

Council



Forest Heath
District Council

Title of Report:	Brownfield Land Register – Constitutional Amendments	
Report No:	COU/FH/18/007	
Report to and date/s:	Council	21 February 2018
Portfolio holder:	Councillor Stephen Edwards Portfolio Holder for Resources and Performance Tel: 01799 530325 Email: stephen.edwards@forest-heath.gov.uk	
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Purpose of report:	This report proposes necessary amendments to the Constitution in order to assign responsibility for brownfield land register management.	
Recommendation:	It is recommended that Council agrees the amendment to the scheme of delegation as set out in Paragraph 1.5 of this report, and authorises the Monitoring Officer to make the necessary constitutional amendments.	
Key Decision:	<i>Is this a Key Decision and, if so, under which definition?</i> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
Consultation:	The proposals in this report have been subject to consultation with the Joint Constitution Working Group	

Alternative option(s):		It is a statutory requirement for the Council to manage a brownfield land register. If this decision is not delegated, all entries in the register would require Council authorisation.	
Implications:			
Are there any financial implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any staffing implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any ICT implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any legal and/or policy implications? <i>If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> This report ensures compliance with The Town and Country Planning (Brownfield Land Register) Regulations 2017 	
Are there any equality implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Failure to ensure adequate management of the register could result in challenge to decisions, and loss of public confidence / reputation	Low	Ensuring effective and clear decision making mechanisms	Low
Ward(s) affected:		All	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		n/a	
Documents attached:		n/a	

1. Key issues and reasons for recommendation(s)

- 1.1 Recent regulations (The Town and Country Planning (Brownfield Register) Regulations 2017) require local authorities to set up and manage registers of brownfield sites within their areas, which may ultimately be suitable for residential development.
- 1.2 The register is kept in two parts; the first part simply lists those sites that may be suitable for development – in that they are of sufficient size, there is no legal impediment to development, the owner / developer intends to seek to develop the site, and development is achievable within the next 15 years. If the site meets the criteria, it is included on the list.
- 1.3 The second part of the register includes those brownfield sites we would wish to allocate for residential development – which, according to the regulations, means by virtue of the inclusion, the site has “permission in principle” to develop housing on it. The regulations are not clear in defining what permission in principle means. Prior to entering properties on this part of the register, the Council must undertake a formal notice period and consultation requirements, including engagement with local communities.
- 1.4 The first part of the register is process driven; if the site meets specific criteria, then it must be included on the register, and specific information must be placed on the register. However, there is a judgement as to whether or not land should be included in the second part of the register and be given permission in principle.
- 1.5 Given this, officers propose that “management of the brownfield land register under The Town and Country Planning (Brownfield Land Register) 2017” is added to the responsibilities of the Assistant Director (Planning and Regulatory) within his authority to determine applications. This will mean that the officers have responsibility for general management of the register, but, in the event that a ward member or Parish Council raises concern regarding the proposal to include a site in the second part of the register, it will be referred to the delegation panel to consider and potentially to the Development Control Committee to determine.