



Department for  
Communities and  
Local Government



Homes &  
Communities  
Agency

**Community Led Project Support funding**

**Community Right to Build Route**

**Application Guidance**

**July 2013**

## Contents

Ministerial Foreword

### 1) Introduction

What is the Community Led Project Support programme?  
How can communities use Community Led Project Support?  
Where will the Community Led Project Support apply?  
How much funding is available?  
What is the funding for?  
Who is running the funding programme?  
What other help is available?  
Regulatory requirements

### 2) Applying for funding

Who can apply?  
What sort of development is eligible for funding?  
How do community organisations apply for funding?  
Assessment criteria  
What happens if the application for funding is unsuccessful?  
What support is available if the community can't raise the required funding?  
How will an application be dealt with if one or some of the milestones have already been met?  
What happens if the cost of achieving the milestones is higher than expected in the application?  
Does funding have to be paid back if the submission of a proposal for a Community Right to Build Order is unsuccessful?  
What happens after the community has submitted their proposal for a Community Right to Build Order?

### 3) Receiving funding

First milestone – Body corporate established  
Second milestone – Initial proposals developed and project eligibility established and outline feasibility study produced  
Third milestone – Detailed proposals developed  
Fourth milestone – Valid Community Right to Build Order proposal submitted  
Shared learning experience

### 4) Equalities

### 5) Further information

Glossary

Annex 1 - Regulatory requirements

**Important note for readers in Greater London:**

This guidance applies to funding administered by the Homes and Communities Agency, which covers England outside Greater London. The Greater London Authority (GLA) will be responsible for administering funding for London. The GLA are keen to pro-actively engage with any organisations interested in this funding in Greater London. Any interested organisations are encouraged to e-mail [CRTB@london.gov.uk](mailto:CRTB@london.gov.uk) with any questions or queries they may have.

## Ministerial foreword

We launched Community Right to Build in April 2012. It has generated a lot of interest and some very exciting schemes are being developed with our support provider, *Locality*. Proposals are coming forward for housing – including affordable and self-build homes – and community facilities in schemes that are being led by the people who know their areas best – the residents.

This is encouraging - but we need to do all that we can to help support communities to realise their local ambitions.

Given the interest being generated by the Fund, particularly by the self build housing sector, and following a number of representations made to me by the sector, I have decided to broaden the rules of the Fund to also enable community groups to apply who wish to take the more traditional route of applying for planning consent, rather than use a Community Right to Build Order.

I trailed this change when I visited the LILAC co-housing self build project in Leeds earlier this year. This exciting community project clearly shows that self-builders are often at the forefront of innovative housing design and environmental building techniques. And with interest in this industry growing, I'm keen to ensure it goes from strength to strength.

Response from leading organisations representing self builders and the community-led housing sector has been positive. These changes will enable more groups wishing to bring forward community led development to apply, even if they do not plan to use the Community Right to Build.

The core principles are unchanged – this funding is still for communities who will be putting the heart back into their local areas. It can be used to establish the group, work up detailed plans, get design advice, consult and get your message out to your community.

This is not just about giving more support to community-led housing or self build projects. The funding is intended to help communities bring forward all types of projects, whether it is a shop, a new leisure facility or commercial space.

If you have an idea for your community then start the ball rolling – I encourage you to discuss it with *Locality* who have the expertise and can put your group in contact with others who can share their experiences. This will help encourage the sharing of knowledge and create a stronger network of Community-led development.

The funding and powers are available – it's now over to you to deliver the development you want to see in the areas you know best.

A handwritten signature in black ink, appearing to read 'Mark Prisk', with a horizontal line underneath it.

Mark Prisk, Housing Minister

# 1) Introduction

## What is the Community Led Project Support Programme?

1. The Community Led Project Support Programme broadens the scope of the original Community Right to Build programme which provided an alternative way for communities to deliver the development they want – be it homes, shops, businesses or facilities – where the benefits of the development will be retained by the community for the community.
2. Where the Community Right to Build was an alternative to a traditional application for planning permission, the broadening of the scope of the Community Led Project Support programme, includes funding for applications for planning via the Planning Application Route. This will allow community groups to bid for revenue funding where they need help and support to bring forward proposals for whichever route, whether Community Right to Build or a planning application, works best for them. Community groups are only able to apply for funding through one route at any one time, either the Community Right to Build or Planning Application and not both.
3. This guidance is for groups intending to apply for funding to support an application for a Community Right to Build Order. Groups intending to submit a planning application should consult the Planning Application specific guidance ([LINK](#))
4. If they want, communities will be able but not restricted, to build family homes to sell, affordable housing for rent, sheltered housing for older local residents, or low-cost starter homes for young local families struggling to get on the housing ladder.

