

What is the purpose of Brownfield Land Register?

Brownfield Land Registers will provide up-to-date, publicly available information on brownfield land that is suitable for housing having regard to the criteria set out in [regulation 4 of the Town and Country Planning \(Brownfield Land Register\) Regulations 2017](#). Local planning authorities (LPAs) will be able to trigger a grant of [permission in principle](#) for residential development for sites in their registers where they follow the [required procedures](#). Registers will be in two parts, Part 1 will comprise all brownfield sites appropriate for residential development and Part 2 those sites granted permission in principle. Registers should be published locally as open data and will provide transparent information about suitable and available sites. This will improve the quality and consistency of data held by local planning authorities which will provide certainty for developers and communities, encouraging investment in local areas.

What are local planning authorities required to do?

[Regulation 3 of the Town and Country Planning \(Brownfield Land Register\) Regulations 2017](#) requires local planning authorities in England to prepare, maintain and publish registers of previously developed (brownfield) land by 31st December 2017. Brownfield sites that meet the relevant [criteria](#) must be entered in Part 1 of brownfield land registers. Sites entered in Part 2 of the brownfield land registers are granted [permission in principle](#).

Regulation 17 requires local planning authorities to [review their registers at least once a year](#).

What is Brownfield Land?

The definition of brownfield land is essentially previously developed land. It has the same meaning as land of that description in Annex 2 of the National Planning Policy Framework i.e. *“Land which is or was occupied by a permanent structure, including the curtilage of the developed and (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 has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time”*.

Which authorities are required to keep a register of brownfield land suitable for housing?

Local planning authorities specified in [section 37 of the Planning and Compulsory Purchase Act 2004](#) (“the 2004 Act”) are required to have a brownfield land register covering their area. These are district councils; London borough councils; metropolitan district councils; county councils in relation to any area in England for which there is no district council; the Broads Authority; a National Park authority and a Mayoral Development Corporation where it is the local planning authority for the purposes of Part 2 of the 2004 Act.

What is Part 1 of a Brownfield Land Register?

Part 1 of a brownfield land register will comprise all brownfield sites that a local planning authority has assessed and consider to be appropriate for residential development, having carried out procedures such as consultation where deemed appropriate.

LPAs are required to have regard to the development plan, including the Local Plan, when making decisions about which sites to include on their registers.

What is Part 2 of a Brownfield Land Register?

Part 2 of a brownfield land register is a subset of Part 1. Part 2 will comprise only those sites in Part 1 that the local planning authority has decided that the land would be suitable for a grant of permission in principle for residential led development.

What sites should be included on the Brownfield Land Register?

The Regulations state that a parcel of land which meets the following criteria must be included on the Brownfield Land Register:

- i. It has an area of at least 0.25 hectares or is capable of supporting at least 5 dwellings; (The LPA may, if it chooses, enter land onto the BLR where the land is less than 0.25 hectares or is not capable of supporting at least 5 dwellings, so long as the land meets the other criteria.)
- ii. It is suitable for residential development, meaning it is either allocated in a local development document; has planning permission (including PiP) for residential development or, in the opinion of the LPA, it is appropriate for residential development having regard to any adverse impact on the natural environment; the local built environment and any adverse impact on the local amenity which such development might cause for intended occupiers of the development or for occupiers of neighbouring properties;
- iii. It is available for residential development, meaning the landowner/developer currently intends to sell/develop the land, or the LPA consider there are no issues relating to the ownership of the land or other legal impediments which might prevent residential development of the land taking place; and
- iv. Residential development of the land is achievable, meaning that, in the opinion of the local planning authority, the development is likely to take place within 15 years of the entry date.

These include consideration of whether the identified sites are suitable for residential use and free from any constraints that cannot be mitigated. Particular regard must be given to key elements of the NPPF including:

- i. Whether any specific policies within the NPPF indicate that development should be restricted;
- ii. The location of the site and whether it represents a sustainable opportunity for residential development having regard to the ability to access the site by non-car modes of transport;
- iii. The likely amenity of future occupants and any potential conflict with other adjoining or nearby uses for example through excessive noise;
- iv. Whether the loss of any existing use would be likely to have a harmful effect (e.g. loss of a community facility or employment opportunity, impact on the vitality and viability of a town centre);
- v. Any particular site-specific considerations that could impact on bringing forward an alternative residential use on the site (e.g. excessive contamination due to a previous use);
- vi. Flooding and whether the site would be suitable for residential use in light of the available information on potential flood risk;
- vii. Potential impact on the natural environment including whether the site is of high environmental value and/or development for residential use would be likely to have a harmful impact on biodiversity and ecology that cannot be mitigated; and
- viii. Whether the development of the site for residential use would have a harmful effect on the historic environment that cannot be mitigated

