

Organisational response

Report title: Sustainable development? – making best use of brownfield land and empty buildings

Completion date: January 2024

Ref	Recommendation	Organisational response Please set out here relevant commentary on the planned actions in response to the recommendations	Completion date Please set out by when the planned actions will be complete	Responsible officer (title)
R1	<p>To enable stakeholders to assess potential sites councils should create a systematic process to find and publicise suitable sites for regeneration:</p> <ul style="list-style-type: none"> • this should draw on data already held by councils, as well as external data sources to develop a composite and more complete picture of sites; and • where known, key barriers should be named to help efforts to overcome them 	<p>Action</p> <p><i>Newport City Council will develop a Brownfield Land Register and will seek further guidance from Welsh Government to ensure consistency and avoidance of duplication with other existing policies / registers.</i></p> <p>Fundamentally, development in Newport is predominantly built on brownfield land. The latest Annual Monitoring Report confirmed that 91% of housing was developed on brownfield land in 2022/23. As a Local Authority we are already effectively implementing our sustainable development objective in respect of supporting the use of Brownfield Land. However it should also be noted that not all brownfield sites are in sustainable locations and allowing residential development on land in unsustainable locations is also contrary to the principles of sustainability. Welsh Government are clear that new housing should have access to public transport and community services. That is not always the case with brownfield land as it is not always confined to town or city centres.</p> <p>There can also be other constraints which cannot be mitigated through the development. For example, the latest version of the revised TAN 15 would not allow us to entertain residential uses in</p>	<p>Start Date – 1st January 2025</p> <p>Completion Date 30th April 2025</p>	<p>Head of Regeneration and Economic Development</p>

Flood Zone 3 areas, irrespective of what mitigation could be put in place to protect the individual site. Flood zone 3 affects large swathes of land in key cities such as Newport, Swansea and Cardiff and effectively sterilises land for the delivery of new housing. This has been made clear to Welsh Government and we await their revised draft of the TAN.

The principle of providing a brownfield land register is not opposed, although it is unclear where responsibility lies for holding and updating this register (Planning or Regeneration). This is not an issue for Newport City Council as both functions sit within the same portfolio. The format for this register should be clear in order to ensure consistency and useability across all Authorities. There are poor examples of such registers in England in terms of format and anything introduced in Wales needs to be meaningful. Guidance should be produced by Welsh Government, providing clear requirements for content in order to avoid duplicating information which is already publicly accessible. For example, planning policy is available online both at the local and national level along with identified constraints information.

Resource is an ongoing issue with difficulties in recruiting suitably qualified staff. Whilst we take an innovative approach to recruitment, there are already key pressures on the Planning and Regeneration Service as we are at critical points in the delivery of a number of important strategic documents, including the replacement Local Development Plan, Placemaking Plan, Cultural Strategy and Destination Management and

		Marketing Plan. The Replacement Local Development Plan is not due to be completed until 2026, but there may be some capacity to progress the brownfield site register through the regeneration team in early 2025, once the aforementioned strategies have been completed.		
R2	To help ensure that regeneration activity and the shaping of the environment is informed by the needs of communities Councils should increase opportunities for community-based involvement in regeneration, both in plan-making and actual development.	<p>No Further NCC action.</p> <p><i>No additional actions are required for reasons stated. Engagement and consultation is already embedded in the delivery of the planning and regeneration services.</i></p> <p>Consultation and community engagement is already at the heart of what we do, particularly in Planning and Regeneration. In respect of the replacement Local Development Plan, there is an approved Delivery Agreement with the Welsh Government which includes a Statement of Community Involvement and the requisite consultation requirements are prescribed in legislation. Notwithstanding this, the Authority already goes above and beyond what is stated as the minimum requirements in plan-making and takes the views of communities into account. For example, the consultation on the Preferred Strategy took place for 8 weeks, as opposed to the minimum of 6 weeks. We engaged Planning Aid to undertake a number of community events across the City to raise awareness and engage with residents on the Preferred Strategy. We also held drop in sessions and attended ward meeting in order to ensure that the consultation was well publicised and engagement was meaningful.</p>	Not Applicable	Head of Regeneration and Economic Development