## How can communities use Community Led Project Support?

5. The funding allows communities to bring forward community led development through submitting a Community Right to Build Order.
6. Community groups will need to demonstrate that they have met the following requirements:
  - i) Formed a community organisation
  - ii) Developed their ideas and proposals
  - iii) Engaged with the local community
  - iv) Consulted with certain bodies and the community
  - v) Submitted a proposal for a Community Right to Build Order and send it to the Local CouncilFurther information about who can apply can be found in section 2, Applying for funding.

## Where will the Community Led Project Support funding apply?

7. Community Led Project Support funding can be used by members of communities throughout England, whether in rural or urban areas, once they have formed a formal organisation that meets some basic standards.

8. The organisation can take a number of legal forms but it must be set up to further the social, economic and environmental well-being of the local community. Parish Councils can also use Community Led Project Support funding.
9. For further information on the eligibility requirements please refer to annex 1.

### **How much funding is available?**

10. There is **£14m** available over the next two years (2013-2015) for communities in England (excluding Greater London).

### **What is the funding for?**

11. The aim of extending this funding is to enable even more communities to take a pro-active approach toward developing their community by providing support in working up their ideas.<sup>1</sup>
12. The funding is to help community organisations by providing a contribution towards the costs of preparing and submitting a Community Right to Build Order, including consulting in the local area and developing the scheme proposal.
13. This funding is not intended to cover the costs of building, land acquisition or any other costs of the development itself (see paragraph 26 below). However, other funding through separate programmes and schemes may be available for such costs. Information on funding sources that may be available may be found at [Locality's website](#) which is discussed in more detail below. It should be noted that there is no guarantee that success in applying for funding would lead to the award of any further funding towards development costs, including any capital funding sought from the Homes and Communities Agency.

### **Who is running the funding programme?**

14. The funding, outside of Greater London, is being administered by the Homes and Communities Agency (the Agency) and overseen by the Department for Communities and Local Government.
15. The Agency is the national housing and regeneration agency for England outside Greater London. Further information on the Agency and its other activities is available on the [Homes and Communities website](#).
16. The Greater London Authority (GLA) is responsible for administering the funding for London. Further information about the programme operation in London can be found on the [GLA web site](#). **DN INSERT LINK**
17. The GLA is keen to pro-actively engage with any organisations interested in this funding in Greater London. Any interested organisations are encouraged to e-mail [CRTB@london.gov.uk](mailto:CRTB@london.gov.uk) with any questions or queries they may have.

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<sup>1</sup> Funding is paid under section 120 of the Localism Act 2011 / section 19 of the Housing and Regeneration Act 2008.

## **What other help is available?**

19. In order to maximise take up of the fund the Department for Communities and Local Government have put in place a support hub that will provide help and advice to communities developing proposals. This help will include a range of guidance notes, information, toolkits, case studies and a dedicated helpline.
20. Government has appointed Locality to provide these support hub services, and to champion Community Led Project Support and to provide support and advice to communities throughout England who are interested in accessing the Community Led Project Support funding.
21. Further information on Locality and the services they offer to interested communities is available at [Locality's website](#).

## **Regulatory requirements**

22. Community organisations applying for the Community Right to Build funding should ensure that they are able to meet the statutory regulatory requirements listed at annex 1 of this guidance.

## **2. Applying for funding – Community Right to Build Route**

### **Who can apply?**

23. Anybody can apply provided that the application is on behalf of an organisation that is either a community based group or parish council. Funding from HCA is available for any community or neighbourhood, rural or urban, in England outside of Greater London. Applicants in Greater London should contact the Greater London Authority at [CRTB@london.gov.uk](mailto:CRTB@london.gov.uk).
24. Before receiving any payment communities must satisfy the Agency that they are an appropriate body corporate and they meet the requirements set out in the Localism Act 2011 and associated regulation. For more details see entry for “Body Corporate” in the Glossary, and on “Applicant Eligibility” in the Regulatory Requirements Annex of this document.

