



EAST STAFFORDSHIRE BOROUGH COUNCIL

REPORT COVER SHEET

Title of Report:	Brownfield Regeneration Framework 2024	To be marked with an 'X' by Democratic Services after report has been presented
Meeting of:	Corporate Management Team 15 May 2024	
	Pre-cabinet 23 May 2024	
	Leader's Advisory Group 30 May 2024	
	Leader of the Opposition's Advisory Group 5 June 2024	
	Cabinet 17 June 2024	
	Scrutiny Community Regeneration Committee [DATE]	



<p>Is this an Executive Decision:</p>	<p>YES</p>	<p>Is this a Key Decision:</p>	<p>NO</p>
<p>Is this in the Forward Plan:</p>	<p>YES</p>	<p>Does this report contain Confidential or Exempt Information:</p> <p>If the report Contains Confidential Information, please provide reason.</p> <p>If the report contains Exempt Information, please state the relevant paragraph from Schedule 12A LGA 1972:</p>	<p>Yes – Appendix 1 – Section 7, which has been re-dacted.</p> <p>[]</p> <p>Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information).</p>



Essential Signatories:

ALL REPORTS MUST BE IN THE NAME OF A HEAD OF SERVICE

Monitoring Officer: **John Teasdale**

Date Signature

Chief Finance Officer: **Lloyd Haynes**

Date Signature

EAST STAFFORDSHIRE BOROUGH COUNCIL

Report to Pre cabinet

Date: 23 May 2024

REPORT TITLE: Brownfield Regeneration Framework 2024
PORTFOLIO: Regeneration and Development
HEAD OF SERVICE: Thomas Deery
CONTACT OFFICER: Kelly Kerr-Delworth Ext. No. x1625
WARD(S) AFFECTED: Non-specific

1. Purpose of the Report

- 1.1. To consider the newly updated Brownfield Regeneration Framework 2024 and proposed approach to brownfield regeneration in East Staffordshire taking into account the renewed focus on social housing.
- 1.2. The Framework describes the principles through which the Council will support the regeneration of brownfield land and property and how it may undertake direct or indirect regeneration of these sites, delivering both affordable and social housing in the process.

2. Background

- 2.1. As part of the new administration's commitment to local communities and supporting the provision of social housing in the Borough, the approved 2022 Brownfield Regeneration Framework has been refreshed to include social housing whilst also continuing to consider the provision of affordable housing.

3. Contribution to Corporate Priorities

- 3.1. Standing up for our Communities.

Within the 2024/25 Corporate Plan (COM21), there is a commitment to identify at least one social housing regeneration project for funding through the application of the Brownfield Regeneration Framework 2024.

4. Brownfield Regeneration Framework 2024

- 4.1. The framework sets out the principles through which the Council will undertake, or facilitate, interventions that regenerate brownfield land and deliver quality places (affordable and social housing) through utilising S106 Commuted Sums or other funding sources, as appropriate.
- 4.2. The refreshed Brownfield Regeneration Framework 2024 takes account of the latest, relevant policy documents (The Housing Choice Supplementary Planning Document (2023) and latest legislation, updated and introduced since the last framework was approved (the latest National Planning Policy framework [updated] 2023 and the Levelling Up Regeneration Act [introduced in] 2023)
- 4.3. The National Planning Policy Framework defines types of affordable housing and this includes Social housing, which falls under “Affordable housing for rent”. Other types of affordable housing are starter homes, discounted market sales housing and other affordable routes to home ownership.
- 4.4. The Framework acknowledges the difficulties in bringing forward Brownfield sites for regeneration, and highlights how the Council is well placed to facilitate and enable the redevelopment of other providers, or by undertaking a more direct intervention whereby the Council leads on the regeneration of the site in question.
- 4.5. The Framework refers to the requirement for developers to pay the Council £40,000 per unit if they do not provide the required number of affordable housing units on their proposed development.¹
- 4.6. The funding is secured through a S106 agreement between the Council and the developer, with the funds being ring-fenced so that they can only be used to alleviate the housing needs of the Borough under the conditions of each agreement. Some agreements may have specific conditions attached to how, where or by when the funding should be spent.
- 4.7. Within the guidance section of the Framework detailing how Section 106 Commuted sums should be utilised, there is now reference made to Social as well as Affordable housing.
- 4.8. The Framework provides case studies on the use of Section 106 Commuted Sums for affordable housing within the Borough.

