
STATUTORY INSTRUMENTS

2017 No. 403

The Town and Country Planning (Brownfield
Land Register) Regulations 2017

Interpretation

2. In these Regulations—

“the TCPA 1990” means the Town and Country Planning Act 1990(1);

“development” has the meaning given by section 55 of the TCPA 1990;

“dwelling” includes a flat contained within a building of one or more flats;

“entry date” in relation to any land, means the date on which land is entered in Part 1 of the register;

“flat” means a separate and self-contained set of premises constructed or adapted for use for the purpose of a dwelling and forming part of a building from some other part of which it is divided horizontally;

“hazardous substances” has the meaning given by regulation 3 of the Planning (Hazardous Substances) Regulations 2015(2);

“housing development” means development for the provision of dwellings;

“infrastructure manager” in relation to relevant railway land means any person who—

(a) is responsible for developing or maintaining the land; or

(b) manages or uses the land, or permits the land to be used for the operation of a railway;

“maximum net number of dwellings” means the maximum number of dwellings on the land after the proposed development less the number of dwellings on the land immediately prior to the entry of the land on Part 1 or Part 2 of the register, as the case may be;

“minimum net number of dwellings” means the minimum number of dwellings on the land after the proposed development less the number of dwellings on the land immediately prior to the entry of the land on Part 1 or Part 2 of the register, as the case may be;

“neighbourhood forum” means an organisation or body designated by a local planning authority under section 61F of the 1990 Act(3);

“non-housing development” means development other than housing development;

“operational railway” means a railway which is in use;

“permission in principle” has the same meaning as in section 58A of the TCPA 1990(4);

“planning permission” means permission under Part 3 of the TCPA 1990 but does not include permission in principle;

(1) 1990 c.8.

(2) S.I. 2015/627 to which there are amendments not relevant to these Regulations.

(3) Section 61F of the Town and Country Planning Act 1990 was inserted by section 116(1) of, and paragraphs 1 and 2 of Part 1 of Schedule 9 to, the Localism Act 2011 (c.20).

(4) Section 58A of the 1990 Act was inserted by section 150 of the Housing and Planning Act 2016 (c.22).

“previously developed land” has the same meaning as land of that description in the National Planning Policy Framework issued by the Department for Communities and Local Government, as it has effect from time to time⁽⁵⁾;

“register” means a brownfield land register kept under regulation 3;

“relevant railway land” means land—

- (a) forming part of any operational railway; or
- (b) which is authorised to be used for the purposes of an operational railway under—
 - (i) a planning permission granted or deemed to be granted,
 - (ii) a development consent granted by an order made under the Planning Act 2008⁽⁶⁾,
or
 - (iii) an Act of Parliament,

including viaducts, tunnels, retaining walls, sidings, shafts, bridges, or other structures used in connection with an operational railway and excluding car parks, offices, shops, hotels or any other land which, by its nature or situation, is comparable with land in general rather than land which is used for the purpose of an operational railway;

“requisite notice” means notice in the form set out in Schedule 1 to these Regulations or in a form substantially to the same effect; and

“residential development” means development the main purpose of which is housing development.

⁽⁵⁾ See Annex 2 of the National Planning Policy Framework <http://planningguidance.communities.gov.uk/wp-content/themes/planning-guidance/assets/NPPF.pdf>.

⁽⁶⁾ 2008 c.29.