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Brownfield Land Register – Consideration of the need for a Strategic Environmental Assessment (SEA)

Introduction

This note considers whether there is a need for a Strategic Environmental Assessment (SEA) of the Brownfield Land Register (BLR).

The Register, in effect, takes the form of a spreadsheet and includes information required by the legislation and its defined 'data standard', including but not limited to, the site name and address, its size, ownership status, planning status, site information and potential number of dwellings. The Register is supported by site location plans.

The Register consists of two parts. Part 1 is a comprehensive list of brownfield sites across the District that are considered suitable for residential development regardless of their planning status. Part 1 of the Register will be reviewed each year to ensure that sites which no longer meet the criteria for inclusion are removed and so that new sites are assessed and entered if it is appropriate to do so.

Part 2 is a subset of Part 1 and will include only sites which the authority considers that 'Permission in Principle' (which is a new planning consent route) should be granted. The Town and Country Planning (Permission in Principle) Order 2017 provides that sites entered on Part 2 of the registers will be granted permission in principle. There is no obligation for the Council to grant 'Permission in Principle' (PiP) to sites identified within Part 1 by entering them on Part 2 of the Register. Land can only be considered for inclusion within Part 2 of the Register where it has been entered into Part 1. The Council are not yet in a position to complete Part 2 of the Register.

When is an SEA required?

The Planning Practice Guidance indicates that *“the preparation of brownfield land registers may require Strategic Environmental Assessment if a register is considered to be a plan or programme which sets the framework for future development consent for development which is likely to have a significant effect on the environment.*

Where this is the case, the proposed register may fall within the scope of the Environmental Assessment of Plans and Programmes Regulations 2004. Local planning authorities are strongly encouraged to consider the environmental implications of registers at an early stage, and to consider whether the Environmental Assessment of Plans and Programmes Regulations 2004 are likely to apply. Where a local planning authority considers that the Environmental Assessment of Plans and Programmes Regulations apply, the Strategic Environmental Assessment is likely to be limited in scope, and it may be appropriate to use assessments undertaken during the preparation of relevant development plan documents.

A further environmental assessment may only be needed when registers are reviewed if it is considered that the addition of new sites would lead to significant effects on the environment, taking into account cumulative effects. These decisions will be for local authorities to make, taking into account the particular circumstances. (Paragraph: 022 Reference ID: 59-022-20170728)

Scope of sites included in the BLR

Rother District Council (RDC) is required to produce and publish the BLR. Sites included on the Register meet the respective criteria set out in the Regulations, and are categorised under the following headings:

- Sites which already have extant planning permission;
- Sites that were extant permissions on or after 2011¹ which have recently lapsed planning permission (for no longer than 5 years);
- Sites covered by existing extant allocation policies contained in the 2006 Local Plan,
- Sites that are allocated in the draft Development Plan (Development & Site Allocations Local Plan);
- Sites allocated in Made Neighbourhood Plans (5): Sedlescombe, Salehurst & Robertsbridge, Crowhurst, Rye and Ticehurst;
- Green and Amber sites in the Council's 2013 Strategic Housing Land Availability Assessment (SHLAA).

¹ The Base period for the Core Strategy Local Plan 2011-2028 as adopted in September 2014.

Only one site has been submitted to the Council for consideration of inclusion on the Brownfield Register (submitted in November 2017). The site was assessed as not suitable for residential development and therefore was not included on the register.

Is an SEA required for the BLR?

All sites included on the Register have been assessed through their own respective SEA process. For instance, sites allocated or proposed to be allocated in the Local Plan or Neighbourhood Plan and SHLAA sites are covered by the SEA of the respective Plan. Sites with either extant or recently lapsed permissions, would be covered through appraisals undertaken (if required) for each planning application. It is therefore considered that the sites included within the BLR are covered within the scope of existing SEA's and the BLR does not need its own assessment.

This position will remain under review for subsequent revisions of the BLR, especially in relation to the future development of Part 2 and the 'Permission in Principle' and where sites are submitted to us for consideration onto the BLR.

Reviewing the BLR

The BLR must be updated at least annually and the progress of development in relation to brownfield sites will be reviewed as part of the Local Plan Monitoring Report.

Conclusion

It is not considered that the Council's BLR falls within the scope of the Environmental Assessment of Plans and Programmes Regulations 2004 and therefore does not require its own SEA.

This is justified as the sites identified on the Register are not likely to have a significant effect on the environment beyond the assessments set out in each respective SEA (Local Plan SEA, Neighbourhood Plan SEA, and site specific assessments for planning applications). The decision that the Register does not require an SEA will be kept under review, especially in relation to undertaking Part 2 of the Register or where sites are submitted to us for consideration, and subsequently considered suitable for entry onto the BLR.