

ANNEX A - SPECIFICATION

AGREEMENT REF: CPD/004/118/030

AGREEMENT FOR LOCAL REGISTERS OF BROWNFIELD LAND: ADVICE TO LOCAL AUTHORITIES AND LOCAL COMMUNITY GROUPS ON PUBLISHING THEIR OUTPUTS IN OPEN, STANDARDISED FORMS

1. Background

This MOU is made between Tameside Metropolitan Borough Council and the Ministry of Housing, Communities and Local Government (MHCLG) (REDACTED), hereafter referred to as the 'Lead Authority'.

MHCLG is seeking assistance to develop guidance and standards enabling Local Authorities in England to prepare and publish open and standardised data in new local registers of brownfield land.

The Town and Country Planning (Brownfield Land Register) Regulations were laid in Parliament in March 2017 and came into force in mid-April 2017. The Regulations require local planning authorities to prepare and publish registers of brownfield land that is suitable for housing and to keep their registers up to date. In Schedule 2 of the Regulations the information that authorities are required to include in registers is set out.

73 authorities piloted the preparation of draft registers in 2016 and their experience has informed the content and scope of information that authorities are required to collect and the manner in which data is entered on registers. MHCLG intend to publish technical guidance for authorities setting out the national data standard that they must follow. This guidance is vital to ensure a consistent body of open data is available on suitable brownfield sites.

The success of local brownfield registers is very dependent on building a credible relationship with local data publishers. This will help to ensure that guidance is meaningful/relevant, and data standards will work effectively in practice.

The Government wishes to increase the amount of planning data that is easily available, initially through the development of data standards for: a) key data / facts in Local Plans as well as Neighbourhood Plans, and b) data representation of Local Development Schemes, including the timetable for production of plans. The Neighbourhood Planning Act 2017 gave the Secretary of State the power to prescribe data standards for Local Plans. The Lead Authority will lead development activities culminating in the publication of new data standards in 2018, which may also be applied as best practice for Neighbourhood Planning groups.

2. Objectives

MHCLG requires assistance and expertise to develop and quality assure appropriate guidance and standards for Local Authorities to prepare and release their local brownfield land registers in fully open, accessible and standardised forms. This will include communications and engagement with Local Authorities via workshops in separate geographic locations.

Specific objectives are to assist MHCLG to:

- Develop, quality-assure and publish technical guidance and national data standards.
- Design, organise and facilitate 3 workshops to be held in June/July to promote the guidance/national data standard and address questions from authorities.
- Design, organise and facilitate a further 2 workshops to be held in October to promote the guidance/national data standard and address questions from authorities.
- Capture feedback and key issues arising from the workshops for MHCLG to disseminate separately.
- Develop, quality-assure and publish a brownfield land register template alongside the guidance and data standards.

MHCLG also requires assistance and expertise to produce appropriate standards for Local Authorities and local communities to be able to prepare and release key information in Local Plans, Local Development Schemes and Neighbourhood Plans. This will include technical development of standards, through engagement with key stakeholders (incl. within Government and Local Authorities) and via workshops in separate geographic locations, producing standards ready for publication by MHCLG by 31 March 2018.

Specific objectives are to assist MHCLG to:

- Prioritise datasets from Local Plans, Local Development Schemes and Neighbourhood Plans;
- Propose open data solutions for
 - data formats
 - data collection methods and cycles
 - data publishing and cataloguing
- Envisage how the data might be used to improve public services.
- Understand costs/benefits to a council, and the locality, when collecting and transforming data.
- Produce technical documentation to define data standards that DCLG can publish
- Define forms / templates that councils may use for data collection and transformation.

MHCLG also requires assistance and expertise to produce appropriate open data standards and tools/templates for Local Authorities to be able to prepare and release key information on section 106 planning obligations, Community Infrastructure Levy, and viability assessments, by 29 June 2018.

3. Scope

Work stream 1: Prepare and quality-assure guidance and data standards - from 12 June – October 2017

- (a) Stock-take of lessons learnt from the previous brownfield registers pilot, covering:
- Issues and opportunities to refine and improve the pilot-phase guidance and data standards
 - Incorporating findings and recommendations from DCLG's separate work to aggregate and analyse local registers produced in the pilot phase¹.
- (b) Develop guidance (using DCLG draft as a starting point) and data standards.
- (c) Planning for communications and dissemination activities
- Design workshops with Local Authorities – for costing purposes, it is envisaged there will be three workshops (up to 40 attendees each) to be arranged in London and two other locations. Content and approach of the workshops will be agreed with DCLG, who will co-host the events.
 - Design a further two workshops to be held in the North-East of England, and in the East of England following the scope of the other workshops.
 - Select locations for up to 5 workshops; organise venues for first 3 events to take place in July/August; organise venues for the final 2 workshops to take place in October and November. Location of workshops outside London to be agreed with DCLG. Note that cost of venues (plus minimal refreshment) is to be met by the Lead Authority.
- (d) Publication of guidance and standards

Work stream 2: communicate and promote guidance and standards – 12 June – November 2017

- (a) Convene/facilitate workshops
- (b) Document and summarise feedback and key issues raised

The expected outputs are:

- Draft Technical Guidance and a National Data Standard to be signed off for publication by DCLG (note that DCLG will draft policy related elements of the text and will have oversight of the remaining text).
- A costed plan for delivering workshops
- Materials for workshops, and record of key issues arising.

