
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations place a duty on each local planning authority responsible for determining applications for housing development to prepare, maintain and publish a register of previously developed land (commonly known as “brownfield land”) which is suitable for residential development. “Previously developed land” has the same meaning as in the National Planning Policy Framework, as it has effect from time to time. A copy of that document may be inspected at the Department for Communities and Local Government, Fry Building, 2 Marsham Street, London, SW1P 4DF.

The register must be in 2 parts. Brownfield land will be entered in Part 1 where it meets the criteria in regulation 4(1) and in Part 2 where it has also been allocated by the local planning authority for residential development following mandatory publicity (as set out in regulations 6 to 9) and consultation procedures (as set out in regulations 10 to 13). Where land is entered in Part 2 of the register, it will be granted permission in principle under section 59A of the Town and Country Planning Act 1990 (c. 8). Permission in principle and its effect are described in sections 58A, 59A and 70(2ZZA) to (2ZZC) of that Act (those sections were inserted by section 150 of the Housing and Planning Act 2016).

Regulations 14 to 18 make provision for exemptions, information which must be included for each entry in the register, public inspection of the register, review and revision of the register and provision of a power for the Secretary of State to be able to require local planning authorities to give the Secretary of State information in relation to their registers.

The World Heritage List referred to in paragraph (2) of regulation 4 of these Regulations can be obtained by writing to World Heritage Centre, UNESCO, 7, Place de Fontenoy, 7532 Paris 07 SP, France.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen. The Explanatory Memorandum is published alongside the Regulations on www.legislation.gov.uk.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Town and Country Planning (Brownfield Land Register) Regulations 2017. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- reg. 14(2)(a)(i) words substituted by [S.I. 2018/695 reg. 5\(2\)\(a\)](#)
- reg. 14(2)(a)(iii) words substituted by [S.I. 2018/695 reg. 5\(2\)\(b\)](#)
- reg. 14(2)(a)(iv) words substituted by [S.I. 2018/695 reg. 5\(2\)\(b\)](#)
- reg. 14(2)(b) words substituted by [S.I. 2018/695 reg. 5\(2\)\(c\)](#)
- reg. 14(2)(c) words substituted by [S.I. 2018/695 reg. 5\(2\)\(d\)](#)
- reg. 14(3) words substituted by [S.I. 2018/695 reg. 5\(3\)\(a\)](#)
- reg. 14(5) word substituted by [S.I. 2018/695 reg. 5\(4\)\(a\)](#)
- reg. 14(5) words inserted by [S.I. 2018/1307 reg. 5\(2\)\(b\)](#)
- reg. 14(5) words omitted by [S.I. 2018/1307 reg. 5\(2\)\(a\)](#)
- reg. 14(5) words substituted by [S.I. 2017/1012 Sch. 6 para. 75](#)
- reg. 14(5) words substituted by [S.I. 2017/1013 Sch. 4 para. 19\(2\)](#)
- reg. 14(5) words substituted by [S.I. 2018/695 reg. 5\(4\)\(b\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 14(3)(c)-(e) substituted for reg. 14(3)(c)(d) by [S.I. 2018/695 reg. 5\(3\)\(b\)](#)