



Brownfield Land Registers

What can we learn from progress to date?



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This paper builds upon research into Brownfield Land Registers (BLR) and emerging practice undertaken over the summer.

Earlier this year the BLR regulations came into force, requiring all local planning authorities in England to prepare and publish a register before the end of the year.

- What they are?
- Why do they need doing?
- How might you do one?

WHAT ARE THEY?

The registers are pretty much as described: a record of brownfield land in each authority that has potential to accommodate new housing development. The register comes in two parts, the first being a list of all sites with potential, and the second those which benefit from 'Permission in Principle' (PiP), of which more later.

Sites for inclusion on the register should either be at least 0.25 hectares in size, or able to accommodate five or more units and, to form part of the five-year supply of land for housing, meet fairly standard tests around their suitability, availability and achievability.

Part 1 of the register will comprise mapping and open source data, providing consistency and transparency across the board. They need to be complete by 31st December 2017, with the expectation that they are then reviewed and updated on an annual basis.

WHY DO THEY NEED DOING?

We recently received an email from a local authority advising us that their BLR was out to consultation. The email included a set of 'frequently asked questions'. Under the question 'why' the response was given that 'the regulations say we have to'. This is of course correct, but does it miss the point?

Identifying sites for inclusion on the register should help with pressures associated with the five-year supply of land for housing, they should help provide greater certainty as to what sites are acceptable or not, provide transparency within the planning system, and, potentially, speed up the development process.

And yes, there is an obligation to prepare a register. When the PM spoke at the Conservative party conference in October 2017 she committed the Government to making sure land is available for house-building. By which it probably means that local authorities are required to identify land. The BLR is part of this process.

"I want to send the clearest possible message to our housebuilders; we, the Government, will make sure land is available..."

PM Theresa May, October 2017

But, surely, it is about much more than all that. Isn't this an opportunity for planning to help contribute to and deliver the UN Habitat Sustainable Development Goals? Goal 11, for example, is about 'Sustainable Cities and Communities'. This goal aspires to everyone having access to high quality and safe housing, and to protecting the environment. Surely the promotion of brownfield land can help do this?

And isn't it a chance to think about how we might plan creatively for our towns and cities? Isn't it an opportunity to think about making compact, walkable, vibrant communities? Isn't it about bringing under-utilised and under-used land back for the greater good, creating the places that people want to call home?



The BLR provides scope to think about how we plan for more sustainable patterns of development. This diagram was prepared by Troy Planning to help communicate the benefits of a compact, walkable, mixed-use neighbourhood.

It is also surely a way to move away from a tick-box exercise of gathering evidence for the sake of evidence, and instead proactively planning for better. Future Cities Catapult has been looking into the use of data in planning. They have said that 'pdfs are where data goes to die' and that the only industry less digitised than planning is agriculture and hunting. We can do much more.

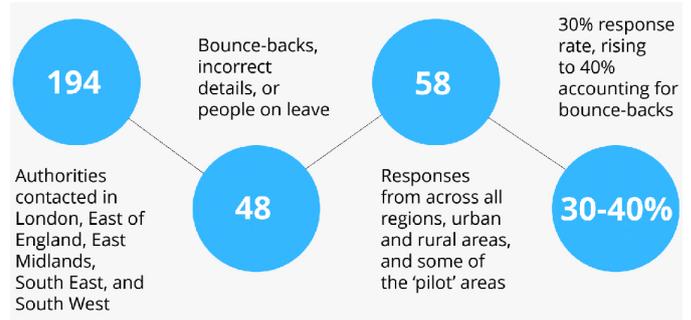
We hear a lot about 'Big Data' and 'Smart Cities'. With the use of accessible data, is the BLR an opportunity to promote 'Smart Planning'? Can the interrogation of such data allow for different development strategies and opportunity areas to be identified?

Whether or not DCLG had all of this in mind when preparing the regulations is open for debate, but either way, we should be looking to embrace Brownfield Land Registers as an opportunity for change and a force for good.

WHAT IS HAPPENING IN PRACTICE?

