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Guidance on Permission in Principle and Brownfield Registers of Land

Wildlife and Countryside Link brings together 46 environment and animal protection organisations to advocate for the conservation and protection of wildlife, countryside and the marine environment. Our members practice and advocate environmentally sensitive land management, and encourage respect for and enjoyment of natural landscapes and features, the historic and marine environment and biodiversity. Taken together we have the support of over eight million people in the UK and manage over 750,000 hectares of land.

Link recognises that redeveloping brownfield land can provide opportunities for sustainable development, reduce pressure on the Green Belt and other undeveloped land, and offer chances to promote economic regeneration. However, some brownfield land provides havens for wildlife, supporting some of the UK's most scarce and threatened species, as well as being of archaeological significance. In many cases, brownfield land provides the last 'wild space' in urban areas for local communities, allowing people to access nature and, consequently, improving health and well-being.

This short guidance will help planning authorities identify suitable brownfield land for development, building on the criteria set out in regulation 4 of the Town and Country Planning (Brownfield Land Register) Regulations 2017¹ and the need to have regard to the development plan, national policies and advice, and government guidance. This will ensure that the most valuable brownfield land for people and wildlife remains safeguarded from development, and brownfield sites with more complex environmental considerations go through the normal planning route.

When is land not suitable for entry on brownfield registers?

We believe that land of high environmental value is not suitable for entry on brownfield registers.

Brownfield land should be considered of high environmental value if:

- It contains priority habitat(s) listed under Section 41 of the Natural Environment and Rural Communities Act, 2006.
- It holds a nature conservation designation (including Sites of Special Scientific Interest, Special Protection Areas, Special Areas of Conservation and Ramsar sites²).
- It has been selected as a Local Wildlife Site.
- Its development would adversely impact on irreplaceable habitats such as ancient woodland and aged and veteran trees.

If any proposed site contains an area of high environmental value then it may be possible to exclude that part of the site from the land entered on to the brownfield register, so long as it can be demonstrated that the proposed development will not have indirect adverse impacts on the environmental interest of the excluded land.

In addition, to those interests listed above, land would not be suitable for entry on brownfield registers where its development is likely to have an indirect adverse effect on a site designated or selected for nature conservation (including Sites of Special Scientific Interest, Local Wildlife Sites, Special Protection Areas, Special Areas of Conservation and Ramsar sites²) which cannot be mitigated by standard approved measures (see further guidance below on how environmental mitigation should be taken into account).

Land should also be considered unsuitable if it has the potential to include archaeological interest, and the appropriate archaeological assessment and evaluation (in accordance with paragraph 128 of the

¹ <http://www.legislation.gov.uk/uksi/2017/403/regulation/4/made>

² The NPPF, paragraph 118, bullet 6 provides a list of wildlife sites which should be given the same protection as European sites.



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National Planning Policy Framework) has not been carried out, or has demonstrated that the land is not suitable for development.

When is a site **not** suitable for permission in principle?

Sites with brownfield land of high environmental value should **not** be considered suitable for permission in principle (see definition above). In addition, sites with complex environmental issues, which will require substantial information upfront to determine adverse impacts (such as detailed ecological survey work), are unlikely to be suitable for permission in principle. Such sites may include, but are not limited to, those where the development would require an Environmental Impact Assessment or an Appropriate Assessment (under the Habitats Regulations).

If there is any uncertainty with regard to future environmental impacts, then the site is not suitable for permission in principle.

How should environmental mitigation be taken into account?

Mitigation proposed to avoid or minimise adverse impacts, and hence make a site suitable for inclusion on brownfield registers and permission in principle, should be modest in scope or so plainly and easily achievable that it is possible to reach a conclusion that there is no likelihood of significant environmental effects without detailed assessment.

Mitigation that is uncertain, new, or untested, should not be relied upon to inform decisions on permission in principle.

What information should brownfield registers of land include?

Registers should make use of the notes column prescribed by DCLG's data considerations document³, to record information on:

- Site constraints (see proposed list of data sources below);
- Likely impacts and measures proposed to avoid, mitigate or as a last resort compensate impacts.
- Any additional supporting information or assessments needed at technical details consent stage.

We also strongly recommend that an Annex of Rejected Sites (including the reasons for rejecting sites) is included alongside the main Brownfield Register of Land. This is important to provide transparency in decision-making for developers, the public and others. Site post-codes and / or maps of sites would be helpful for those reviewing site information. Additionally, within the map of the register, designated sites should be clearly shown.

A list of proposed datasets is provided below. We strongly recommend that local environmental data/records are used alongside open access datasets such as MAGIC, which would not hold local data, including, for example, confidential species records.

- Local Environmental Records Centres – see Association of Local Environmental Records Centres
- Local Wildlife Site Partnerships – see individual regional partnerships
- MAGIC - See <http://www.natureonthemap.naturalengland.org.uk/>
- Open Mosaic Habitat Inventory - <https://data.gov.uk/dataset/open-mosaic-habitat-draft1>
- Ancient Woodland Habitat Inventory – http://www.gis.naturalengland.org.uk/pubs/gis/tech_aw.htm
- Ancient Tree Inventory - <http://www.ancient-tree-hunt.org.uk/>
- Buglife Brownfield Hub – <https://www.buglife.org.uk/brownfield-hub>



³ <https://www.gov.uk/government/publications/brownfield-land-registers-data-standard>