

# Brownfield Land Register Methodology - 2020

## What is the Brownfield Land Register?

The Brownfield Land Register (BLR) is a publicly available list of brownfield land that is suitable for housing, irrespective of the planning status of the land. Local Planning Authorities (LPAs) must update the BLR at least once a year. The BLR does not have material weight in the determination of planning applications, i.e. the existence of a site on the BLR does not increase the likelihood of securing planning permission.

[The Town and Country Planning \(Brownfield Land Register\) Regulations 2017](#) (hereafter 'the Regulations') set out detailed requirements for preparing, maintaining and publishing a BLR.

The BLR must be kept in two parts:

- Part 1 comprises all brownfield sites appropriate for residential development; and
- Part 2 comprises those sites granted permission in principle (PiP).

The decision to grant PiP is entirely down to the LPA. Islington's BLR does not currently grant PiP for any sites, meaning there are zero sites on Part 2 of the BLR.

The Government published updated guidance relating to the [Brownfield Land Registers Data Standard](#) on 31 October 2019, which sets out strict formatting requirements which all BLRs should adhere to, including this iteration. One of the main changes is that an 'EndDate' field has been added to the register. All sites are now expected to be retained on the register, to maintain a list of historic sites whether they are built out/completed, lapsed, superseded, or are no longer considered housing-led sites.

## What sites should be included in the Brownfield Land Register?

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

1. It has an area of at least 0.25 hectares or is capable of supporting at least 5 dwellings;
2. 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;
3. 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
4. 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.

For the purposes of the Regulations, residential development means development the main purpose of which is housing development, i.e. housing-led development. There are some sites – permissions, allocations and/or trajectory sites – which do not have a main purpose of residential development. These sites have not been included in the BLR. Further information on these sites is provided below.

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.

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.

[Planning Practice Guidance \(PPG\)](#) is clear that existing planning permissions and sites identified through the Strategic Housing Land Availability Assessment (SHLAA) are the starting point for compiling the BLR. In 2017, Islington 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 is primarily existing permissions and relevant allocated sites from the adopted Local Plan.

Several sites that do not have planning permission or are allocated are also included. These are:

- Sites that were submitted as part of the SHLAA call for sites;
- Large windfall sites that had no development potential when the current Local Plan was adopted (hence they are not allocated); and
- Sites that have come forward through the Council's New Build Programme.

It is considered that these sites meet the criteria in the Regulations, particularly that they are suitable for residential development having regard to potential adverse impact on the natural environment, the local built environment (including in particular on heritage assets); 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.

There are a number of extant permissions for five units or more which were not included in the SHLAA as the sites do not meet the SHLAA threshold of 0.25 hectares. These sites have been included in the BLR because they are capable of providing 5 units or more, and hence meet the threshold in the Regulations.

In preparing the BLR, officers monitored pending applications with a view to adding these into the BLR if they were permitted prior to the BLR being published. However, these pending applications have not been added to the BLR unless they have been permitted. For this iteration of the BLR the status of these pending applications was monitored until 31 March 2021. This date provided a cut-off for identifying completions in line with the requirement of the new data standard. 31 March was employed because this is also the cut-off date used for the council's annual housing starts and completions survey.

# Is a Strategic Environmental Impact Assessment required for the preparation of Brownfield Land Registers?

The PPG<sup>1</sup> notes that a BLR may require Strategic Environmental Assessment if it 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.

The council do not consider that this iteration of the BLR sets a framework for future development consent, as it has no material weight in the determination of planning applications (as there are no sites on Part 2 of the current iteration of the BLR and hence no sites which are granted PiP) or with regard to future site allocations (which must be adopted through the plan-making process).

Future iterations of the BLR may need to be screened for an SEA.

## Key issues for consideration

In preparing the BLR, the council has considered the relevant regulations in detail, as well as having regard to PPG. There are a number of aspects of the regulations and guidance related to the register that remain unclear. Where this is the case, the council have taken a reasonable interpretation of regulations and guidance to inform production of the BLR. Several key issues are discussed below:

### Meaning of the term 'allocate' in terms of Regulation 5 (2) (c) of the Regulations

The regulations use the terms 'allocate' and 'allocated' in different contexts. In the 'suitable for residential development' definition set out in Regulation 4, 'allocated' means identified as a potential development site in a local development plan document (as per section 37 of the Planning and Compulsory Purchase Act 2004).

