

Community Right to Build & Neighbourhood Development Orders

Community Right to Build

The Community Right to Build is a new way for communities to choose for themselves where and when to build homes, shops, facilities and businesses. The Community Right to Build came into force on 6th April 2012 and forms part of the Neighbourhood Planning (General) Regulations made following the Localism Act 2011.

As an alternative to the traditional application for planning permission, this community right enables local people to bring forward small scale, site specific community led developments. Communities will be able to build:

- 'family' homes to sell on the open market
- affordable housing for rent or to convert disused farm buildings into affordable homes
- sheltered housing for elderly local residents
- low cost starter homes for young local families struggling to get on the housing ladder
- facilities such as a new community centre or a children's playground

Development proposals will need to meet minimum criteria and have the agreement of more than 50 per cent of local people that vote through a community referendum. Any benefits from any development – such as capital or rental receipts – will remain within the community. In order to be able to use the right, members of a community will need to set themselves up as a corporate body with the purpose of furthering the social, economic and environmental well being of the local community.

Statutory Guidance

The Community Right to Build forms part of the neighbourhood planning provisions contained in the Localism Act 2011. It became law on 6 April 2012 as part of the Neighbourhood Planning (General) Regulations. More information is available on the www.gov.uk website.

Funding

In May 2012, the Government announced funding programme to provide support for communities wishing to apply for a Community Development Order. Community groups in England (outside Greater London) are invited to apply for a share of the £17.5m fund which is being made available to help groups to formally establish, build up their development proposals and submit a Community Right to Build Order. The funding is available until the end of March 2015. Information about the fund and the application process is available on the Homes and Communities (HCA) website:

- <http://www.homesandcommunities.co.uk/community-right-to-build>

Advice and support

More advice is contained in this document http://mycommunityrights.org.uk/wp-content/uploads/2012/04/LOCALITY-BUILD_UNDERSTANDING.pdf

Neighbourhood development orders (NDOs)

These will grant planning permission for a particular type of development in a particular area. This could be either a particular development, or a particular class of development (for example retail or housing).

NDOs can grant planning permission, therefore getting rid of the need for a standard planning application to the local planning authority. However the NDO will have to meet some minimum standards, and be approved by the community, before it can come into force.

First, the NDO must be passed to the local district authority, which will check that it has been properly consulted on, and that the development does not need an Environmental Impact Assessment.

Then the NDO will be assessed by an independent examiner, who will check that it conforms to national and local planning policies. The independent examiner will also check that the NDO would not damage local heritage assets.

If the independent examiner approves the Order, then a local referendum on whether the NDO should be adopted will be held. If a majority vote in favour of the NDO in the referendum, then it will come into force.

A number of types of development will be excluded from NDOs, however. These are:

- minerals and waste development
- types of development that, regardless of scale, always need Environmental Impact Assessment
- Nationally Significant Infrastructure Projects.

Certain other types of development, or specific areas may also be excluded.