So that's the what and why, now the how. What are people up to and what progress is being made? As a new area of planning we were keen to learn more, so we asked...

In August and September 2017 we sent a survey to all local authorities in London, the East of England, East Midlands, South East and South West – that's 194 authorities in total. We had 58 responses in total, with a response rate of around 30%. Responses were received from a mix of authorities: those in rural and urban areas, those who had been involved in the earlier BLR pilot programme, and those who hadn't. Factoring in 'bounce-backs', incorrect details and periods of leave, the response rate increases to 40%. This provides a good pool of answers to start drawing some interesting conclusions from.

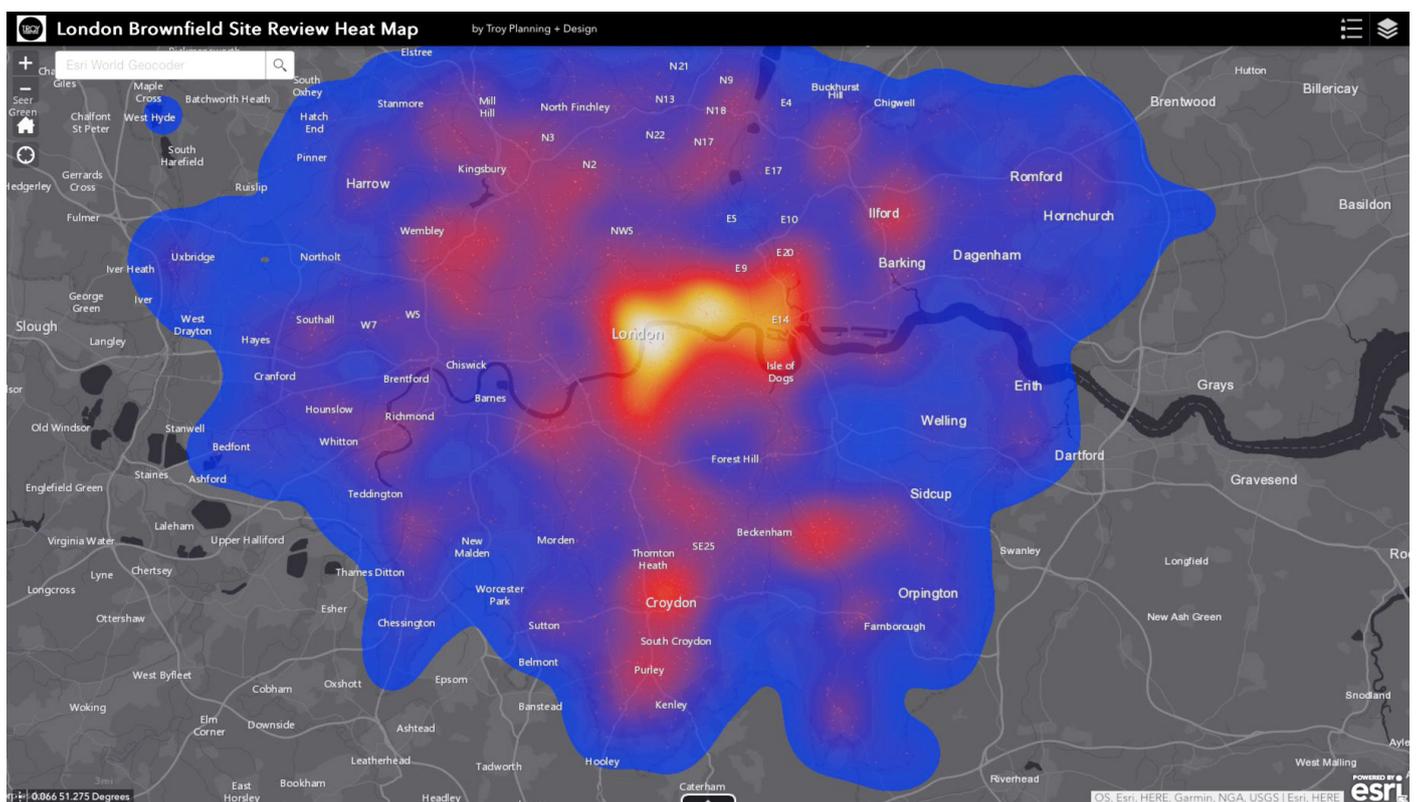


Response to Local Authority survey undertaken in August and September 2017

How long will they take to prepare?

