

**Meeting date:** 22 February 2023

**Report to:** Cabinet Member for Climate Change, Planning and Housing

**Report title:** Brownfield Land Register

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**Wards affected:**

- All Wards |  Bickenhill |  Blythe |  Castle Bromwich |  Chelmsley Wood |  Dorridge/Hockley Heath |  Elmdon |  Kingshurst/Fordbridge |  Knowle |  Lyndon |  Meriden |  Olton |  Shirley East |  Shirley South |  Shirley West |  Silhill |  Smith's Wood |  St Alphege
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**Public/private report:** Public

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**1. Executive Summary**

- 1.1 The purpose of this report is to inform the Cabinet Member of the review of the Council's Brownfield Land Register (BLR) and seek approval to formally publish the fourth update of the Solihull BLR.
- 1.2 The report sets out the revisions that will be made to the current BLR as a result of changes to the planning status of existing sites. It also identifies further sites that will be added to the BLR.

**2. Decision(s) Recommended**

- 2.1 That as part of the review of the Solihull Brownfield Land Register:
- (a) The entries on the current Register be updated to reflect the changes set out in Appendix A; and
  - (b) The sites identified in Appendix C of this report be added to Part 1 of the Register.

### 3. Matters for Consideration

3.1 A BLR is a list of previously developed sites that are potentially suitable for residential development and it is to be kept in 2 parts:

- Part 1 includes all sites categorised as previously developed land which are considered suitable for residential development.
- Part 2 allows Local Planning Authorities (LPAs) to select sites from Part 1 and grant “permission in principle” (PiP) for housing led development. PiP will establish the fundamental principles of development in terms of the use, location and amount of development. In some respects it is similar to an outline consent, however, planning permission does not exist until a later Technical Details Consent (TDC) is applied for and approved.

3.2 Sites are required to meet to meet the Government’s definition of previously developed land as set out in the glossary at Annex 2 of the [National Planning Policy Framework \(NPPF\)](#), which is:

*“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (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 was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as 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.”*

3.3 Previously developed sites in the Green Belt may be considered if they meet the criteria.

3.4 Land is only included on the Register if it meets the definition and is considered suitable, available and achievable as defined by the [Town and Country Planning \(Brownfield Land Register\) Regulations 2017](#) (the Regulations) as follows:

Suitable:

- Land which has planning permission, a grant of planning permission in principle or allocated in a local development plan document for residential development.
- In the opinion of the LPA is appropriate for residential development having regard to impact on the natural and built environment, local amenity and any representations received.

Available:

- The owner / developer has expressed intention to sell or develop the land
- There are no other issues relating land ownership or other legal impediments

which may prevent development.

Achievable:

- Development is likely to take place within 15 years.

- 3.5 However, entry onto Part 1 of the Register does not guarantee that a site would progress to Part 2 of the Register or receive planning permission.
- 3.6 The first Solihull BLR was published in April 2018. It was informed by a specific and targeted brownfield land 'Call for Sites' exercise, as well as utilising existing sources of information such as the most recent Strategic Housing and Employment Land Availability Assessment (SHELAA), and additional sites promoted through the Local Plan Review process. An examination of the planning register was also undertaken to identify all brownfield sites with an unimplemented extant planning permission for residential development.
- 3.7 Given the importance of establishing a full and comprehensive list of suitable brownfield sites for Part 1 of the Register, particularly in the context of the current review of the Local Plan, no sites were put forward for inclusion on Part 2 of the BLR.
- 3.8 In the interests of consistency and to ensure that information is standardised, all Local Authorities are required to publish brownfield land data to an agreed format, containing pre-determined data fields. Up until October 2019, a site was removed from the BLR once it had been developed or was no longer considered to meet the definition of brownfield land. However, guidance now requires that if the site no longer needs to be listed, it should remain on the register for historical reasons and not be deleted.
- 3.9 In such cases an additional 'end date' data field should be completed which shows the date the site was developed or no longer meets the requirements for inclusion on the Register.

#### **4. Solihull Brownfield Land Register Update**

- 4.1 This is the fourth update of the Solihull BLR.
- 4.2 The Council's approach to updating the BLR has been as follows:
- Use the current BLR as the starting point for the review;
  - Keep all existing sites on the BLR, noting where there has been a change in circumstances which will require amendments to be made. This includes the completion of an 'end date' for sites that have an implemented planning permission or no longer meet the requirements to be included on the Register
  - Assess any new sites that have been submitted for inclusion on the BLR since its last publication;
  - Assess any new sites that have been promoted through the Local Plan Review process that have not already been considered;
  - Review the planning register to identify any new brownfield sites with an

unimplemented extant planning permission for residential development.