However, the term 'allocate' used in Regulation 5 refers to the decision to put a site on Part 2 of the BLR. This interpretation is supported by Schedule 2 (4) of the Regulations which specify that, where a site is entered onto Part 2 of the BLR, the BLR entry for the site must contain the statement "allocated for residential development for the purposes of section 59A of the Town and Country Planning Act 1990 (permission in principle)".

It is important to clarify this potential confusion in terminology as Regulation 5 could potentially be read as requiring entry onto Part 2 of the BLR if a site is allocated in local development plan document, which is not the case. The decision to enter a site onto Part 2 is for the LPA alone<sup>2</sup>.

### Net versus gross

The Regulations and PPG are not clear about whether the 5 dwelling threshold for inclusion on the BLR refers to net or gross dwellings. Regulation 4 of the Regulations merely requires sites

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<sup>1</sup>Planning Practice Guidance, Brownfield land registers, Paragraph 022, available at: <https://www.gov.uk/guidance/brownfield-land-registers>

<sup>2</sup> Planning Practice Guidance, Brownfield land registers, paragraph 006 states that 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 development.

to be included if they have an area of at least 0.25 hectares or is capable of supporting at least 5 dwellings. This suggests the threshold is a gross figure.

However, Schedule 2 of the Regulations requires sites on the BLR to set out the minimum net number of dwellings which, in the authority's opinion, the land is capable of supporting.

This is an important distinction as there are several sites – all extant permissions – which are less than 0.25 hectares, and permit 5 or more dwellings gross but less than 5 dwellings net. Hence the decision to enter these sites onto the BLR hinges on whether we assume the 5 dwelling threshold is net or gross.

Islington have assumed that the Regulations refer to the gross figure in terms of assessing capability under Regulation 4. The council will monitor changes to guidance and other boroughs BLRs for best practice, and may revert to a net figure in future in terms of assessing sites against the Regulations.

### **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 floorspace on any given site (based either on a planning permission or capacity assumptions from a site allocation or SHLAA assessment). The Council are currently undertaking a review of the Local Plan which was submitted to the Secretary of State on 12 February 2020<sup>3</sup>. The Examination in Public (EiP) is in progress. The emerging draft allocations have informed the assessment of whether sites are housing-led where relevant.

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 floorspace for housing.

The following permissions and existing adopted site allocations meet the BLR thresholds set out in the Regulations (at least 0.25 hectares or capable of supporting at least 5 dwellings) but are not considered to be residential development (i.e. their main purpose is not housing development) and therefore have not been included on the BLR:

- Whittington Hospital Ancillary Buildings, allocation reference ARCH2 – the current site allocation is for residential-led development, but the site is now likely to come forward for social infrastructure and other uses including residential, and is therefore not likely to be housing-led. The emerging draft site allocation (reference ARCH4) proposes to allocate the site for the provision of health uses with an element of residential development. Part of the site also has planning permission (application ref: P2020/0687/FUL) for a mental health inpatient facility.
- Spring House, allocation reference HC2 – the current site allocation identifies potential for mixed-use redevelopment/refurbishment to provide education, office, retail and residential uses. This allocation is made up of several individual sites, of which two have been developed through office to residential permitted development rights. Spring House is the remaining part of the allocation which may be suitable for residential use, although it is noted

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<sup>3</sup> Further information can be found here: [https://www.islington.gov.uk/planning/planning-policy/local\\_plan\\_review](https://www.islington.gov.uk/planning/planning-policy/local_plan_review)

that the building is currently an education use so any redevelopment would likely be predominantly education-led. The emerging draft site allocation (also reference HC2) proposes to allocate the site for intensification of commercial/higher education uses.