As of September, almost half of the respondents said they had not yet made a start on their register. With only three months to go (or less) until the year-end deadline, will the registers get done in time?

Maybe, maybe not. 50% of respondents said they would take between three and six months to prepare, and another 30% said they would take more than six months. So does this mean that only a handful of authorities will get a BLR ready in time?



Heat mapping based on identified brownfield land in London. Analysis of data in the BLR may allow areas of development focus to be identified and planned for. Interactive version of plan available via <http://arcg.is/2kkEVUg>

Does it matter? Yes: if we want consistent, open information that can help inform planning decisions then a deadline is needed. We should perhaps worry less about this (and any sanctions DCLG might enforce – which many questioned), and instead question (1) why they will take longer, and (2) if they have to be done quicker, will the information in them be of sufficient use?

Why will they take longer? And what is being done?

60% of all respondents cited time and resource issues as the major constraint to meeting the year-end deadline. This is probably unsurprising, given budget cuts over the last few years, the pressure to get Local Plans adopted, and the impacts of the Standard Housing (OAN) Method... And factoring in committee cycles, consultation, the call for sites, and viability and design work that might be carried out all takes time.

But, we don't have time. So what is being done?

90% of respondents said they will use their SHLAA to inform the BLR. This is a good starting point, but does it go far enough? It is fair to say that the SHLAA process has become driven by landowner submissions and has resulted in a substantial number of greenfield sites being identified, perhaps to the detriment of brownfield land? Linked to this, it is concerning that 53% of all respondents said they would solely be relying on their SHLAA. The Guidance on BLR issued by DCLG talks about integrating the SHLAA process into wider site identification, but not stopping there.

Could a SHLAA based approach underplay brownfield potential? Is there a risk that the BLR will be little more than a repeat of the SHLAA?

What more could be done?

DCLG guidance states that:

“LPAs should consider whether any additional procedures would help identify sites which could potentially be included in their register”

So what else are people doing?

40% of respondents said they would be undertaking a call for sites. But this is part of the SHLAA process in any event. 10% said they will include sites identified in neighbourhood plans. This is of course good, but just how many neighbourhood plans actually identify sites for development? 40% said they would undertake a desk-top review of potential and some said they would look to include public sector owned land in the register.

Surprisingly, one only respondent said they would be undertaking street-based surveys to identify all opportunity sites. It is our view that only through street-based surveys can you really identify the opportunities. This is particularly the case when considering small sites, and those which might not be deliverable right now, but which the authority wants to help unblock and bring forward in a proactive manner.

We asked: BLRs require all potential development sites of at least 0.25 hectares or those able to accommodate five dwellings or more to be considered. How will you do this?



Note: Respondents were able to tick all applicable answers

How will site potential be estimated?

Once sites are identified, how will development potential be assessed? Many respondents (40%) said they hadn't considered this yet. Most said they will make use of density multipliers. Will this really help? Yes, it will provide a quick ballpark and estimate of potential, but it won't respond to site specific issues or opportunities.

Some respondents said they would be utilising design case studies prepared as part of their SHLAA work. But if the majority of these cover greenfield sites, will there be a sufficient pool of brownfield case studies to draw upon?

We think generating a set of representative brownfield case studies is the best way to test potential, but only one respondent said they will be doing this.

What next? Monitoring and Permission in Principle

What happens once sites are on the register? Will they be monitored? 43% of respondents said they do not yet have a monitoring framework in place. But surely it is in the best interests of everyone to have such a framework, particularly given the number of appeals focussed around the five-year supply. A clear development pipeline model, showing the status of sites and movement through this, would help. This will also allow for longer-term opportunities to be identified and monitored, managing longer-term supply as well as immediate pressures.