Work stream 3: design, quality-assure, and produce a brownfield register template - September- October 2017

(a) Design a brownfield land register template using the outputs of the guidance and data standards

- Quality-assure and test-out template for use

(b) Publication of template alongside guidance and data standards

Work stream 4: produce Local Plan and Neighbourhood Plan data standards - October – 31 March 2018

The Lead Authority will:

(a) map and engage Government stakeholders (with support from the DCLG project manager) critical to the technical development of these data standards

(b) engage local planning authorities impacted by these changes and others with an interest, seeking views on options for implementation, including through convening and facilitating workshops and/or questionnaires (optional, and specific plans to be agreed with DCLG by 1 November)

(c) Document and summarise feedback and key issues raised.

The expected outputs within a maximum of 30 days, as agreed with the Lead Authority, are:

- a prioritised list of data from Local Plans, Local Development Schemes and Neighbourhood Plans for data standards development
- a technical paper that considers the options and recommends open data solutions for data formats, data collection methods and cycles, as well as data publishing and cataloguing
- an assessment of how the data might be used to improve public services and transparency of the planning system, with the option of running three regional workshops with local authorities to collect supporting evidence
- an assessment of costs/benefits to a council and the locality, when collecting and transforming data
- a technical document defining a data standard that DCLG can publish
- production of forms / templates that councils may use for data collection and transformation.
- production of forms/templates that Neighbourhood Planning groups may be able to complete for data collection purposes

Work stream 5: produce developer contributions data standards – March 2018 – March 2019

The Lead Authority will by 29 June 2018 produce a technical document defining a data standard that MHCLG can publish and production of the following forms/templates:

- a template for executive summary of viability assessments to ensure that data on land and development costs and values is in the public domain in an open data format.
- a template for executive summary of section 106 agreements to ensure that data on planning obligations is in the public domain in an open data format.

To meet Government's expectations for Infrastructure Funding Statements (as set out in the draft National Planning Guidance on Viability) the data standard and templates will be in a format that allows for developers (under a separate contract) to then produce:

- An online open data tool for local authorities to input and report data on section 106 planning obligations and CIL including funding secured, received and spent for affordable housing and infrastructure. This will ensure that data on funding secured, received and spent via developer contributions and data on future spending priorities, is in the public domain.

Work Stream 6:

The Lead Authority will by 31 July 2018 map and engage with local authorities via one half day workshop event, seeking views on the draft data standard and templates. Document and summarise feedback and key issues raised; and incorporate these into production of the final standard and template. Key issues to consider include:

- How to capture 'in kind' contributions in the data.
- How best to record 'trigger points'.
- How to define infrastructure categories and sub categories

Work Stream 7:

The Lead Authority will by 29 March 2019 gather feedback from stakeholders via up to 6 regional workshops (this is an **optional** task. MHCLG to decide on whether to take up this option by December 2018).

Work Stream 8:

Using feedback from the workshops in Work Stream 7, the Lead Authority will by 29 March 2019 refine the data standard and templates (this is an **optional** task. MHCLG to decide on whether to take up this option by December 2018).

This project will be primarily of interest to local authorities who will be required to prepare and publish registers, and comply with data standards. For the Brownfield Registers, key stakeholders are the LGA, Planning Advisory Service and Planning Officers Society. Other organisations, including representatives of the development sector and voluntary/charitable bodies may also express interest. There are also a range of technical stakeholders within Government for the Local Plans and

Neighbourhood Plans data standards work, including DCLG policy and data teams, GDS and others with an interest in data transparency in planning. DCLG will work with the Lead Authority in managing relationships with these and other interested organisations as part of its wider engagement on the new procedures. Occasionally some input from the Lead Authority may be required to respond to queries from stakeholders. It is anticipated that the Planning Advisory Service may also be invited to contribute to the drafting/review of the technical guidance and attendance at workshops.

Information to be made available

The following documents will be made available to the Lead Authority:

- The Town and Country Planning (Brownfield Land Register) Regulations – <http://www.legislation.gov.uk/uksi/2017/403/contents/made>
- Brownfield Registers Pilot – Assessment of Data Quality
- Draft Brownfield Data Standard (prepared by DCLG Jan 2017)
- Documentation produced by Future Cities Catapult in 2017, considering the opportunities for Local Plan data standards.
- Documentation produced by MHCLG on draft tools and templates for developer contributions

4. Deliverables/Outputs and Performance Measures

Milestones in relation to Workstream 1

Milestone 1 - An interim progress report, including the proposed responses to Activities 1-5 as set out in Annex B.

Milestone 2 - Delivery of an initial draft of the Technical Guidance.

