



The Public Request to Order Disposal process: A simple explanation

The following provides a basic description of the request process that applies to both the Statutory and Non-Statutory Request processes.

The Statutory Request process applies to public bodies included in Schedule 16 of the 1980 Local Government Planning and Land Act. Under the Act, the Secretary of State has powers to direct these bodies to dispose of land or property. The Non-Statutory Request process applies to bodies not in Schedule 16 that have signed a voluntary memorandum of understanding with the Department for Communities and Local Government. Under a voluntary memorandum of understanding the Secretary of State can treat Non-Statutory Requests in a similar manner to Statutory Requests, but can only recommend, not insist, that these bodies dispose of land or property.

Request cases are handled by the Department for Communities and Local Government National Planning Casework Unit. At each step, the assigned case officer will initiate the required actions and communicate, as necessary and appropriate, with the relevant parties.

Any queries regarding the Statutory or Non-Statutory Request process can be sent to either:

PROD@communities.gsi.gov.uk or

Public Request to Order Disposal Team, Department for Communities and Local Government, Eland House, Bressenden Place, London, SW1E 5DU; or

NPCU@communities.gsi.gov.uk or

National Planning Casework Unit, 5 St Philip's Place, Colmore Row, Birmingham, B3 2PW

Step 1: Receipt, registration and acknowledgement of a Request

- Request received and registered by the National Planning Casework Unit.
- Check made whether land subject to Request is owned by an organisation covered by the Public Request to Order Disposal process (statutory or non-statutory).
- Contact made with the person/organisation making the Request (the initiator) to acknowledge its receipt, confirm whether it can be processed as a Public Request to Order Disposal case, obtain any further information required and provide the case officer's contact details.
- Initial contact made with the land owner.

Step 2: Gathering the evidence

- Information obtained from the initiator, land owner and other sources as appropriate.
- Site visit made if necessary and appropriate.

Step 3: Consideration of the evidence

- All material considerations are taken into account, including the initiator's evidence, relevant national, Public Request to Order Disposal process or other policy, and the evidence, policies, plans and programmes of the land owner.

Step 4: Preparation of the initial report

- A report is prepared for senior officials or for ministers. In accordance with normal practice cases are usually delegated to officials unless the sensitivity or potential precedent setting nature of the case indicates otherwise, or a minister calls in the case for their own determination.
- A report recommendation can be to propose that:
 - disposal is warranted; or
 - disposal is not warranted; or
 - the matter remains unclear and further time is required. The case may then either be put into abeyance for a limited period (normally a maximum of three months) or parties informed that no disposal is warranted at present time, but this may change in the future.

Step 5: Post initial decision action

- Once the recommendation is agreed, letters are issued to all parties as appropriate:
 - giving reasons why it is believed that disposal is warranted and inviting comments/evidence in support of, or contrary to, this belief; or
 - giving reasons why it is believed that disposal is not warranted; or
 - explaining that either the case is being put into abeyance for a stated short period of time to allow events to unfold or further evidence to be submitted, or that case as presented is not proven, but circumstances may change.

Step 6: Consideration of the initial decision representations and evidence

- In those cases where a letter indicating that disposal is considered warranted has been sent and comments/evidence have been invited, then:
 - Any representations from the land owner or others are taken into account as appropriate.
 - An initial or further site visit is conducted if necessary and appropriate.
 - All material considerations are taken into account, including the initiator's evidence, relevant national, Public Request to Order Disposal process or other policy, and the evidence, policies, plans and programmes of the land owner.

Step 7: Preparation of the final report

- A report is prepared for senior officials or for ministers. In accordance with normal practice cases are usually delegated to officials unless the sensitivity or potential precedent setting nature of the case indicates otherwise, or a minister calls in the case for their own determination.
- A report recommendation can be to propose that:
 - disposal is still warranted; or
 - disposal is no longer warranted; or
 - the matter remains unclear and further time is required. The case may then either be put into abeyance for a limited period (normally a maximum of three months) or parties informed that no disposal is warranted at present time, but this may change in the future.

Step 8: Post final decision action

- Once the recommendation is agreed, letters are issued to all parties as appropriate:
 - giving reasons why it has been decided that disposal is warranted and setting out any conditions to be met as part of the disposal process (e.g. timing, type of sale process)
 - giving reasons why it is believed that while the initial recommendation was that disposal was warranted, the final decision is that disposal is not warranted
 - explaining that either the case is being put into abeyance for a stated short period of time to allow events to unfold or further evidence to be submitted, or that case as presented is not proven, but circumstances may change.

Step 9: Follow-up action

- In those cases where a disposal letter is issued, the case officer will monitor the case to ensure the desired outcome is achieved.
- If the outcome is delayed or not forthcoming, the case officer will:
 - Seek to resolve the reasons for non-action.
 - Consider whether the disposal letter should be varied or withdrawn or withdrawn and reissued in order to resolve the issues and achieve the desired outcome.