### **What sort of development is eligible for funding?**

25. Most types of development can be covered by either this funding or a Community Right to Build Order. However, there are some exceptions set out in the Localism Act 2011. (For further details on the regulatory requirements please see Annex 1.)
26. This funding is not restricted to housing development and can also be used to develop a variety of schemes including those that will provide shops, businesses or facilities such as a village hall or community centre. When applications are received from communities with plans for non-housing based developments, we will work with the applicants and Locality to help inform

and develop the Agency's approach towards the assessment of non-housing proposals.

27. Where Self Build housing development is proposed it must consist of a minimum of 3 housing units. Custom Build /Self Build Homes are homes built or commissioned by individuals or groups of individuals for their own use, either by building the home on their own or working with builders. Group custom build projects are where developers build group schemes for clients on multi-unit sites or where registered housing providers work with self-organised community groups and a developer or contractor to bring forward a multi-unit custom build home project.

## How do community organisations apply for funding?

28. The funding programme is open and the Agency welcomes applications from any eligible community groups. For more information on eligibility, please see annex 1 of this document.
29. This is not a one-off bidding opportunity. The programme will remain open to receive new applications until funding is fully committed (or until end of March 2015, whichever occurs first). This will allow community groups the time to work up their proposals before applying.
30. As it takes time to complete the preparation and apply for a Community Right to Build Order, it is unlikely that we will fund new applications received after October 2014, unless we are satisfied that the deadline can be met.
31. There is a fixed budget for the funding programme of **£14m** so community organisations are encouraged to submit timely applications to avoid applying after the funding has been fully allocated. In doing so applicants may be eligible for an 'early achievement' payment towards the costs of their proposals. See section 3 for further details.
32. Community groups are recommended to contact Locality in the first instance to discuss their application for funding and development proposals but are also able to contact their local Agency area office to discuss their proposals before applying for funding. The table below gives the details of the lead contact in each area.

HCA OA	Lead contact	Email address
East and South East	Becky Ashley	<a href="mailto:Becky.Ashley@hca.gsi.gov.uk">Becky.Ashley@hca.gsi.gov.uk</a>
Midlands	Jane Tricker	<a href="mailto:Jane.Tricker@hca.gsi.gov.uk">Jane.Tricker@hca.gsi.gov.uk</a>
North East, Yorkshire and The Humber	Helen Moir	<a href="mailto:Helen.Moir@hca.gsi.gov.uk">Helen.Moir@hca.gsi.gov.uk</a>
North West	Diane Goodwin	<a href="mailto:Diane.Goodwin@hca.gsi.gov.uk">Diane.Goodwin@hca.gsi.gov.uk</a>
South and South West	Matthew Dodd	<a href="mailto:Matthew.Dodd@hca.gsi.gov.uk">Matthew.Dodd@hca.gsi.gov.uk</a>

33. As well as your area contact you can also send any questions to [clps@hca.gsi.gov.uk](mailto:clps@hca.gsi.gov.uk). Questions and answers on the programme or the application process which might be useful to others may be published on our [Community Led Project Support webpage](#).
34. An application pack is available for download on the [Agency's website](#).



35. Completed applications should be submitted to [clps@hca.gsi.gov.uk](mailto:clps@hca.gsi.gov.uk). Where supporting information is not available electronically, that can be sent in hard copy to:

Community Led Project Support  
Homes and Communities Agency  
Fry Building  
2 Marsham Street  
London SW1P 4DF

36. Each piece of supporting information should be numbered and marked very clearly with the name of the applicant organisation and a project name.

### **Assessment criteria**

37. The Agency's local area teams will assess all proposals received to ensure eligibility and value for money.

38. Applicants will be required to demonstrate:

- That the applicant organisation is already a body corporate or has clear plans to become one;
- The extent of community engagement and consultation that can be demonstrated as having been undertaken to date;
- That land for the proposals has been identified or is in the process of being identified and that the community group has or will have a secure legal interest in the land which allows for its development OR if no legal interest is taken that the community group can demonstrate land owner support;
- That the area has already been designated as a 'neighbourhood area' or that there are clear plans in place to do so;
- That the community group and the proposal meet those requirements of the Localism Act 2011 set out in annex 1.