Preparing the Brownfield register

[Planning Practice Guidance \(PPG\)](#) is clear that existing planning permissions and sites identified through the Strategic Housing Land Availability Assessment (SHLAA) is the starting point for compiling the BLR. The London Borough of Tower Hamlets has recently completed an updated SHLAA as part of a London-wide exercise. All relevant sites from the SHLAA exercise which meet the criteria in the Regulations have been included in the BLR. This primarily comprises existing permissions and relevant site allocations from the Local Plan. There are some sites which do not have planning permission or in a site allocation which are also included. These sites were submitted as part of the SHLAA call for sites exercise.

National guidance states that when deciding if a site should be entered onto the register, LPAs should have regard to the development plan (i.e. the adopted Local Plan and 'made' neighbourhood plans), national policies/ guidance, and guidance issued by the Secretary of State. Officers have therefore only included sites which are policy compliant in principle.

In preparing the BLR, officers monitored applications pending a decision with a view to including them in BLR if they were approved prior to the publication of the BLR. The status of these pending applications was monitored until 27th November 2017.

Part 1 of a BLR has been compiled and this is attached as appendix 1. In line with legislation it includes:

- i. Sites with planning permission at 27th November 2017
- ii. Sites on previously developed land already identified through the council's annual monitoring processes including sites previously identified in the SHLAA
- iii. New sites that have emerged since the last SHLAA was published, or have gained permission up to 27th November 2017, and
- iv. Sites submitted through the 'call for sites' exercise which meet the criteria for inclusion.

Identifying housing-led sites

As noted above, only sites whose main purpose is housing development, i.e. housing-led development, are included on the BLR, and there are some sites – permissions, allocations and/or trajectory sites – which do not have a main purpose of residential development.

In determining whether a site is housing-led for the purposes of this iteration of the BLR, the council have taken into account the existence of any priority land uses (based on specific designations) and/or the balance of residential and commercial floor space on any given site (based either on a planning permission or capacity assumptions from a site allocation or SHLAA assessment).

This determination is a case-by-case issue and it is not considered practical to set a fixed threshold to determine whether a site is housing-led, e.g. more than 50% of floor space for housing.

METHODOLOGY:

The Council has identified sites that meet the above criteria by assessment of the following:

STAGE 1- SITE IDENTIFICATION

The starting point for the site selection process is to ensure that the Council has as wide range of site options as possible so that all reasonable site options have been identified and assessed. When undertaking this stage we considered the following datasets.

- i. SHLAA Sites -The first step was to assess all the sites identified via the SHLAA 2017 exercise and polygonise them. These sites were matched against the Housing Trajectory master list to identify the status and phase of each site.
- ii. Planning Database - planning data was assessed to identify all the planning applications, both approvals and refusals within the current Local Plan period (April 2013 onwards), which has the capability to deliver 5 or more units or has a site area greater than 0.25 hectares.
- iii. London Development Database - LDD data was matched against our planning dataset to identify all the commenced planning applications.

- iv. Site Allocations - Site Allocations from the Local Plan were polygonised and included for analysis.
- v. Call for Sites - A call for sites exercise ran for 4 weeks (2nd October to 30th October 2017) on LBTH Website and advertisements placed in HA magazine, 24 Housing, Estates weekly, Inside Housing, East London Advertiser, LGC, E Standard, Architects Journal, Community Care, Guardian Society & Property Week and use of LBTH social media.
- vi. Non Domestic Rates and Council Tax Data- Data from Non Domestic Rates and Council Tax were assessed to identify vacant sites which have the capability to deliver 5 or more units or have a site area greater than 0.25 hectares.

STAGE 2 – DESKTOP ANALYSIS

This stage included a detailed assessment of the identified datasets to identify which ones were suitable to include on the BLR.

The datasets went through the following stages of filtering (referred to as iterations) to produce the Brownfield Land Register:

Iteration 1-

SHLAA sites were assessed to identify all the Approvals, Potential Developments and Low Probability Sites. During this Iteration the phases that fell outside of the Local Plan period (beyond 2031) sites were excluded.

