

BROWNFIELD LAND REGISTER AND PERMISSION IN PRINCIPLE CAN YOU BENEFIT FROM THE NEW REGULATIONS?

If you have land which is previously developed (or 'brownfield land') then the local planning authority (LPA) may consider it for residential or residential-led development* and grant planning 'permission in principle' (PiP).

* including mixed-use developments with ancillary uses such as commercial, office and community uses.

Previously developed land is "Land which is or was occupied by a permanent structure, including the curtilage of the developed land..." (National Planning Policy Framework).

? This is a two stage process:

1. Brownfield Register (Part 1) Previously Developed Land:

- > By the end of 2017, all LPAs must maintain a register of brownfield land.
- > This is irrespective of the planning status of the land (e.g. it includes land in the 'countryside').
- > Brownfield land that meets relevant criteria will be entered in Part 1 of the Register, namely:
 - At least 0.25 hectares or minimum of 5 dwellings; and
 - Be suitable, available and achievable for residential development.
- > 'Suitability' will have regard to any adverse impact on:
 - The natural and built environment.
 - The amenity of occupiers of existing and the proposed development and any relevant representations received by the LPA.

2. Brownfield Register (Part 2) Permission in Principle (PiP):

- > For sites on Part 1, if the LPA considers the suitability of the site, including planning policy and other material considerations means that PiP should be granted, then subject to consultation and publicity, it will place the site on Part 2 of the Register.
- > PiP confirms the fundamental principles of development of the site: location, land use and amount.
- > Development cannot start until a 'technical details consent' is obtained from the LPA.
- > The technical details consent will assess the detailed design, ensure appropriate mitigation of impacts and secure any contributions to essential infrastructure.
- > Technical details normally must be obtained within 5 years of granting PiP.

Where may sites be eligible for Part 1?

- ✓ All LPA areas
- ✓ National Parks
- ✓ AONBs
- ✓ Green Belt
- ✓ Countryside
- ✓ Within settlement boundaries (i.e. incl. urban and built up areas)



What type of sites may be eligible?

- ✓ Industrial/commercial
- ✓ Education
- ✓ Residential
- ✓ Equestrian
- ✗ Agricultural
- ✗ Forestry
- ✗ Mineral extraction
- ✗ Landfill

Note: Agricultural and forestry land holdings often include other uses and land that may be brownfield!



Why Register Your Land?

- > Entering your land on Part 1 of the Register is a stepping stone to Part 2 and permission in principle (PiP).
- > This is a new way of alerting the LPA to the availability of your land for residential development.
- > LPAs should use their Brownfield Register to assist with maintaining their housing land supply.
- > PiP avoids the normal cost and time of providing substantial amounts of information and details up-front in a full or outline planning application.
- > PiP gives certainty that development will be able to go ahead in principle before committing to the costs of technical details and legal agreements.



Get in Touch

For advice on whether your land interests qualify as "brownfield land" and whether or not you could benefit from registering it, please contact us:

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Disclaimer:

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