Consultation: Land Remediation Relief

CPA Response to Land Remediation Relief

Thank you for the opportunity to respond to this consultation. Whilst we understand you particularly hope for responses from developers and other businesses; we think it is essential that you also hear the community view.

We welcome the focus on incentivising the regeneration of brownfield land and reducing the pressure to develop greenfield sites and we would be keen to see the brownfield first approach mandated in policy (it is currently possible to propose developments on greenfield and Green Belt land, even where there is significant suitable, available and achievable[1] previously developed land in district Strategic Housing and Employment Land Availability Assessments - SHLAAs/SELAAs).

In reviewing the effectiveness of Land Remediation Relief (LRR), we hope that you will simplify the process and limit the number of conditions (but not the exceptions) to maximise the opportunities for companies to make valid claims.

The definition of derelict land, for example, as the earlier of either the acquisition date or 1st April 1998, should be updated. If the land has not been in productive use for 5 years or more, it should be considered derelict. The 5-year figure should not be a static figure, but a 5 year period prior to the date of the application for relief.

The 'continuous use' requirement, which disqualifies land from LRR that has been in productive use for more than seven days a year, should also be reconsidered. The land may have been in productive use as a temporary car park, for example, but that does not mean that it should be disqualified from being considered for relief to make the land suitable for other purposes, particularly housing.

Paragraph 1.10 of your document suggests that the number of claims per annum is consistently less than 2,000. Given that CPRE's State of Brownfield Report 2022[2] suggests that there are over 23,000 sites nationwide, it would take over 11 years to address claims for all those sites. The table on page 2 of that CPRE report is replicated below, to provide an indication of the amount of land available and how that has changed over time (your question 10).

Year	Number of sites	Hectares	Number of housing units
2022	23,002	27,342	1,232,592
2021	21,566	26,256	1,162,969
2020	20,750	24,684	1,061,346
2019	18,277	26,002	1,077,292
2018	17,656	28,349	1,052,124
Difference (2018 – 2022)	**30%**	**-4%**	**17%**

The median claim figure of £1,700 seems very low, considering the cost of remediation.

The process of claiming relief should be simplified, digitised and automated to reduce the risks of errors and to minimise the opportunities for abuse or fraud (which should be severely and publicly penalised).

We would also like to encourage an update to the process of producing and publishing brownfield registers. Some of the communities on our map[3] have examined their local brownfield registers in detail. Many are identifying sites that are not on the register.

As an example, one group told us that, having shared their findings relating to the local brownfield register with the Council, they received feedback on each suggested additional site. Some of that feedback was very concerning. The Council suggested, for example, that a long disused public house was still in business, that an abandoned commercial site (that had been used by travellers) was still in business and that '*housing adjacent to industrial uses has potential to cause amenity issues*' (rather than considering that jobs near to housing is a sustainable solution). Given the amount of brownfield land available in the area, this same Council unnecessarily released 169 hectares of Green Belt to build 5,000 homes and 350,000m2 warehousing. The location of this allocation is a peat moss (irreplaceable and restorable according to Natural England), adjacent to two medieval villages. It seems the amenity issues they mentioned do not apply when considering greenfield sites, rather than brownfield.

Brownfield registers should be broadened in scope as they are currently too prescriptive in terms of size and availability. They depend on developer promoted sites and do not encourage the proactive seeking of sites by local planning authorities or by residents. More should be done to ensure citizens are aware that there is a 'call for sites' in their area and communities should be more actively involved in the determination of sites to be included, even if they are not immediately set out in the SHLAAs/SELAAs. The 'call for sites' exercises should also be undertaken on a more regular basis, as sites which become available after the data collection period are omitted from the brownfield register until its next update (the SHLAAs/SELAAs could also be out of date). This results in the Authority underestimating the number of available brownfield sites, putting more pressure on greenfield land.

It should be noted that citizens are a largely untapped talent pool, with a huge interest in their local area. Community input is essential to ensuring brownfield registers are comprehensive, accurate and up to date. Many Council employees do not live in the area they work in, so do not have the local knowledge that residents can bring to the table.

We hope this response is helpful and look forward to more information about how you will accelerate the objective of boosting development on brownfield land.

Kind regards

Marj Powner

Vice Chair, Community Planning Alliance

About the Community Planning Alliance

The Community Planning Alliance is a national umbrella group for over 700 communities, all are campaigning against inappropriate development in their areas, and all disagree that decisions are being made in the 'public interest'. We have extensive knowledge and experience of the planning system, and our aims include seeking increased community participation, better environmental protections and the right homes and infrastructure in the right places.

[1] https://www.gov.uk/guidance/housing-and-economic-land-availability-assessment

[2] https://www.cpre.org.uk/resources/state-of-brownfield-report-2022/

[3] https://www.google.com/maps/d/viewer?ll=53.09020699042738%2C0.6188019078278728&z=7&mid=1nFg3i1Ft5-K4LadaEMCb0wr17-I33Kk