

Neighbourhood Planning

Guidance Note 9

# Community Right to Build Order

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[www.breckland.gov.uk](http://www.breckland.gov.uk)



**This guidance note provides information on an alternative to a Neighbourhood Plan, a Community Right to Build Order, including an outline to the process.**

If you need this document in an alternative format, such as large print or a different language, contact Breckland Council on 01362 656870.



**A Community Right to Build Order (CRtBO) may be the best route for you to take if a community would like to construct or rebuild community buildings such as a community centre or community-led housing.**

## What is a Community Right to Build Order?

A CRtBO is a type of Neighbourhood Development Order and forms one of the neighbourhood planning tools introduced in the Localism Act 2011. It can be used to grant outline or full planning permission for specific developments which complies with the Order (for example: homes, affordable housing for rent or sale, shops, businesses, community facilities or playgrounds).

A CRtBO is put together by local people (the group may or may not be led by a town/parish council) who decide on the type, quantity and design of buildings they want, and where they are to be located.

## What are the limitations of a Community Right to Build Order?

Not all types of development can be permitted through a CRtBO. The limitations include:

- Development proposals that would require an Environmental Impact Assessment (EIA)
- Those which are classified as 'excluded development' (e.g. mining operations, waste development, development requiring an EIA or nationally significant infrastructure projects)
- Plans which conflict with laws protecting listed buildings or conservation areas or are not in

line with National and Local Planning Policy

## How do I set up a community group?

Local residents need to decide how they want to work together and create a formal community group.

The community group must:

- Have at least 10 members, living at different addresses to each other and who live in the Neighbourhood Area
- Be demographically representative of the Neighbourhood Area in which the CRtBO is proposed
- Have individuals on the community group who live in the area so that they hold the majority of the voting rights in the group
- Submit the 'Notification to Form a Community Group' application to Breckland Council for approval that your community group meets Regulation 13 of the Neighbourhood Planning Regulations 2012
- Prepare a statement that includes
  - a) That the community group will carry out its activities for the benefit of the community in the area the Order will cover
  - b) Indicating how it is proposed the community group's activities will benefit the community in the area the Order will cover.
- Agree that any assets of the community group may not be disposed of, improved or developed except in a manner which the community group consider benefits the community in the area the Order will cover

- Confirm that any profits from its activities may only be used to benefit the community in the area the Order will cover
- Agree that in the event of the winding up of the community group or in other circumstances where the community group ceases to exist, its assets must be transferred to another legal entity, which has similar objectives, for example, the parish council

## Does a Community Right to Build Order have to relate to a Neighbourhood Plan?

Communities can prepare a CRtBO as a stand-alone entity if they wish. However, if a Neighbourhood Plan is being drafted it is often a good idea to link a CRtBO with a Neighbourhood Plan for joined up policies.

## What is the process?

### Stage 1: Forming a community group and defining the Neighbourhood Area

Once a community group has been formed (following the above criteria) the 'Notification to Form a Community Group' application must be completed and submitted to Breckland Council for the group to be authorised. This application form is available via the council's website.

A Neighbourhood Area will need to be defined. This designation must be made through the community group's town/parish council. It is advised that the Neighbourhood Area follows the parish boundary. Once your application is received, Breckland Council will publish it for a 4-8 week period (in most cases) to allow comments to be made and alternatives suggested. Once the

consultation is completed, the council will consider all responses and make a decision. All decisions will be published. Once this process has happened, applicants can then start to prepare a CRtB Order.

### Stage 2: Preparing the Community Right to Build Order

The community group develops their proposals. They must be for small scale development and relate to a specific site. Calculate whether the development will be financially viable and talk to any potential partners (housing associations, private developers, local authorities).

### Stage 3: Consultation on Community Right to Build proposal

The community group should undertake extensive consultations on their proposals with their local area. The draft order should be publicised and consulted upon in a way that brings it to the attention of those living, working or running a business in the Neighbourhood Area. The consultation period for people to make comments on the draft order should last for a period of six weeks.

A number of other bodies must also be consulted including Historic England, anyone who would normally be consulted on a planning application, any statutory consultee, Breckland Council and any adjoining town/parish council. See the guidance note on Consultation.

### Stage 4: Submission of the Community Right to Build Order

The draft Order is then considered by the council. If satisfied, the council will submit it for independent examination. This is primarily to do with legal compliance matters, e.g. the plan is consistent with the designated area and is in general conformity with the Development Plan.

### Stage 5: Independent Examination

Subject to the Council's agreement, the draft Order will then be subject to independent examination. Breckland Council will submit the Order and pay for this process. The examiner will consider whether the Order is appropriate having regard to national policy and whether it is in general conformity with the Development Plan for the area.

The Examiner's report is not binding. They will be able to recommend whether the Order should be put forward for a referendum, modified or refused. Breckland Council will then decide what should be done in light of the Examiner's report. Where the report recommends modifications to the Order, Breckland Council will invite the community group to make the required modifications.

### Stage 6: Referendum

Where the examination is favourable, the draft Order will then be subject to a referendum, organised and paid for by Breckland Council. If more than 50% of those who vote agree with the Order, Breckland Council will adopt it.

### Stage 7: Complete the development

The community can then oversee the development. Any profits are distributed by the community group or parish council for the benefits of local residents.

## What funding is available?

Funding can be applied for through Locality. An Expression of Interest form will need to be completed. Applicants will then be emailed an appropriate application fund. There are two grants for CRtBO. The **Community Buildings Pre-feasibility Grant** is to help assess the viability of your project prior to submitting a CRtBO (this is for between £1,000 and £10,000). The

**Community Buildings Project Support Grant** is to help you move your project through the planning process to the point at which you are able to submit a CRtBO (this is for between £5000 and £40000). Please see the **My Community** website for more information on these grants ([http://mycommunity.org.uk/programme/neighbourhood-planning/?\\_a=funding](http://mycommunity.org.uk/programme/neighbourhood-planning/?_a=funding)) .