

Fact Sheet 22 – Community Right to Build

The Community Right to Build is part of the Government's commitment to shift power from Central Government to communities and give them powers to make it simpler for them to choose where and when to build assets for local people, such as homes and shops.

The Right will enable communities to choose where and when to build homes, shops, community centres and businesses. It will provide an alternative to a traditional planning permission application and give local communities the power to gain planning permission for the developments they want to see happen in their local area.

The Right is one of three new 'rights' within the Localism Act 2011, with the other two being Community Right to Challenge and Community Right to Bid.

Background

The commitment is part of the Neighbourhood Planning Framework and will seek to give local communities a greater say about development in their local area and will enable community led proposals to come forward, with development benefits, such as profits, retained by the community for the community.

Giving local communities the freedom to take forward development themselves will enable them to develop assets that the community needs. Examples may include a new community centre, a children's playground, family homes, affordable housing, sheltered housing for elderly local residents and low cost starter homes for first time buyers.

The Government also wants to tackle the lack of rural development and help communities safeguard the future of rural villages.

Community Organisation

In order to use the Right members of a community will need to form a formal community organisation

that is set up to further the social, economic and environmental well-being of the local community. The constitution of the organisation must include local people having the majority of the voting rights and different people with at least 10 different addresses within the area. The organisation must determine the boundaries of the neighbourhood area concerned and apply to the local authority with the proposed boundaries for them to be approved. The organisation taking forward the proposal for development must undertake publicity and consultation to make sure that everyone has the opportunity to comment on the Order.

Community Right to Build Order

Once a community has a proposal for development it will need to draft a Community Right to Build Order, which must include details of the defined neighbourhood, consultation undertaken and the suggested development. These must be in line with national planning policy and the local neighbourhood plan and are only meant for small scale development and for a specific site within a defined neighbourhood area.

An independent examiner will carry out a check of the Order once it has been prepared to ensure that it meets the set criteria. Once the Order meets the criteria then the examiner will request the local authority holds a community referendum to provide the opportunity for the local community to vote on the Order.

Once a community referendum is organised people living in the defined neighbourhood area that are on the electoral register will be entitled to vote in the referendum. Depending on the implications of the Order the local authority may decide to allow people from other neighbourhoods to vote as well. For the local authority to grant planning permission more than 50% of people voting in the referendum will need to support the Order.

The community organisation will oversee the development and manage the benefits and how these should be used within the community.

For further details about how Pulse Regeneration can help, please contact us.

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