Approved Planning applications were matched against the Local Development Database (LDD) Dataset to identify which permissions had commenced. Approvals that had commenced were excluded in accordance with the Brownfield Land Register Guidance.

Site Allocations were checked individually to identify the commenced sites and also excluded.

Council Tax and Non Domestic Rates data was assessed and it was identified that the vacant sites are already included as part of our SHLAA.

Iteration 2-

SHLAA sites were further refined to just include approved applications and the site boundaries verified against the Planning application boundaries.

Planning applications approved were then further filtered to remove any applications that also fall within the identified SHLAA sites in order to avoid duplication.

Site Allocations were checked individually and any non – housing led sites were removed from the list (e.g. sites within employment designations such as the POL).

Sites that were deemed appropriate from the Council's recent SHLAA call for sites exercise were included in the register.

Iteration 3 -

Live planning applications were excluded from the register as these are currently under consideration.

Iteration 4 -

The remaining sites were assessed against the GLA's density Matrix to make sure that the identified sites pass through the site constraints.

STAGE 3 – COMPILING THE REGISTER

The data standard has been designed by DCLG to ensure that brownfield land registers are accessible for those entering data and navigating the information they contain. The information will also be capable of digital analysis which can be used to gain a more comprehensive understanding about the location and capacity of brownfield land suitable for residential development.

A brownfield land register is to be published in a spreadsheet style and in a GIS format; that is, as a file containing a series of rows, where each row has a consistent set of columns. Each row will represent a single brownfield site.

STAGE 4 – PUBLISHING THE REGISTER

The Brownfield Land Register will be published on the London Borough of Tower Hamlets website.

The BLR Register will be added on data.gov.uk to enable DCLG and others to harvest it as an open dataset.

SITES IDENTIFIED FOR INCLUSION IN THE BROWNFIELD LAND REGISTER:

ID	Site Reference	Site Name	Source	Site Area Hectares
1	BR_LBTH_01	Bishopsgate Goods Yard	Site Allocation	4.46
2	BR_LBTH_02	Marian Place Gas Works and The Oval	Site Allocation	4.41
3	BR_LBTH_03	Whitechapel South	Site Allocation	12.72
4	BR_LBTH_04	Bow Common Gas Works	Site Allocation	3.94
5	BR_LBTH_05	Chrisp Street Town Centre	Site Allocation	3.92
6	BR_LBTH_06	Ailsa Street	Site Allocation	5.76
7	BR_LBTH_07	Leven Road Gas Works	Site Allocation	8.56
8	BR_LBTH_08	Aspen Way	Site Allocation	4.61
9	BR_LBTH_09	Crossharbour Town Centre	Site Allocation	6.16
10	BR_LBTH_10	Limeharbour	Site Allocation	5.25
11	BR_LBTH_11	Marsh Wall East	Site Allocation	3.61
12	BR_LBTH_12	Marsh Wall West	Site Allocation	6.83
13	BR_LBTH_13	Millharbour South	Site Allocation	4.02
14	BR_LBTH_14	Millharbour	Site Allocation	5.05
15	BR_LBTH_15	Reuters LTD	Site Allocation	2.71
16	BR_LBTH_16	Westferry Printworks	Site Allocation	6.40
17	BR_LBTH_17	42-44 Thomas Road	PA/16/01041	0.31
18	BR_LBTH_18	Old petrol station Leamouth Road	PA/16/01763	0.32
19	BR_LBTH_19	Hercules Wharf, Castle Wharf and Union Wharf Orchard Place	PA/14/03594	2.57
20	BR_LBTH_20	Land at Fleet Street Hill	PA/13/01637	0.40
21	BR_LBTH_21	Site At land adjacent railway viaduct Mantus Road	PA/12/01758	0.28
22	BR_LBTH_22	Glaucus Street/Violet Road	PA/12/02494	0.18
23	BR_LBTH_23	Stroudley Walk Market Stroudley Walk	PA/10/00373	0.86
24	BR_LBTH_24	Whitechapel Station & surrounding land/buildings	Call for Site	0.97
25	BR_LBTH_25	Boatmans House, 2 Selsdon Way, London, E14 9LA	PA/15/03256	0.11
26	BR_LBTH_26	82 West India Dock Road	PA/16/01920	1.58