Milestone 3 - Delivery of a final draft of the Technical Guidance, incorporating any MHCLG feedback.

Milestones in relation to Workstreams 2 and 3

Milestone 4 - Confirmation of the dates and locations of the required events and agree agenda with MHCLG.

Milestone 5 - Submission to MHCLG, prior to each event, of a full schedule (including details of speakers) and a delegate list.

Milestone 6 – Holding the first 3 events.

Milestone 7- Submission to MHCLG of post-event feedback and material for wider dissemination.

Milestone 8 - Delivery of a final draft brownfield land register template.

Milestone 9 - Holding the final 2 events.

Milestone 10 - Submission to MHCLG of post-event feedback and material for wider

dissemination.

Milestones in relation to Workstream 4

Milestone 11 – Completion and presentation of Local Plan and Neighbourhood Plan data standards outputs by 31 March 2018.

Milestones in relation to Workstream 5

Milestone 12 - Completion of draft data standard and template outputs by 20 June 2018

Milestone 13 – Completion of final data standard and template outputs by 29 June 2018

Milestones in relation to Workstream 6

Milestone 14 – Completion of a half day workshop on 11 June 2018

Milestones in relation to Workstream 7

Milestone 15 (optional task) – Completion of up to 6 regional workshops by 29 March 2019

Milestones in relation to Workstream 8

Milestone 16 (optional task) – Completion of revised data standard and template outputs incorporating feedback from workshops by 29 March 2019

Performance measures

- Milestone dates met
- Relevance and clarity of draft and final guidance
- Knowledgeable, experienced speakers for workshops and relevance and clarity of material covered
- Event attendance (Planning and technical teams) and delegate feedback
- Relevance and clarity of post-event dissemination material
- Adoption of data standards as best practice for Neighbourhood Planning

5. Key Dates

Key dates for Work Stream 1

Milestone 1 – the interim progress report should be delivered to MHCLG by **June 20th**.

Milestone 2 – the initial draft version of the Technical Guidance should be delivered to MHCLG by **June 26th**. MHCLG will aim to provide feedback to the Lead Authority within three working days.

Milestone 3 – the final draft version of the Technical Guidance should be delivered to MHCLG by **July 5th**.

Key Dates for Work stream 2

Milestones 4 and 6 – Dates, locations and agenda for first 3 events to be agreed by **June 26th**, with all three events to take place before **August 5th 2017**.

Milestones 4 and 9 - Dates, locations and agenda for final 2 events to be agreed (**September**), with the events to take place before **mid-November 2017**.

Milestone 5 – The full agenda, including speakers, to be delivered to MHCLG no less than **two weeks before** each event, and a complete delegate list to be delivered no less than **one week before** each event.

Milestone 7 and 10 – Post-event feedback to be delivered to MHCLG no more than **one week after** each event and post event material for wider dissemination made available no later than **November 16th 2017**.

Milestone 8 - the final draft of the brownfield land register template and supplementary guidance should be delivered to MHCLG by **October 31st 2017**

Key Dates for Work stream 4

Milestone 11 – Completion and presentation of all Local Plan and Neighbourhood Plan data standards outputs (set out above) by 31 March 2018.

Key Dates for Work stream 5

Milestone 12 – Draft of the data standard and templates delivered to MHCLG by 20 June 2018. Attendance at a meeting with MHCLG to review and sign-off the drafts by 25 June 2018

Milestone 13 – Final data standard and templates delivered to MHCLG by 29 June 2018

Key dates for Work Stream 6

Milestone 14 – provision of agenda, speakers and delegate list no less than one week before the workshop and post-event feedback to be delivered to MHCLG no more than one week after the event

Key dates for Work Stream 7

Optional Milestone 15 – delivery of up to 6 regional workshops to refine the data standard and templates by 29 March 2019

Key dates for Work Stream 8

Optional Milestone 16 – refined data standard and templates delivered to MHCLG by 29 March 2019

Payment Schedule

As per section 8.1, payment is to be made monthly made on completion of milestones 3, 6, 7, 8, 9, 10 and 14. As such, payment schedule will be as follows:

July 31st – contingent on acceptable completion of Milestone 3

August 28th – contingent on acceptable completion of Milestones 6 and 7
October 31st 2017 - contingent on acceptable completion of Milestones 8, 9 and 10
March 31st 2018 - contingent on acceptable completion of Milestone 11
June 29th 2018 – contingent on acceptable completion of Milestone 14

6. Management Arrangements

The Lead Authority will provide satisfactory progress reports against the milestones set out in section 4, above.

The agreement constitutes the entire agreement between the Lead Authority and MHCLG regarding the programme and supersedes all prior negotiations, representations and undertakings where written or oral in respect of the programme.

The programme will comply with the relevant Standing Orders and financial regulations of both the Lead Authority and MHCLG, including any procurement for suppliers, sub-contractors, etc. In the event of conflict between the standing orders/or financial regulations of the parties it is acknowledged that each party must comply with its own equipments as stated in the agreement.

Payments will be made upon sign off/agreement of each milestone as set out in section 5 above.