39. The Agency's assessment will also consider the application against criteria relating to community support, value for money and deliverability.

### **Community support**

40. All applications must include evidence of community engagement and support (e.g. articles in the local newspaper, minutes of community meetings, flyers to promote the proposal).

41. Applications will be assessed on the level of community engagement and support shown. Applications which can show higher levels of community support will be more likely to receive funding than a similar proposal with little evidence of support.

### **Value for money**

42. In order to ensure the funding available supports as many communities as possible, the Agency will expect community groups to only ask for the minimum level of funding required to support the submission of a proposal for

a Community Right to Build Order, including consulting in the local area and developing the scheme proposal.

43. All applications will be required to submit details of the expected costs of developing their proposal to the point that the group can submit a proposal for a Community Right to Build Order.
44. They will also be asked to outline their proposals for raising funds within the community and through other funding sources.
45. Our expectation is that community groups should contribute at least 10% of the estimated costs of developing the proposal to the point that the group can submit a proposal for a Community Right to Build Order.
46. The community group funding contribution does not need to be fully in place at the time of applying for funding, however evidence should be provided with the application to show that an appropriate fund raising strategy is in place.
47. The value for money assessment will consider:
  - The proportion of the grant to estimated costs (lower being better – subject to an assessment of the reasonableness of cost estimates);
  - The strength of proposals to raise funding and extent to which other funding has been maximised to reduce the cost to the public purse; and
  - What the proposals are intended to deliver.

### **Deliverability**

48. Although the funding is provided to support community groups in developing their proposals and therefore it is not expected that groups will have fully worked up schemes before applying, they should have reached a stage where they can demonstrate that their proposals are deliverable.
49. To demonstrate deliverability, groups will be asked to submit an application for funding, using the Agency's application form (LINK), which includes providing an outline of the proposed scheme answering the following questions:
  - What is going to be built?
  - Where will it be built?
  - What land has been identified?
  - Who owns the land and are there any restrictions on its use?
  - What progress has there been in securing a legal interest in the land?
  - If no legal interest is being taken in the land, can the support / commitment of the landowner be demonstrated?
  - Who is expected to use/buy/rent the buildings to be developed?
  - How will the building work be procured?
  - How will the building work be financed?
  - How will the community benefit from the proposed scheme?

## **What happens if the application for funding is unsuccessful?**

50. Community groups which are unsuccessful in applying for funding will not be prevented from applying again, either for a new proposal or re-submitting their current proposal through either this or the planning application route after further work has been done on it.
51. The Agency will provide feedback on reasons for the rejection of any application. If the proposal is considered to be strong but doesn't meet some of the criteria set out in this document, for example if it does not offer value for money, Locality may be available to work with groups to improve their application.

## **What support is available if the community can't raise the required funding?**

52. The Government and the Agency are keen that groups from disadvantaged communities are not discouraged from applying by the requirement to contribute 10% of the estimated costs. If groups who have a strong proposal feel they will be unable to raise the funding, they should seek the help of Locality, the Community Right to Build support organisation's [Community Right to Build web pages](#).
53. If, following support from Locality, the 10% minimum remains impossible to meet groups should apply for funding and provide details of fund raising plans and the amounts raised so far and amounts expected to be raised in the future.

## **How will an application be dealt with if one or some of the milestones have already been met?**

54. There may be occasions where a community organisation has already achieved one or some of the milestones. For example an organisation may already be a body corporate that meets the requirements of the Localism Act 2011 and related regulations or it may also have developed initial proposals and established project eligibility. The Agency will consider those applications in the normal way as set out in this guidance.
55. As set out in paragraph 44 above, our expectation is that community groups should contribute at least 10% of the estimated costs of developing the proposal to the point that the group can submit a Community Right to Build Order proposal. Costs already disbursed in developing the proposal may count towards this contribution.

## **What happens if the cost of achieving the milestones is higher than expected in the application?**

56. The total amount of funding available will be agreed as part of the application assessment. In order to ensure that value for money is maintained throughout the development of the proposal it will be important that groups exercise cost

control over the costs involved in working up their proposal as there will be no further funding available if additional costs are incurred.