¹ The £40,000 per unit contribution is set by the Local Plan (2015) and can only be amended through the adoption of a new Local Plan.

6.3. **Negative** (Threats):

6.3.1. There are always risks associated with redeveloping brownfield sites due to the complexity of the site conditions, which are further described in the framework.

6.3.2. If the Council acquires contaminated land through this process, it becomes legally responsible for the remediation of that land, which is a risk that would be fully considered at the point of acquisition.

6.4. The risks do not need to be entered in the Risk Register. Any financial implications to mitigate against these risks are considered above.

7. **Legal Considerations**

This section has been approved by the following member of the Legal Team: Glen McCusker – Locum Solicitor and Deputy Monitoring Officer.

7.1. The main legal issues arising from this Report are as follows.

7.2. The up-dated Brownfield Regeneration Framework 2024, referred to in paragraph 4 above, takes into account existing local and national policy and legislation as appropriate, and provides guidance on bringing forward suitable brownfield land for re-development.

7.3. Planning Policy Guidance encourages the re-use of brownfield land for housing, provided such land is not of high environmental value.

7.4. Local Planning Authorities should also be pro-active in identifying and helping to bring forward land suitable for meeting development needs, including suitable brownfield sites, and may set targets for the re-development of these sites.

7.5. The National Planning Policy Framework, also provides guidance on the use of s106 Commuted Sums for the provision of affordable housing.

7.6. Legal Services will provide advice on the terms of any s106 Agreements, and the proper use of Commuted Sums for affordable housing on brownfield land. Advice will also be given for any associated planning considerations.

7.7. Separate and detailed legal implications will also be provided as part of the decision making process for each future scheme.

Equalities and Health

7.8. **Equality impacts:** The subject of this Report is a policy, strategy, function or service that is new or being revised. An equality and health impact assessment is attached as Appendix 2.

7.9. **Health impacts:** The outcome of the health screening question requires a full Health Impact Assessment to be completed. An equality and health impact assessment is attached as Appendix 2.

8. **Data Protection Implications – Data Protection Impact Assessment (DPIA)**

10.1. A DPIA must be completed where there are plans to:

- use systematic and extensive profiling with significant effects;
- process special category or criminal offence data on a large scale; or
- systematically monitor publicly accessible places on a large scale
- use new technologies;
- use profiling or special category data to decide on access to services;
- profile individuals on a large scale;
- process biometric data;
- process genetic data;
- match data or combine datasets from different sources;
- collect personal data from a source other than the individual without providing them with a privacy notice ('invisible processing');
- track individuals' location or behaviour;
- profile children or target marketing or online services at them; or
- process data that might endanger the individual's physical health or safety in the event of a security breach

10.2 Following consideration of the above, there are no Data Protection implications arising from this report which would require a DPIA.

9. **Human Rights**

9.1. There are no Human Rights issues arising from this Report.

10. **Environmental Impacts**

10.1. Does the proposal have any positive or negative environmental impacts? Yes

Consider impacts related to the Climate Change & Nature Strategy aims:

- Reducing greenhouse gas emissions (climate change mitigation)
- Preparing for future climate change (adaptation)
- Protecting and enhancing nature
- Using resources wisely and minimising waste and pollution

10.2. If so, are these impacts **significant**? Yes

(If No, the report author can complete paragraph 12.3. If Yes, the report should be forwarded to the Council's Climate Change and Adaptation Officers for enhanced consideration)

(note – a **significant** impact will likely result from any project, policy, procurement exercise or service change that has a direct or indirect effect on

energy or fuel use, water use, land use, other physical resource use, waste generation, pollution, regeneration or construction - If unsure contact the Council's Climate Change and Adaptation Officers)

10.3. Please detail the positive/negative environmental impacts and any mitigation:

10.3.1. Positive impacts (Benefits/Opportunities)

10.3.2. The redevelopment of brownfield sites typically results in a positive contribution to sustainability within the Borough.

10.3.3. Where the Council takes a direct approach through the framework, it has the ability to deliver development to a higher standard of sustainability.

10.3.4. Negative impacts (Threats/Mitigation)

10.3.5. Whilst the net impact of brownfield redevelopment is positive, the impact of demolition works specifically can be negative.

11. **Recommendation(s)**

11.1. To approve the Brownfield Regeneration Framework 2024, which supersedes the Brownfield Regeneration Framework 2022.

12. **Appendices**

12.1. Appendix 1 Brownfield Regeneration Framework 2024

12.2. Appendix 2: Equality and health impact assessment.