

Notice of Non-key Executive Decision

Subject Heading:	Havering Brownfield Land Register - Update (2019)
Cabinet Member:	Councillor Damian White Leader of the Council
SLT Lead:	Caroline Bruce - Interim Director of Neighbourhoods
Report Author and contact details:	Emma Clay Interim Senior Planning Policy Officer Tel: 433854 E-mail: Emma.Clay@havering.gov.uk
Policy context:	The Housing and Planning Act (2016) The Town and Country Planning (Brownfield Land Register) Regulations (2017) The Town and Country Planning (Permission in Principle) Order (2017) Planning and Compulsory Purchase Act (2004) National Planning Policy Framework (2018) London Plan (2016 - Consolidated with alterations since 2011) Proposed Havering Local Plan (Submission 2018)
Financial summary:	There is no significant financial implication.

Non-key Executive Decision

Relevant OSC:	Towns and Communities
Is this decision exempt from being called-in?	<i>No</i>

The subject matter of this report deals with the following Council Objectives

- ✓ Communities making
Havering
- ✓ Places making
Havering

- ✓ Opportunities making
Havering
- ✓ Connections making
Havering

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

The preparation, maintenance and publication of the Brownfield Land Register is a legal requirement introduced by the Housing and Planning Act 2016, with the statutory process set out in the Town & Country Planning (Brownfield Land Register) Regulations 2017.

This report seeks approval for the changes made to the original list of sites Havering published in 2018 as Part 1 of its Havering Brownfield Land Register.

Recommendation

1. **Agree** to the changes made to the list of sites (located in Appendix 1) to be published as the London Borough of Havering Part 1 Brownfield Land Register.

AUTHORITY UNDER WHICH DECISION IS MADE

On January 17 2018 Cabinet **RESOLVED** to:

- (i) Delegate authority to the Assistant Director of Development following consultation with the Cabinet Member for Housing, to sign off, review and maintain the London Borough of Havering's Part 1 Brownfield Land Register

Part 3 – Responsibility for Functions

3.3 Powers of Members of the Senior Leadership Team

Members of the Senior Leadership Team (SLT) have delegated authority to act as follows within the assigned service service/portfolio of responsibilities, subject to the general provisions and limitations set out in section 3.1 above.

General powers

- (a) To take any steps necessary for proper management and administration of allocated portfolios.
- (b) To exercise all the powers delegated to them personally and those powers delegated to Second Tier Managers and other staff members in their directorate where circumstances require and so far as legally permissible. Exercise of such powers should be recorded where appropriate. Where possible, a SLT member should give notice to a relevant staff member that he or she intends to exercise a specified power that is delegated to that staff member.

STATEMENT OF THE REASONS FOR THE DECISION

1. On January 17 2018 Cabinet **RESOLVED** to:
 - (i) Delegate authority to the Assistant Director of Development following consultation with the Cabinet Member for Housing, to sign off, review and maintain the London Borough of Havering's Part 1 Brownfield Land Register.
2. Since January 2018 there have been a number of changes to the site list included in Part One of the Havering Brownfield Land Register, that was included at the time of the Cabinet report and the Register needs updating.
3. The Town and Country Planning (Brownfield Land Register) Regulations 2017 require Local Authorities to publish a Brownfield Register annually. This needs to be published on the Council website.
4. The Cabinet report in January 2018 set out a proposed list of sites to be included in the Havering Brownfield Land Register. The now revised list needs to be published as the original list of sites have changed due to some sites obtaining planning permission, planning permissions being implemented and new sites being identified as part of the planning process.

OTHER OPTIONS CONSIDERED AND REJECTED

The option of doing nothing (not publishing the Brownfield Register sites was rejected because it is a statutory requirement for the Council to prepare, maintain and publish annually a register of suitable brownfield sites.

PRE-DECISION CONSULTATION

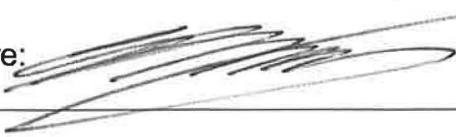
Non-key Executive Decision

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Emma Clay

Designation: Interim Senior Planning Policy Officer

Signature:

A handwritten signature in black ink, appearing to be 'Emma Clay', written over a light grey horizontal line.

Date: 6 March 2019

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Town and Country Planning (Brownfield Land Register) 2017 Regulations (the "Regulations") place a duty on local planning authorities which have responsibility for housing development in their area, to prepare, publish and maintain a register of previously developed land (known commonly as brownfield land) which is suitable for residential development.

The Regulations are made under section 14A of the Planning and Compulsory Purchase Act 2004 of the 2004 Act, inserted by section 151 of the Housing and Planning Act 2016.

The Regulations make provision for two Brownfields Registers, known as Part 1 and Part 2. A Part 2 list is not a compulsory requirement. The January 2018 Cabinet report states that the Council do not intend to publish a Part 2 list.

However in accordance with the Regulations, the Council is required to publish a Part 1 Brownfield Land Register by 31 December 2018. Although there currently are no sanctions in place for local authorities who miss this deadline, it cannot be ruled out that sanctions will be imposed at a later stage.

Officers correctly recommend that the changes to be made to the list of sites (located in Appendix 1) to be published as the London Borough of Havering Part 1 Brownfield Land Register.

FINANCIAL IMPLICATIONS AND RISKS

The Council was provided funding (circa £0.015m) in 2017/18 by the Ministry of Housing, Communities and Local Government (MHCLG) to aide with fulfilling the statutory requirements.

MHCLG have committed to future years funding to maintain the Register and will advise of the funding amounts in due course.

Maintenance and publication of the Register will be completed within the available funding envelop.

There are no further financial risks to this decision.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

There are no direct HR implications.

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The Havering Brownfield Land Register will need to be reviewed annually (as a minimum). It is anticipated that this work will be undertaken by existing staff resources.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

There are no equalities implications arising from this decision.

BACKGROUND PAPERS

None

Non-key Executive Decision

Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me as Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker

Signed



Name: Councillor Damian White

Cabinet Portfolio Held: Leader of the Council

Date: 15/03/19

Lodging this notice

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Democratic Services Officer in Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on 18/3/19.

Signed 