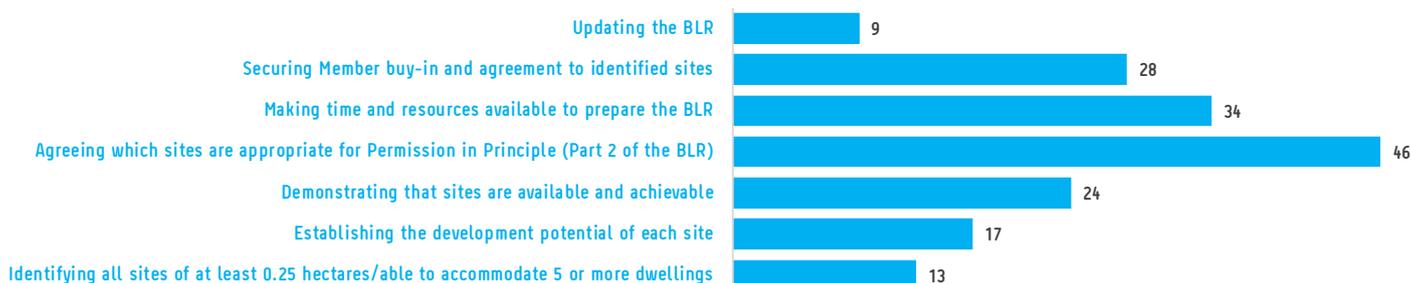
And then there is Part 2 of the BLR and Permission in Principle (PiP). Many respondents expressed concern about this in our survey, particularly in regard to expectations for the number or proportion of sites that should be moved to Part 2, and a fear that it might result in councils 'losing control'.

Very little progress has been made on Part 2 sites so far. Only one respondent has said they are considering how they might identify a small number of sites benefitting from PiP in their Local Plan. This is clearly an area to track and revisit.

However, there is no requirement or expectation for a particular number of sites to be moved to Part 2: it is for the authority in question to consider what is right for them. PiP should be seen as an opportunity to help bring sites forward, and to be proactive and positive in ways to planning for new development. Rather than losing control, it might in fact put councils in the driving seat: it could help shape what sites should come forward, where, when, and in what form.

PiP does not replace the traditional planning application route, nor avoid the requirement for more detailed and technical information to be submitted. But it is intended to help provide greater certainty – to councils and applicants – and could be seen as a potential 'fast-track', as well as providing opportunities for smaller developers to enter the market place, providing wider choice of housing types.

We asked: What will be the key challenges you face in the process of preparing a BLR?



Note: Respondents were able to tick all applicable answers

CONCLUSIONS AND RECOMMENDATIONS

Based on the research, and of previous experience, including that undertaken as part of the BLR pilot programme, we recommend the following:

- The reasons for site inclusion and the estimated capacity should be clear and transparent, strengthening the robustness of the work, contributions to Local Plan policy writing and helping withstand challenges to the five-year supply.
- Street-by-street surveys in the most sustainable areas, within and around town centres and public transport catchments for example, will help identify opportunities. These are the areas often referred to as the shatter or transition zone, where infrastructure, car parks and older redundant industries have created potential for change and development. These are also areas which are more able to support higher density forms of development.
- Capacity assessments and the use of density multipliers should ideally be design-led, responding to the character of place and allowing for greater understanding of how land might best be reused.
- Understanding site context is key to assessing optimal development potential.
- Engagement with planning officers and other colleagues within the Council will help identify and determine the potential for different sites and sources of supply to come

forward. Of particular importance is bringing policy and development management teams together, reflecting Part 1 of the BLR perhaps being used for plan making purposes, and the Part 2 PiP sites forming part of the councils development management duties.

- Digital tools can be used to help visualise the potential for brownfield development opportunities.

We will keep a keen eye on progress over the next few months. It will be interesting to see just how much detail the registers go into and whether they identify new sites or not. We will also be interested in seeing whether the next round of registers will be more comprehensive than the survey findings suggest that the first round might be.

FIND OUT MORE

We can help you at all stages of your Brownfield Land Register, including site identification, analysis of potential and suitability.

To find out more please email or call for an informal chat:



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