulations.

Commenced and Completed sites

- 3.8. Sites that have commenced or have been completed will not be included on the BLR, as they are not considered as they have already or being built.

Sites with environmental designations

- 3.9. Where sites are assessed in Elmbridge and have environmental designations. Only the brownfield parts of these sites will be included onto the BLR.
- 3.10. The brownfield element of sites will be determined by either information submitted with planning applications or by visually determining the areas from satellite images.
- 3.11. In Elmbridge 'previously developed sites' comprise mostly of land that is or was occupied by agricultural or forestry buildings, or land that is in built-up areas such as residential gardens, parks, recreation grounds and allotments. This land and other land listed above in paragraph 1.2 (defined in Annex 2 of the NPPF) will not be listed in the BLR.

Deliverable Sites

- 3.12. The BLR must indicate whether relevant sites are deliverable. Deliverable is defined in the Regulations as a site where there is a reasonable prospect that residential development will take place on the land within 5 years (beginning with the BLR entry date). Therefore, sites identified in the LAA 2018 that are developable between 6 to 10 years and 11 to 15 years within Borough will not be included. In future reviews these sites maybe included if they are suitable, available and achievable.
- 3.13. Sites with planning permission will include the minimum net number of dwellings that have been approved in relation to plans on the brownfield portion of the site. Deliverable housing will be included in the 'MinNetDwellings' as recognised on the BLR.
- 3.14. Sites that have obtained refused planning permission or have withdrawn the planning application will remain on the BLR. It will be the opinion of EBC whether they have the potential to be deliverable, unless significant justification proves that they cannot be taken forward.
- 3.15. Sites that have applied for Pre-Application advice will also be included onto the BLR if the site meets the criteria set out in the BLR Regulations. Pre-Application sites do not register ownerships details. It therefore the responsibility of EBC to request for permission for Pre-Application sites to be included on the BLR. Letters of notifications will be then be sent out accordingly.

BLR Presentation

- 3.16. The planning policy team took a view that the 'SiteplanURL' column on the BLR was a complicating method of representing the identified sites that did not display clearly for the public.
- 3.17. Therefore, an approach was adopted to enable the public to view all the brownfield sites on an interactive mapping system.
- 3.18. This can be accessed from within 'My Neighbourhood' located on the home page of EBCs website. On 'My Maps' you can click a layer for the brownfield sites that will display all the sites located in the Borough.
- 3.19. The hyperlink for this webpage will also be displayed within the column called 'SiteplanURL'.

Sites References

- 3.20. This BLR is an update of the previous BLR published in December 2017. Sites were initially labelled as sites 1 to 36. When updating the BLR there were only 31 sites available which demonstrates sites have been removed from the list.
- 3.21. The updated BLR has continued the labelling process to avoid confusion with the first BLR (December 2017) from 36 to 69.
- 3.22. Each year when updating the BLR, sites will continue to be labelled the same way from 69 onwards.

4. Review

- 4.1. Local Planning Authorities are required to update the information to each entry and review the sites on their BLR at least once a year.
- 4.2. This BLR register update that should have been updated in December 2018 was delayed until April 2019. Therefore, there is a base date of included and excluded sites set as 30 April 2019.
- 4.3. In future the BLR will be updated annually every December and the base date of sites to be included and excluded will be set as 30 December.