This note sets out the purpose and function of Brownfield Registers and the opportunity to promote sites for residential-led (including mixed use) development in 2017.
Key Points

The government has pledged 1 million more homes and to get planning permission in place on 90% of suitable brownfield sites for housing.

All local authorities are required to produce a Brownfield Register by the end of 2017, and subsequently update the Register on an annual basis.

Key tests for the inclusion of a brownfield site on a Brownfield Register are that the site must be at least 0.25 ha and be suitable, available and achievable for residential led development.

The Registers will be used alongside Permission in Principle (PiP) regulations which seek to streamline the planning process, allowing an ‘in principle’ determination of sites on the Brownfield Register and accelerating the delivery of residential development.

Cushman & Wakefield’s Development and Planning team can assist local authorities, land owners, developers and occupiers in the preparation of evidence needed to include sites on Brownfield Registers.

Following the Housing and Planning Act 2016, the Town and Country Planning (Register of Previously Developed Land) Regulations 2017 came into force on 16th April 2017, initiating the requirement for councils to produce Brownfield Registers. The Brownfield Register regulations follow the introduction of the Permission in Principle regulations (15th April 2017) which will allow an ‘in principle’ determination of proposals on sites contained on the register.

All Local Planning Authorities must publish a Brownfield Register by 31st December 2017.

What is the Purpose of Brownfield Registers?

Brownfield Registers propose to increase the delivery of residential development on brownfield sites. The registers will provide a list of brownfield sites which are available, suitable and achievable for residential-led development, and which can be progressed through the Permission in Principle application route.

Brownfield Registers present an alternative way of allocating sites for residential-led development, in addition to site allocations identified through Local Plans.
**How Will Brownfield Registers Work?**

Each local planning authority is required to prepare and maintain (review annually) a register of previously development land. Brownfield Registers will be split into two parts, as shown below:

### Part 1 of the Brownfield Register

Local authorities have an obligation to add sites to Brownfield Registers where the site is:

- At least 0.25 ha in area, or capable of supporting at least 5 dwellings;
- ‘Suitable’ for residential development;
- ‘Available’ for residential development; and
- ‘Achievable’ for residential development within 15 years of entry on the Register.

### Part 2 of the Brownfield Register

Allocation + conformity with Part 1 criteria = local authority obligation to add the site to Part 2 of the Register.

As the criteria are similar to those for allocating a site for development, the most pertinent consideration could be whether the site is deliverable within 15 years of addition to the Register.
‘Suitable’ for residential development means that the land at the date of entry to the Register:

- Has been allocated in a local development plan document for residential development;
- Has planning permission for residential development;
- Has a grant of Permission in Principle for residential development; or
- Is in the opinion of the local planning authority, appropriate for residential development, having regard to any adverse impact on:
  I. The natural environment;
  II. The local built environment, including heritage assets; and
  III. Local amenity (prospective occupants and neighbouring properties).

In addition, local planning authorities should have regard to any representations received.

The addition of developments to Brownfield Registers should still have regard to the requirements of the Environmental Impact Assessment Regulations 2011.

**Opportunities and Threats**

The main **opportunities** created by Brownfield Registers are as follows:

- An additional opportunity to promote unallocated sites for development (in Part 1 of the Register);
- To promote allocated sites, or emerging allocations for inclusion on Part 2 of the Register, providing a Permission in Principle for the development;
- When local authorities allocate brownfield sites for residential-led development, they will effectively be granting Permission in Principle, provided that development is achievable within 15 years of the entry date to the Register;
- Registering on an important resource in which will be used by others in searching for brownfield sites for development, and for marketing brownfield sites to potential developers and investors.

Potential **threats** for owners, occupiers, developers and investors include:

- Other sites being prioritised for development as a result of failure to include sites in Brownfield Registers;
- New residential development sites adjacent to incompatible uses (noise complaints etc.).
- When brownfield sites are added to the Register, there is a presumption that residential development is achievable within 15 years, which could potentially undermine the justification for green belt release in emerging local plans.
Potential threats for local authorities include:

- The addition of sites to the Register which do not meet the tests of the Regulations (the Secretary of State will be able to request a review of Brownfield Registers at any point).
- Implications for local plan monitoring, and the viability of infrastructure to support development, given that all local authorities will be required to publish Brownfield Registers this year, and all of the sites included in the registers will need to be deliverable within 15 years.

How We Can Help

Given our combination of market-facing prowess and strong public sector consultancy base, Cushman & Wakefield is well placed to advise on, and provide assistance on sites to be included in Brownfield Registers.

Our Development and Planning team provide advice to public and private sector clients on prospective sites for residential and mixed use development, including viability, deliverability and strategic planning advice.

A Call for Sites!

We can advise on the likelihood of inclusion (against the tests outlined above), and produce a submission to the local planning authorities in question.

Our approach could consist of the following:

1. A planning appraisal of sites for residential-led development, including an assessment of the quantity and type of development suitable on sites.
2. A development appraisal to assess the viability and deliverability of development on sites within a 15 year timeframe.
3. Production of a submission pack to the local planning authority, for the inclusion of the site in the Brownfield Register.
Areas of Search

If you are currently looking for sites within a particular area, and would like assistance in finding sites which could be included in Brownfield Registers, we can assist by identifying a list of sites which could be added to Brownfield Registers.

Our approach could consist of the following:

1. A site search within a given area;
2. A high level planning appraisal of the suitability of the brownfield sites for residential-led development;
3. A high level development appraisal of the viability and deliverability of the brownfield sites in question, including the potential development values which could be achieved from the sites (if required); and
4. Generation of a shortlist of sites, which could then be subject to a more detailed appraisal of their development potential and/or submitted for inclusion in Brownfield Registers.

Representations

These measures place further emphasis on the need to protect development interests during the production of Local Plans, Neighbourhood Plans and Brownfield Registers.

Cushman & Wakefield can submit representations to consultations on Local Plans, Neighbourhood Plans and Brownfield Registers, with a view to protecting the property interests of owners and occupiers.

Appraisals and Advocacy

Cushman & Wakefield can provide advice to local planning authorities in drawing up Brownfield Registers, advocating sites to be included in the Register, and planning ahead for future implications for local plan monitoring and management, including:

- Development appraisals to assess the viability of sites proposed for inclusion in Brownfield Registers, including deliverability within a 15-year timescale.
- Development appraisals to assess the viability of the sites included in Brownfield Registers as a whole, taking into account their cumulative impacts and infrastructure requirements.
- Planning appraisals to assess the suitability of a site for residential-led development, including assessments of the quantity of development, and the range of ancillary uses which could be accommodated on a site.
- Recommendations of actions to ensure that development sites included in Brownfield Registers remain deliverable, and thus can be retained in Brownfield Registers in future reviews.
- Assistance with monitoring of Brownfield Registers, to assess the continued availability, suitability and achievability of the sites included in the Register.
Alignment with Local Authorities’ Property Strategies

Brownfield Registers could potentially be used to guide public sector strategies for acquisitions, with a view to delivering sustainable development and achieving regeneration goals.

Using brownfield sites in this manner could assist local authorities in targeting sites which will make the greatest contribution to meeting development and regeneration goals, and which may assist in boosting revenue streams, in a co-ordinated manner.

Our approach could consist of the following:

• An appraisal of the sites included in Brownfield Registers, in terms of their development potential (including development values), and their potential to achieve regeneration goals.

• Assessments to establish the feasibility of public sector investment for shortlisted sites.

• Detailed advice to inform, and support the delivery of development on selected sites.
Please get in touch to discuss your requirements:

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