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1 Introduction

- 1.1** The Town and Country Planning (Brownfield Land Register) Regulations came into force in April 2017 and require each local planning authority to prepare and maintain a Brownfield Land Register. The purpose of the register is to provide up-to-date and consistent information on previously developed land that the local authority considers to be appropriate for residential development. The register comprises of two parts: Part 1 includes all brownfield sites considered suitable for residential development and Part 2 is for sites which have been granted (planning) permission in principle.
- 1.2** To accompany the legislation, the Government published guidance on preparing and publishing brownfield land registers and a data standard on 28 July 2017.
- 1.3** For the purposes of the register, brownfield land is the same as the definition of previously developed land set out in Annex 2 of the National Planning Policy Framework (NPPF):
- 1.4** *“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”.*
- 1.5** Local authorities are required to update the information relating to each entry and review the sites on their registers at least once a year, and are encouraged to conduct more frequent updates of the register where they wish to so do.
- 1.6** The register is made up of two parts, with Part 2 being a subset of Part 1. Part 1 comprises all brownfield sites that the council has assessed as appropriate for residential development and could include sites with or without planning permission.
- 1.7** Part 2 identifies sites that the local authority has decided should be granted (Planning) Permission in Principle (PiP) for residential development. PiP is an alternative route to obtaining planning permission which separates “in principle” matters, such as use and location, from technical details, which are left to be agreed later. The theory is that this will provide greater certainty earlier on in the planning process, making it easier for developers to commit resources to a scheme in the knowledge that the principle of development has already been established and they only need to agree the details.

2 Sites included on Oldham's Register

- 2.1** The regulations state that the register must include all parcels of brownfield land of at least 0.25 hectares in size or capable of supporting at least 5 dwellings, that the council considers suitable and available for residential development and that is considered achievable (see 2.2 below). Sites below these thresholds can also be included on the register at the discretion of the local authority.
- 2.2** Regulation 4 of the Brownfield Land Register Regulations 2017 states that sites on the brownfield register must be:
- **Suitable** for residential development (which includes any site which: has been allocated for housing in the Local Plan; has planning permission for housing; or is, in the opinion of the council, appropriate for housing having regard to any adverse impact on the natural or local built environment (including heritage assets), local amenity and any representations received).
 - **Available** for residential development, which means there is known landowner or developer interest, or the council considers there are no issues relating to ownership or other legal impediments that might prevent residential development.
 - **Achievable** where the council considers that residential development is likely to take place within 15 years of the entry date on the register.
- 2.3** As the sites to be included are only those that are considered to meet the criteria set out in Regulation 4, the council has decided to identify the following categories of brownfield land for the register:
- Sites that have, or have previously had, planning permission for residential development for at least five dwellings ⁽¹⁾. (as of the base date of the latest Strategic Housing Land Availability Assessment - SHLAA);
 - Other sites without residential planning permission which have been identified as “suitable”, “available” and “achievable” in a published SHLAA or partial update of the SHLAA.
- 2.4** For each site on the register, the minimum net number of dwellings that the site should support needs to be identified. For sites with a current or previous planning permission, this has been given as the number of homes approved as part of that permission. On sites without planning permission, the number stated is that published in the latest SHLAA. The capacity will be reviewed following the findings of any review of the SHLAA and any changes in density assumptions.
- 2.5** It should be recognised that the brownfield register only presents a partial picture of the amount of brownfield land in Oldham. This is both because of the requirements to meet the criteria set out in Regulation 4 (for example, this excludes sites which may be suitable but where it is not known if the land is available) and because of the strict requirement to identify sites which are wholly brownfield. Sites which include a mix of

1 As per updated guidance published in October 2019 by MHCLG, sites that have previously been included as having planning permission or which have been granted planning permission since the publication of the 2019 Brownfield Register, but which are now under construction (as at 1 April 2020) remain on the register, and once built out, the 'end date' column will be completed. Once these sites have been completed they will no longer be considered “available” for the purposes of the register

brownfield and greenfield land have therefore not been included on the register. The SHLAA will continue to remain the comprehensive assessment of future housing land supply.

2.6 Updated guidance was published in October 2019 which set out updated requirements for the register (data standard) ⁽²⁾ The main updates were as follows:

- any new brownfield sites should be added as a new row to the published CSV file. If a site is no longer considered brownfield land (i.e. has been built out for housing or other uses), do not delete this entry but fill in the “EndDate” field;
- new guidance on publishing the data, including uploading the register as open data to the government website; and
- several columns within the register CSV file have been amended or have been removed from the specification.

2 'Publish your brownfield land data' - Updated guidance October 2019:
<https://www.gov.uk/government/publications/brownfield-land-registers-data-standard/publish-your-brownfield-land-data>.

3 Part 2 of the Brownfield Land Register

3.1 The council does not propose to progress Part 2 of its brownfield register at this time.