57. If costs exceed those originally anticipated, organisations will need to cover additional costs from other resources.

### **Does funding have to be paid back if the submission of a proposal for a Community Right to Build Order is unsuccessful?**

58. The funding from this programme is provided to support community groups in submitting an Order proposal.
59. Submitting a valid proposal for an Order is the final requirement for grant funding. The funding is not dependent on the application being successful, e.g. a successful referendum as the outcome of a referendum cannot be predicted.
60. If a proposal fails to reach a milestone at any stage, funding that has already been paid out will not need to be repaid providing that it has been used appropriately and spent on working up the Community Right to Build proposal.
61. If funding has not been used appropriately the Agency would reserve the right to seek repayment. Where a proposal does not achieve a milestone and progress through the stages outlined is not achieved, further payments will not be made.

### **What happens after the community has submitted their proposal for a community Right to Build Order?**

62. Once community groups have submitted their proposal, the local planning authority will ensure that the application is valid, but will not consider the merits of the proposal. An independent examiner will then check that the order meets the right basic standards. If it does, the independent examiner will ask the local council to hold a referendum of the people who live in the area so that they can say whether they want the development to go ahead.
63. If more than 50% of people voting in the referendum support the Community Right to Build Order then the Local Planning Authority must make the Order. Making the Order grants planning permission for the specified development and the development can go ahead.

## **3. Receiving funding**

64. Funding will be paid out in stages once key milestones have been achieved.
65. The key milestones that take a community organisation from initial proposals to submitting a Community Right to Build Order proposal and which trigger payments are:
- Body corporate established;
  - Initial proposals developed, project eligibility established and an outline feasibility study produced;
  - Detailed proposals developed; and

- Valid submission of a Community Right to Build Order proposal.
66. The demonstration of achievement of milestones and therefore payment will be as a result of self-certification by applicants and the production, where required, of specific relevant evidence. Self-certification should be carried out by qualified professionals involved with the proposal or someone with a defined role named in the legal documents of the body corporate.
67. At each stage organisations will be required to provide an update on community engagement and support and confirm that they intend to submit a Community Right to Build Order proposal.
68. The forms for confirming each milestone has been achieved is available on the [Agency's website](#).
- First milestone - Body corporate established**
69. Before any payments are made, groups must have constituted themselves as a body corporate that meets the requirements of the Localism Act 2011 and related regulations.
70. To find out more about setting up a community organisation please see [Locality's Community Right to Build web pages](#).
71. Community groups will be asked to submit details about their organisation and provide evidence of its establishment as a legal entity (such as memorandum and articles of association and a completed Companies House registration).
72. Once that evidence has been received and confirmed, the first milestone payment will be made.
- Second Milestone - Initial proposals developed, project eligibility established and outline feasibility study produced**
73. At the second milestone, groups will be required to confirm that they have developed initial proposals for the schemes and that where appropriate professionals (for example an architect or quantity surveyor) are involved to ensure proposals have necessary level of technical expertise to succeed.
74. In order to develop a scheme appraisal and outline feasibility study, it is expected that organisations will need to retain the services of professionals such as architects, surveyors and legal or financial advice (some of which may be on a pro bono basis from interested members of the community).
75. Organisations must submit an outline statement of the proposed scheme updating the points covered in the initial application for funding:
- Update on build proposals and the approach to financing the works;
  - Progress on securing the land and procuring the building works;
  - Results of the feasibility study (i.e. how the development will be funded).
76. Groups will also need to confirm that they and their project meet the eligibility criteria set out in annex 1, including the Environmental Impact Assessment requirements in paragraph 93.

### **Third milestone - Detailed proposals developed**

77. To achieve this milestone, organisations must:
- Demonstrate progress towards sufficiently detailed plans to be in a position to submit a proposal for a Community Right to Build Order to the Local Planning Authority;
  - Demonstrate that they have carried out the statutory consultation and publicity requirements as set out in Regulation 21 of The Neighbourhood Planning (General) Regulations 2012 (please refer to annex 1)

### **Fourth milestone - Valid Community Right to Build Order proposal submitted**

78. The final portion of the agreed funding will be paid once a submission has been made to the local planning authority and the authority have publicised the proposed Community Right to Build Order on their website.
79. In order to achieve this milestone the applicant organisation should notify the Agency when the proposed Community Right to Build Order has been publicised on the website.