- 4.3 The Council has not undertaken a specific 'call for brownfield sites' exercise for this update as there is now more general awareness of BLRs along with the opportunity to submit sites at any point. Furthermore, publicity around the Local Plan review process has incentivised the submission of sites. Consequently, there will be no Part 2 of the Register at this stage, but a continued focus on ensuring a comprehensive Part 1 Register.
  - 4.4 Taking the existing BLR as the starting point, a total of 68 sites meeting the requirements are included on the Register. They yield an estimated capacity of between 1068 and 1876 dwellings.
  - 4.5 Having reviewed these sites, a total of 22 have had a change in their planning status (e.g., a planning permission that has now been implemented). The BLR will need to be updated accordingly, although they will remain on the register with an 'end date'. This reflects that the site has been developed or is no longer considered to meet the requirements for inclusion but should remain on the Register for information purposes. The capacity of these sites will no longer be counted and the capacity that will be removed as a result of this BLR update will be 321 dwellings.
  - 4.6 A summary of changes to the entries on the existing BLR is provided at Appendix A.
  - 4.7 Whilst a targeted call for Brownfield sites has not been specifically undertaken for this current review of the BLR, stakeholders are free to suggest sites for specific inclusion on the Register at any time. One site has been submitted for inclusion since the last update. The site has been assessed, firstly to determine whether it falls within the NPPF definition of previously developed land and secondly to establish if the site is suitable, available and achievable as defined by the Regulations. The assessment is provided at Appendix B and concludes that the site does not meet the requirements to be included on the BLR.
  - 4.8 All sites that have been promoted for inclusion in the Council's Local Plan Review have previously been assessed and where these have been considered suitable, they are already on the BLR. No new sites have come forward since the last BLR update.
  - 4.9 Finally, having examined the planning register since the last update of the BLR, a further 37 sites with an unimplemented extant planning permission for residential development, which meet the definition of previously developed land, have been identified. As part of this update, these will be added to the BLR as their suitability for residential development has already been established through the planning application process. These sites are identified in Appendix C and if implemented they would yield a total capacity of 570 dwellings.
- 5. What options have been considered and what is the evidence telling us about them?**
- 5.1 No other options have been considered as Local authorities must maintain and update

their Brownfield Land Register.

## 6. Reasons for recommending preferred option

- 6.1 The Council's first BLR was published in April 2018 following completion of non-statutory additional steps, including a specific 'call for brownfield sites' exercise and consultation on a draft Register. As a result, the Council carried out a meaningful and robust exercise to identify suitable, available and achievable brownfield land. This was appropriate as it was the first BLR to be published.
- 6.2 A lighter touch approach to reviewing the register is considered a proportionate and balanced approach, especially for the first few annual reviews and given that new sites have been submitted and identified as part of the current review of the Local Plan. Periodically it may be appropriate to repeat the additional non-statutory steps to add value to future reviews, but this is not considered necessary for this update.

## 7. Implications and Considerations

- 7.1 State how the proposals in this report contribute to the priorities in the [Council Plan](#):

Priority:	Contribution:
<p>People and Communities:</p> <ol style="list-style-type: none"> <li>1. Improving outcomes for children and young people in Solihull.</li> <li>2. Good quality, responsive, and dignified care and support for Adults in Solihull when they need it.</li> <li>3. Take action to improve life chances and health outcomes in our most disadvantaged communities.</li> <li>4. Enable communities to thrive.</li> </ol>	<p>The identification and redevelopment of brownfield sites can help to bring more land forward for meeting development needs and/or secure better development outcomes for local communities.</p>
<p>Economy:</p> <ol style="list-style-type: none"> <li>5. Develop and promote the borough's economy, with a focus on revitalising our town and local centres.</li> <li>6. Maximising the opportunities of UK Central and HS2.</li> <li>7. Increase the supply of affordable and social housing that is environmentally sustainable.</li> </ol>	<p>Brownfield land can make an important contribution towards the supply of land to accommodate the borough's housing needs. The BLR will complement and operate alongside the existing local plan processes for identifying sites that are suitable for housing</p>
<p>Environment:</p> <ol style="list-style-type: none"> <li>8. Enhance our natural environment, improve air quality and reduce net carbon emissions.</li> </ol>	<p>To ensure that Green Belt release is kept to a minimum, the review of the BLR demonstrates that the Council is seeking to exhaust all opportunities to identify</p>

Priority:	Contribution:
	brownfield land that is suitable, available and achievable.
9. Promote employee wellbeing	N/A

## 7.2 Consultation and Scrutiny:

7.2.1 There is no statutory requirement for consultation at this stage. The BLR has not been reviewed by the relevant Scrutiny Board.

## 7.3 Financial implications:

7.3.1 The costs of staff time are met through existing budgets.

## 7.4 Legal implications:

7.4.1 The LPA is required to maintain and update its BLR.

## 7.5 Risk implications, including Risk Appetite:

7.5.1 None identified.

## 7.6 Equality implications:

7.6.1 None as a direct result of this report.

7.7 Linkages to our work with the West Midlands Combined Authority (WMCA), Local Enterprise Partnership or the Birmingham & Solihull Integrated Care System (ICS):

7.7.1 None as a direct result of this report.

## 8. List of appendices referred to

8.1 Appendix A – Summary of changes to the entries on the existing BLR.

8.2 Appendix B – Assessment of new BLR Site Submission.

8.3 Appendix C - New sites from the Planning Register to be added to the BLR.

## 9. Background papers used to compile this report

9.1 None

## 10. List of Other Relevant Documents

10.1 [National Planning Policy Framework](#)

10.2 [Town and Country Planning \(Brownfield Land Register\) Regulations 2017](#)