		<p>In relation to strategic regeneration strategies and projects, public engagement and consultation is already an integral part of our process. For example, in the development of a new leisure and well-being centre, a public consultation exercise was undertaken and received over 1000 responses. 94% of people supported the delivery of a new facility and stated that their priority for the new centre would be a modern swimming pool which incorporated swimming for fitness as well as fun. This has been reflected in the design of the new facility.</p> <p>With regard to the proposed Placemaking Plan, an engagement strategy has been agreed with the consultants leading on this and involves a series of stakeholder engagement and focus group meetings. We are positively engaging with users and stakeholders of our city centre in order to ensure that we are aware of what matters to them, what impacts their use of the city centre and how we can shape and influence the centre to create a vibrant, attractive and cohesive environment.</p>		
R3	<p>To provide focus and impetus to developing brownfield sites Councils should review their current regeneration approaches and where appropriate set clearer, more ambitious regeneration policies and targets. Together these should:</p> <ul style="list-style-type: none"> • set out the approach and expectations of the council; 	<p>No Further NCC Action</p> <p><i>Policies and commitments are already clearly identified in the Corporate Plan, Local Development Plan and Service Plan. The completion of the Placemaking Plan will complement these strategies, alongside the replacement Local Development Plan. These documents will reflect the Council's approach</i></p>	Not Applicable	Head of Regeneration and Economic Development

- set out how their approach will be resourced; and
- set out how the approach aligns with national policy goals and regional planning priorities

and ensure alignment with national and regional policy.

Policies and commitments are already clearly identified in the Corporate Plan (Well-being Objective 1), Local Development Plan (Objective 1, Policies SP1, SP18, GP6, H9, and R1), and Service Plan (Objective 1, programmes, projects and actions). The completion of the Placemaking Plan will complement these strategies, alongside the replacement Local Development Plan. However until the issues around the proposed new TAN 15 are resolved, the extent to which any Local Authority impacted by flooding can be more 'ambitious' is yet to be determined and Welsh Government will need to decide which is the priority.

The suggestion that more ambitious targets should be set also ignores the issue of resources. This is fundamental to the ability of Local Authorities to become involved in unlocking and delivering on brownfield sites. Funding is a significant issue and without the availability of capital funding, or the ability to commit to significant borrowing, we are reliant on external funding sources. Welsh Government Transforming Towns funding is restricted to town/city centres only (in line with the Town Centres First principle). Social Housing Grant is available for Registered Social Landlords as part of a wider housing programme. The Cardiff Capital Region are actively trying to address this funding problem through the Housing Viability Fund which forms part of Investment Fund. At least two brownfield sites in Newport are set to benefit from this funding in 2024/25.

Furthermore, there is conflict of interest here. If the Local Authority intervenes in resolving land remediation, this conflicts with the 'Polluter Pays' principle.

Smaller empty properties are a long-standing issue in all town and city centres and Newport is proactive in using enforcement powers to target prominent sites. However, these enforcement powers cannot force owners to bring a building back into use. We proactively use enforcement powers to force owners to invest in the appearance of the building, with the expectation that this will encourage them to seek a return through either selling or letting the premises. Cabinet has recognised the importance of this work through the provision of an evergreen direct action fund, and we have also funded the creation of a Strategic Enforcement Officer post which is responsible for leading on the Council's empty properties project. However, planning enforcement powers do not extend to the interior of properties and we have examples in Newport where landowners persist in keeping properties vacant, despite having spent money on the property as a result of enforcement action. An example being the Former TJ's on Clarence Place. This listed property was subject to significant external refurbishment but the interior of the building remains in poor condition and not capable of being brought back into use.

It is disappointing that the feedback provided regarding the need to review the non domestic rates system has not been reflected in the report. There is an evident need to impose additional

premiums to properties which are long term void. The current exemption for empty listed buildings is also working against the efforts being made to force landowners to invest in their properties through enforcement powers. This initiative has been enabled in respect of empty residential properties but should also be in place for commercial properties.