- Highbury and Islington Station, allocation reference HC6 – commercial-led development with some residential uses. The emerging draft site allocation (reference HC3) also proposes allocation of the site for mixed-use commercial-led development, however does not reference residential uses. In addition, there are a number of ownership, technical and policy constraints which mean this site is unlikely to come forward in the period covered by the BLR.
- Royal Bank of Scotland, Regents House, 40-42 Islington High Street, allocation reference AUS2 – commercial-led redevelopment with an element of residential. In addition, this site is not considered achievable as it has been identified as a Crossrail 2 site and is not likely to come forward for redevelopment within the next 10 years. The emerging draft site allocation (reference AUS1) proposes to allocate the site for intensification of office uses with ground floor retail.
- Islington High Street/Chapel Market/White Lion Street, allocation reference AUS4 – this site is made up of a number of smaller sites and is not expected to come forward as one large site. Further, where smaller sites within the allocation come forward, they are likely to be commercial-led. There is also an issue about whether certain parts of the site are achievable due to potential Crossrail 2 works. Several of the sites are proposed to be allocated separately as part of the emerging draft site allocation (references AUS2, AUS3, AUS4 and AUS5). These allocations all prioritise intensification of office/business uses.
- 1-7 Torrens Street, allocation reference AUS6 – allocated for commercial-led development with an element of residential use. The emerging draft site allocation (reference AUS7) proposes to allocate the site for town centre commercial uses.
- City Barbican Thistle Hotel, Central Street, allocation reference BC5 – hotel-led redevelopment, with an element of residential use. The emerging draft site allocation (reference BC1) proposes to allocate the site for office-led mixed-use development.
- Angel Gate, Goswell Road, allocation reference BC48 – business/commercial-led redevelopment, alongside residential use. The emerging draft site allocation (reference BC28) proposes to allocate the site for office-led development.
- Cyma Service Station, 201A Seven Sisters Road, allocation reference FP6 – commercial/employment-led development with an element of residential use. The emerging draft site allocation (also reference FP6) proposes to allocate the site for office use.
- 11-13 Benwell Road, allocation reference HC4 – mixed-use redevelopment for business and residential uses. The emerging draft site allocation (reference NH6) proposes to allocate the site for retention and provision of office use with an element of residential use.
- Finsbury Park Core Site, allocation reference FP1 – the allocation covers four sites (A-D). Site A is permitted (application ref: P092492); a student accommodation development on site B (John Jones) has recently completed; and site D is not considered achievable for residential development, particularly the over-station element. Site C is the only part of the allocation with realistic potential for development. The emerging draft site allocation (reference FP2) proposes to allocate the site for mixed-use development including retail, business and residential uses.
- 176-178 York Way & 57-65 Randell's Road, allocation reference KC4 – there is an extant permission at 57-65 Randell's Road (application ref: P2015/2834/FUL) which is included separately in the BLR. Regardless, whether we consider the 176-178 York Way site in isolation or as per the boundary in KC4, it is no longer considered a housing-led site. The emerging draft site allocation (reference KC2) proposes to allocate the site (including 57-65 Randell's Road) for business-led mixed-use development.

## Sites allocated for housing in Local Plan

In addition to the non-housing-led allocations noted above, the following are sites which are allocated for housing (in some cases an element of housing) in the Local Plan that the council has decided not to include in the BLR<sup>4</sup> as residential use is no longer considered achievable and/or suitable:

- Gambier House multi-storey car park and Betty Brunker Hall, allocation reference BC11 – the allocation was included as it reflected plans for redevelopment at the time. However, the site is no longer expected to come forward for development.
- 68-86 Farringdon Road, allocation reference BC46 – The emerging draft site allocation (reference BC26) proposes to allocate the site for hotel and office development. Permission granted for hotel and office development with no housing (application ref: P2015/1958/FUL).
- Heywood House Hotel, 261 Camden Road, allocation reference NH11 - permission granted for refurbishment (application ref: P120773). Site considered unlikely to come forward for redevelopment.
- The boundaries of Archway Core Site (allocation reference ARCH1) have been amended to reflect changes since adoption of the allocation. The allocation covers the 'core' site and the 'island' site, but only the Vorley Road bus station part of the allocation has been included in the BLR. This is because the 'island site' is expected to come forward with commercial redevelopment, and the remaining parts of the 'core' site have already been permitted for residential and hotel uses. The emerging draft site allocation for the Vorley Road site (also reference ARCH1) proposes to allocate the site for residential-led development, therefore its continued inclusion in the BLR is warranted.

