

# Community Right to Build - Q&A

## General

### **Q: What is the Community Right to Build?**

A: The Community Right to Build gives groups of local people the power to deliver the development that their local community wants, with minimal red tape.

Communities may wish to build new homes or new community amenities, and providing they can demonstrate overwhelming local support, the Community Right to Build will give Communities the powers to deliver this directly.

### **Q: Under what powers will the Community Right to Build be created?**

A: We are introducing a Localism Bill which will pave the way for the creation of Community Right to Build. The Bill is at the heart of the Big Society and will transfer power from the centre to the local level.

### **Q: Where will Community Right to Build be used?**

A: We see Community Right to Build as a means by which like-minded people come together with a shared vision of what they want to achieve in their community and how they can go about it. Initially we see this power getting off the ground more quickly in rural areas because communities there are much smaller and local people have a vast amount of shared knowledge about the immediate opportunities and challenges facing them.

### **Q: Who can use the Community Right to Build?**

A: We believe that only people who live in an area should be able to use the Community Right to Build.

### **Q: Can property developers use the Community Right to Build?**

A: We believe that only people who live in an area should be able to use the Community Right to Build. However, we envisage that communities should be free to use property developers, should they wish to do so.

### **Q: How would a community use the Community Right to Build?**

A: In very broad terms this is how we anticipate a community would use the Community Right to Build:

1. It is likely that members of a community will come together and decide that they would like to take forward development in their community - be it homes, shops, businesses or facilities.
2. We anticipate that the community will need to set themselves up as a corporate entity.
3. Once established these community organisations will want to begin developing their projects. This will include engaging with their community in firming up ideas and in identifying local needs, discussing opportunities with land owners, engaging designers and identifying suitable project finance. They will also want to have some early discussions with developers and local authorities to identify development opportunities and obstacles to delivery.

4. Once a project proposal has been finalised and community buy-in has been secured and assuming that there are no other legal bars to the project, the community organisation will need to hold a referendum. We anticipate that the Local Authority will be able to do this on the community organisation's behalf.

5. Following a successful referendum we anticipate that the community organisation would submit their proposal to the local authority for checks for conformity with set criteria.

## **Size, type and location of development under the Community Right to Build**

### **Q: Are there going to be any restrictions on a scheme?**

A: Under the scheme, any community which wishes to benefit from development will be able to seek the Right to Build as long as they can demonstrate that they have met various minimum criteria to ensure development is sustainable and have the overwhelming support for the development through a referendum.

### **Q: What will the minimum criteria be?**

### **Q: How will overdevelopment of an area be prevented?**

A: That is yet to be decided. We want to create a framework that allows communities to deliver the development they want in their communities quickly and with the minimum bureaucracy that is necessary. We have some ideas for how this will work but we welcome views on how that framework will work.

### **Q: What is the maximum size of a development using the new right?**

A: Our vision is that communities should have the freedom to develop housing and other facilities that they agree that they want, subject to minimum criteria to ensure the development is sustainable. However, we are proposing that in order to prevent overdevelopment, communities will be able to expand the size of the community by a maximum of 10 per cent over any 10 year period. We welcome views on this maximum.

### **Q: What kind of property can a community develop under the new right?**

A: The type of property to be built will be for the community to decide. Communities might wish to build a mixture of market housing for sale, affordable housing for rent, sheltered housing for elderly local residents, or low cost starter homes for young local families struggling to get on the housing ladder. Or they might wish to build a new play ground for children.

### **Q: Can communities take forward other types of development?**

A: As well as housing, the Community Right to Build will allow the community to provide other services for the benefit of local people. For instance, they might offer long-term low rent commercial accommodation for a village shop on a serviced tenancy, a community hall, or a sports facility.

**Q: Where can the Community Right to Build be used?**

**Q: What about larger market towns?**

A: The new right is likely to be most relevant to rural communities, where local people agree that more affordable homes or, for example a new village hall are needed. We are proposing to initially restrict the size of community that might use the right to build. However, we are considering all options at the moment and would appreciate views.

**Q: Won't the new right lead to lots of small developments pepper potted across the countryside?**

A: We want communities to deliver the homes and essential development that they want. The referendum is an essential element of this model - that the community must support the proposals. This means that development in locations that people think inappropriate, will not go ahead.

**Q: What will be the role of the Local Authority?**

A: Our vision is that communities should have the freedom to develop housing and other facilities that they agree that they want, subject to minimum criteria to ensure the development is sustainable.

We anticipate that local authorities will have a role in ensuring developments meet the minimum criteria, however the detail of how this will work is yet to be decided. We are looking to engage with our partners to ensure the framework is appropriate.