### **Shared learning experience**

80. It is a condition of the funding that groups which are successful in achieving a Community Right to Build Order will be expected to share their experience and learning with groups starting out on their journey. This could include mentoring, facilitating a workshop or providing ad-hoc advice.

## **4) Equalities**

81. The Agency's work is covered by the Equalities Act 2010. This means that we must have regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations in all our work.
82. We want to be sure that all applications for funding have the support of the communities they represent. We expect all organisations receiving our funding in this programme to work to engage and consult with the whole of their local community.

## **5) Further information**

83. Please see the web pages below for further information on community organisations and how to prepare and submit a Community Right to Build Order
- [Legal structures for community organisations](#)
  - [Community Right to Build](#)
  - [Finding your local planning authority](#)
  - [Submitting a Community Right to Build Order](#)
  - [Neighbourhood planning](#)

## Annex 1

### Regulatory requirements

84. The requirements that must be met by a community organisation which wishes to use the Community Right to Build are set out in sections 61E to Q of, and Schedules 4B and 4C to the Town and Country Planning 1990 (these provisions were inserted by the [Localism Act 2011.](#)) There are also associated Neighbourhood Planning (General) [Regulations 2012.](#)
85. The Department for Communities and Local Government have also published a plain English guide to the Localism Act that applicants can find at- [Localism Act plain English guide.](#)
86. Further advice about the legislative requirements can be found at [Locality website.](#)
87. The Agency will not be assessing whether a community organisation meets all the Community Right to Build legislative requirements such as whether a proposal meets the conditions set out in paragraph 8 of schedule 4B to the Town and Country Planning Act 1990. However, for the purposes of the funding programme community organisations will need to demonstrate that they meet certain legislative requirements. These are outlined below.

### Area eligibility

88. Applications for Community Right to Build Orders are only possible in formally designated neighbourhood areas.
89. If the area an organisation is working in has not been designated as a neighbourhood area it is recommended that they apply for designation of the area early on in the development of their proposals.
90. Guidance on applying for a Neighbourhood Area designation can be found at [Locality's website.](#)

### Applicant eligibility

91. Schedule 4C requires a community organisation to be a body corporate that is established for the express purpose of furthering the social, economic and environmental well-being of individuals living, or wanting to live, in a particular area.
92. Parish Councils meet this requirement and so are able to use the Community Right to Build and apply for funding.
93. In addition to the requirement in paragraph 91 all community organisations, other than Parish Councils, must ensure they meet the additional conditions for community organisations set out in the Neighbourhood Planning (General) Regulations 2012 before they submit a proposal for a Community Right to Build Order. The following are the conditions as they exist at the date this document is published (we recommend you check the legislation in case the provisions have been amended).

- Any person who lives or works in the particular area must be able to become a voting member of the community organisation;
- The constitution of the community organisation must also:
  - i. Provide that the people who live in the particular area:
    1. Hold majority voting rights, and
    2. Have the majority on the board of directors or governing body of the community organisation.
  - ii. Includes a statement that the organisation will carry out its activities for the benefit of the community in the particular area and indicate how the community will benefit.
  - iii. Provide that any assets of the community organisation may not be disposed of, improved or developed except in a manner which the community organisation considers to be for the benefit of the community;
  - iv. Provide that any profits from the organisation's activities may only be used to benefit the community in the particular area;
  - v. Provide that in the event the winding up of the organisation or in any circumstances where the organisation ceases to exist, its assets must be transferred to another body corporate that has similar objectives; and
  - vi. Provide that the organisation has at least ten members who live in the particular area covered by the organisation and who live in separate dwellings from each other.

## **Scheme eligibility**

94. Community organisations must confirm that the proposed scheme does not fall within Annex 1 or Annex 2 of the Environmental Impact Assessment directive and is not likely to have significant effects on the environment or on a European Site or a European offshore marine site. Further information about these requirements is set out in [DCLG's environmental impact assessment guide](#).
95. Community organisations must also confirm that the proposed scheme is not 'excluded development'. The types of development which are excluded are set out in section 61K of the Town and Country Planning Act 1990 e.g. development of a nationally significant infrastructure more details are available in the [1990 Town and Country Planning Act Schedule 1](#).