## Sites with an element of Greenfield

There are four permitted sites on the BLR with an element of greenfield land:

- King Square Estate & part of Moreland Primary School, Goswell Road, allocation reference BC4, permission reference P2014/5216/FUL;
- Kings Cross Triangle Site, York Way, allocation reference KC2, emerging draft site allocation reference KC1, permission reference P041261; and
- York Way Estate, emerging draft site allocation reference OIS27, permission reference P2021/0969/FUL.

Whilst these sites include an element of green space, we consider that they would all meet the definition of previously developed land set out in the National Planning Policy Framework (NPPF)<sup>5</sup>, and therefore should be included in the BLR. This is consistent with guidance set out in paragraph 011 of the PPG.

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<sup>4</sup> Sites which are allocated for housing in Local Plan which have already been completed are also not included.

<sup>5</sup>NPPF, Annex 2: Glossary, available from:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/740441/National\\_Planning\\_Policy\\_Framework\\_web\\_accessible\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf)

## **Non-self-contained units**

The Regulations and PPG are not clear about what type of housing should be included on the BLR. Generally residential use can be classified as self-contained (conventional) – houses and flats - or non-self-contained – such as student accommodation<sup>6</sup>.

Islington have assumed that the BLR relates solely to self-contained (conventional) dwelling, but will monitor changes to guidance and other boroughs BLRs for best practice, and may include non-self-contained accommodation in future.

## **Emerging allocations**

The majority of sites on the BLR are extant permissions or adopted site allocations but there are 16 sites which are not permitted or allocated. These sites were identified through the Council's Housing New Build Programme, SHLAA process and/or are large windfall sites that had no development potential when the current Local Plan was adopted (hence they are not yet allocated).

Islington Council is currently reviewing the Local Plan, with draft site allocations<sup>7</sup>, having been through multiple consultations. This includes the 16 sites noted above.

## **Schemes which only Partially Deliver within 15 Years**

To be included on the BLR, sites must meet certain criteria including the need to be 'achievable', meaning that, in the opinion of the LPA, the development is likely to take place within 15 years of the entry date on the BLR. However, the Regulations and PPG are unclear about the process for including sites which the LPA considers will only partially deliver within 15 years.

Islington have assumed that for such partially delivered sites, the associated level of housing – be that a range or a minimum net dwelling figure – should reflect only the number of dwellings which will come forward within the 15-year period, not the total number of dwellings which will come forward from the scheme in its entirety.

All sites on the fourth BLR are considered achievable.

## **Deliverable Sites**

The BLR must indicate whether relevant sites are deliverable, defined in the Regulations as a site where there is a reasonable prospect that residential development will take place on the land within 5 years (beginning with the BLR entry date). The NPPF July 2021 version stipulates in the glossary that the definition of deliverable means development must start within 5 years to be deliverable. This clears up previous ambiguity around the term deliverable.

For the purposes of the BLR, Islington have assumed that deliverable means that a site has an extant planning permission; or is not permissioned but is projected to start within 5 years of the BLR entry date. The Regulations do not specify whether the entry date is the date a site is first added or last updated. The Council consider that the last updated date is more appropriate, as it allows judgement of deliverability to be made as part of each iteration of the register.

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<sup>6</sup> The definition used by the Government for statistical purposes is set out here:

<https://www.gov.uk/guidance/definitions-of-general-housing-terms>

<sup>7</sup> Set out in the draft Site Allocations DPD and the draft Bunhill and Clerkenwell Area Action Plan, available here:

[https://www.islington.gov.uk/planning/planning-policy/local\\_plan\\_review](https://www.islington.gov.uk/planning/planning-policy/local_plan_review)