**Q: What about Local Plan policy - in place to protect our community?**

**Q: What about national planning policy?**

**Q: What will the protections be for local wildlife and landscapes?**

**Q: What about greenbelt?**

We want the Community Right to Build to provide genuine local democratic control over the delivery of new housing and facilities. For too long the planning system has failed to respond to community needs. We want to give communities the freedom to develop housing and other facilities that they agree that they want; subject to minimum criteria to ensure the development is sustainable. However the detail of how this will work is yet to be decided. We are looking to engage with our partners and others with an interest to ensure the framework is appropriate.

## **Community and referendums**

**Q: How is community defined?**

A: Community could be defined in a number of ways. We're looking at the options for a simple way of defining a local community, and ensuring people can hold a fair and transparent referendum.

**Q: What referendum result will be needed to get planning permission?**

A: The precise criteria still need to be finalised but we envisage that communities will have to demonstrate strong local approval - with no more than a certain level of opposition in a formal community referendum. We are currently considering that this

level of opposition should be set at 10% of those who vote in the referendum. However, we welcome views on this.

**Q: Who gets to vote in a referendum?**

A: We think that the most reliable approach would be for a referendum to seek the votes of all residents of the community that are on the local government electoral register. This is a tried and tested route for real democracy. However, we recognise that some members of a community may not be entitled to register on the electoral register. We would welcome views on how these members of the community should be involved in the process.

**Q: Will the majority wish prevail over the wishes of the minority?**

A: These will be local referendums run for and on behalf of the local community. It will be up to interested citizens in the defined community to make sure that their voices are heard through the ballot box. Where it is decided through the democratic process that there is no overwhelming support for the specified development then a community will not be allowed to proceed with that development unless it holds further referendums to gain the necessary support or it reverts to going through the normal planning process.

**Q: Isn't it easier for a community to file a planning application rather than hold a referendum? Isn't this imposing more restrictions, not less?**

A: By holding a referendum, local communities will have a direct say on the homes they want built in their local area. The Community Right to Build will give communities the right to deliver the homes and development that they really want, irrespective of whether or not their proposals fits with their local council's plans. We intend to create a framework that allows communities to deliver the development they want in their communities quickly and with the minimum bureaucracy that is necessary. However, we must acknowledge that where a community's proposed development fits with a local authority's local development plan and other planning requirements, then the easiest route may well be to file a planning application.

**Q: There is no way a local referendum will get 90% plus support for a development to go ahead - communities just don't work like that?**

A: We would challenge this perception. People power is all about giving autonomy to individuals and trusting that with this responsibility the right decision will be made for the benefit of the community. We do not see local people shunning the chance to get involved in shaping their community when it is in their interests to do so and it is clearly explained to them why they should seize the moment.

**Q: Who holds the referendum?**

A: The key is to ensure fairness and transparency. We propose that local authorities carry out the referendum on behalf of the community organisation and recover these costs from them. We welcome views on this point.

**Q: How much will it cost to hold a referendum?**

A: Departmental officials are investigating the likely costs of holding a referendum. We will be seeking to keep these costs to a minimum, whilst ensuring the integrity of the result.

**Q: How can a referendum held by local people with vested interests be trusted?**

A: The key is to ensure fairness and transparency. We welcome views on how this should be achieved.

## **Funding & Business Model**

**Q: Where will communities get the land?**

A: Communities have the opportunity to find their own sites that are most suitable for their needs.

**Q: How will communities buy the land?**

A: The community will need to negotiate with the landowner and reach an agreement.

**Q: How much will it cost to carry out the Community Right to Build?**

A: This will depend upon the nature and scale of the development and what it wants to achieve for the community. This flexibility means that local people could set up a community organisation appropriate in scale and cost to the local circumstances.

**Q: What are the sources of funding?**

A: We do not wish to be prescriptive as to how the Community Right to Build business model should be structured or funded. There are a broad range of financial resources available to developers and community groups and a community organisation should have the flexibility to source the finance most appropriate to achieving their objectives.

**Q: Will Government be providing any funding to support communities using the Community Right to Build?**

A: We cannot pre-empt the outcome of the spending review.

**Q: Will Government be providing any support for communities using the Community Right to Build?**

A: We are considering the scope for a collaborative resource which would allow communities to take advice and learn from the experiences of others and may include some supportive element. In terms of funding, We cannot pre-empt the outcome of the spending review.

**Q: How will the introduction of the Community Right to Build make places better?**

A: The responsibility for the outcome rests with the community. The fact that the local community have got together to form an organisation to take control of how their community can be improved for the benefit of that is democracy in

action at a very local level. The chance for members of the community to play a meaningful part in shaping their community is a golden opportunity to make it a better place.