## **Community Consultation**

96. Before community organisations can apply for a Community Right to Build Order they must consult on the details of their proposal with the people who live, work or carry out business in the neighbourhood area. The requirements for consultation are specified in the [regulations](#).
97. The consultation must include:
  - Details of the proposals for the Community Right to Build Order;
  - Details of where and when the proposals can be inspected;
  - Details on how persons respond to the consultation; and
  - The date, by which responses must be received, which must not be less than six weeks from the date the first draft proposal was first publicised.



98. Community organisations must also consult certain bodies that are specified in the schedule to the regulations. In addition, an owner or tenant of the land to which the proposal relates must be consulted. The Local Planning Authority must also be sent a copy of the proposals.

## **State Aid**

99. State Aid refers to funding from a public or publicly-funded body given to organisations, which has the potential to distort competition and affect trade between member states of the European Union.
100. There are various legislative requirements in relation to State Aid. However small amounts of funding are allowed under the 'de minimis' rules.
101. The total amount of grants received over a three year period, including any funding allocated through this programme, must not cumulatively exceed €200,000. In order to ensure that all payments through this funding comply with the 'de minimis' rules, all applicants must declare in their application any other grants they have received in the last three years from any European (not just UK) grant-giving bodies. Any applicants that would exceed the 'de minimis' limit will not be eligible for funding.
102. Applicants are asked to note that funding available under the Community Right to Build programme, is anticipated to make up only a very small proportion of the €200,000 limit.
103. The Agency will provide a grant notification letter to all successful applicants. Organisations are required to retain this notification for three years and to include any grant received through this programme in any future State Aid declarations to other grant giving bodies to whom they make a grant application.

## **Glossary**

### **Community organisation**

As defined in [Schedule 4C](#) to the Town and Country Planning Act 1990, a community organisation is a body corporate which is established for the express purpose of furthering the social, economic and environmental well-being of individuals living, or wanting to live, in a particular area and which meets such other conditions in relation to its establishment or constitution as may be prescribed, including those set out in the Neighbourhood Planning (General) [Regulations 2012](#).

### **Body corporate**

A body corporate is any body which has been formally incorporated, usually by registration as a company with Companies House under the requirements of the Companies Act 2006.

Note that organisations such as charities, Industrial and Provident Societies and others can apply for the CRtB, but the legislation requires that such organisations must also be a body corporate.

### **Community Right to Build Order**

A Community Right to Build Order is a special kind of Neighbourhood Development Order brought forward under the Community Right to Build. A Community Right to Build Order will directly grant planning permission for certain specified kinds of development within a 'Neighbourhood Area.' Permission can be full or outline, and could have conditions attached and is site specific.

### **'De minimis' rule**

Allowance under State Aid legislation for small amounts of funding (not more than €200,000 over any three year period) to be agreed without the need for formal State Aid notification and approval, but subject to certain reporting requirements.

### **Environmental Impact Assessment (EIA)**

Environmental impact assessment is a procedure that must be followed for certain types of project before they can be given 'development consent'. The procedure is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing them, are properly understood by the public and the relevant competent authority before it makes its decision.

### **Independent Examiner**

An independent body or individual (i.e. separate from the Local Planning Authority and the organisation submitting a proposal for a Community Right to Build Order), who determines whether the Order meets the requirements of the legislation and provides a report on the Order for the Local Planning Authority. The examiner must have no interest in any land affected by the draft Order and have appropriate qualifications and experience.

### **Neighbourhood Area**

An area designated by the Local Planning Authority following an application from a qualifying body for the purpose of enabling a neighbourhood development plan or a neighbourhood development order (including a Community Right to Build Order) to be made within the designated area. A qualifying body may be a Community Organisation for the purposes of Community Right to Build or a Parish Council or a Neighbourhood forum for the purposes of neighbourhood planning.

## **State Aid**

State Aid refers to forms of assistance from a public body, or publicly-funded body, given to selected undertakings (any entity which puts goods or services on the given market), which has the potential to distort competition and affect trade between member states of the European Union.

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