

LOCALISM: OPPORTUNITIES AND CHALLENGES

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Opportunities Summary

Localism Act 2011. New Policies, Rights and Opportunities

1 -> Introduction of **Neighbourhood Planning**

2 -> The new **Rights** for Communities:

- The Community Right to **Bid**
- The Community Right to **Build**
- The Community Right to **Challenge**
- The Community Right to **Reclaim Land**

3 -> Provision of **Design Support** for Local Communities

4 -> The Localism Act and **Social Housing**

5 -> Conclusions: The Opportunities of an “**Open Source Planning**”

Opportunities 1_Neighbourhood Planning

Neighbourhood Planning

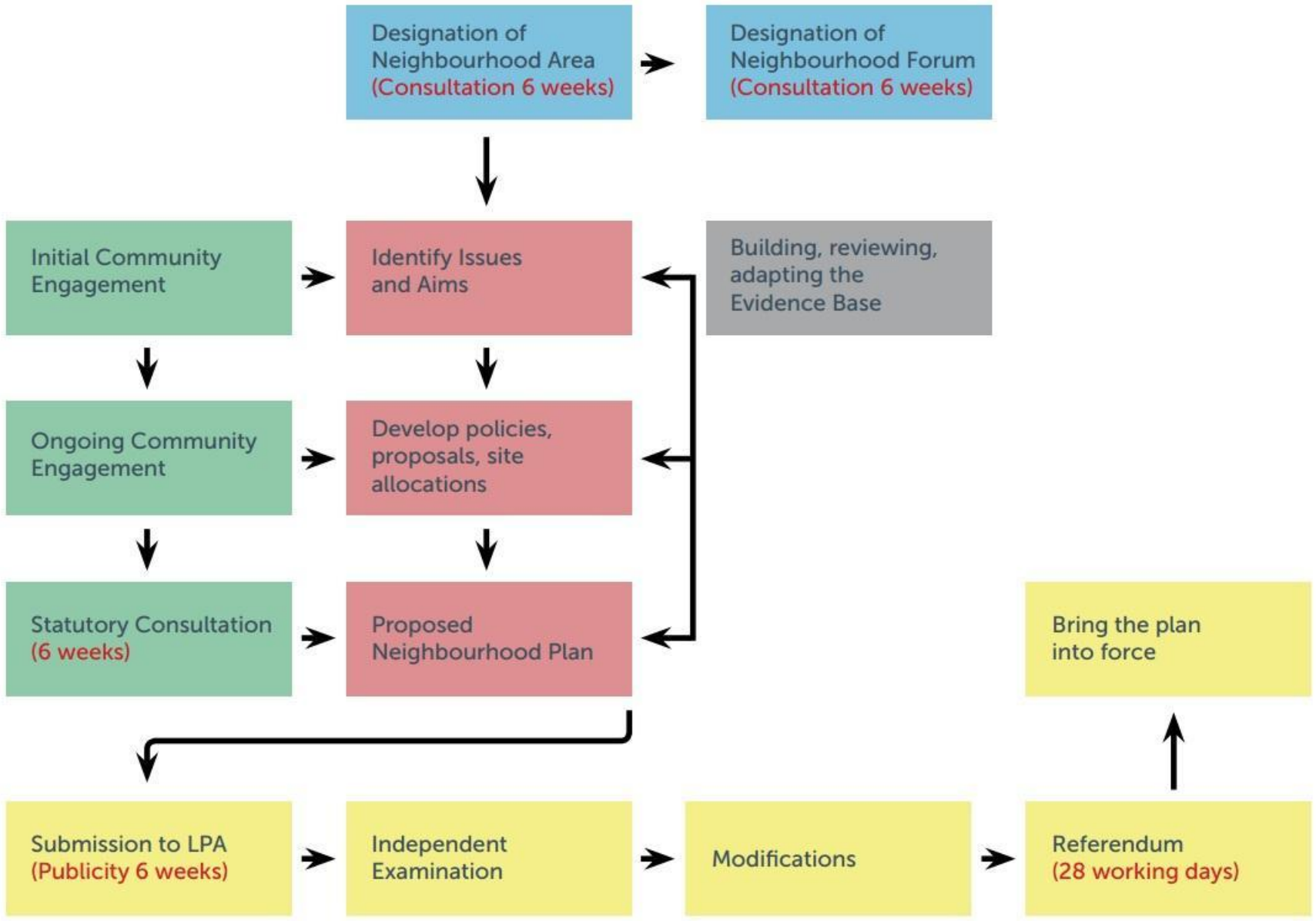
Allows communities to shape new development by coming together to prepare **Neighbourhood Development Plans** (NDPs).

Permit developments without the need for Planning Permission. These are called **Neighbourhood Development Orders** (NDOs).

Neighbourhood planning can be exerted either by town/parish councils or by **Neighbourhood Forums**.

NDPs and NDOs need to meet a number of conditions before they can be put to a **Community Referendum** and legally come into force, checked by “**an independent qualified person**” . :

1. Comply with National planning policy (National Planning Policy Framework)
2. Follow global strategic policies within the local area
3. Fall under the EU obligations and Human Rights



Opportunities 2 The New Rights (1)

The Community Right to Bid (Asset Transfer)

The Community Right to Bid gives community groups a fairer chance to prepare and bid to buy **community buildings and facilities** that are important to them. This could include their:

- village shop
- pub
- community centre
- children's centre
- allotment
- library

The right covers **private** as well as **public** assets.

Local authorities are required to keep a **list of the 'assets of community value'**. If an owner of a listed asset wants to sell it they have to notify the local authority. The local authority then, in turn, has to notify any interested parties.

If local groups are interested in buying the asset they have 6 months to prepare a bid to buy it before the asset can be sold.

The Community Right to Bid came into effect on 21 September 2012.



Step 1

Mapping community assets

[Read more ▶](#)

Step 2

Identifying assets of community value

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Step 3

Nominating an asset of community value

[Read more ▶](#)

Step 4

Getting ready to bid

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Step 5

Triggering the moratorium

[Read more ▶](#)

Step 6

Bidding for an asset of community value

[Read more ▶](#)

Step 7

Managing the asset

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Opportunities 2_ The New Rights (2)

The Community Right to Build

The Community Right to Build allows local communities to propose small-scale, site-specific, **community-led developments**: new homes, shops, businesses or facilities where they want them, without going through the normal **planning application** process.

To get the go-ahead, the proposals must:

- have the agreement of more than 50% of local people that vote through a **community referendum**
 - meet some minimum requirements (for example, they should generally be in line with **national** planning policies and **strategic** elements of the local plan)

Members of the community will need to set themselves up as a **corporate body** which will then manage the development: any benefits from any development which come to the body must be retained or used for the **benefit of the community**.

New fund (£17.5 million over 3 years) to assist community groups with the costs of using the right, run by the [Homes and Communities Agency](#).

New support hub called [My Community Rights](#) managed by Locality: **guidance and practical advice** to community groups wishing to use the right.

Step 1

Establishing community support

[Read more](#) ▶

Step 2

Getting started

[Read more](#) ▶

Step 3

Defining the neighbourhood area

[Read more](#) ▶

Step 4

Developing a business case

[Read more](#) ▶

Step 5

Preparing a Community Right to Build order

[Read more](#) ▶

Step 6

Submitting a Community Right to Build order

[Read more](#) ▶

Step 7

The referendum

[Read more](#) ▶

Step 8

Doing the development

[Read more](#) ▶

Opportunities 2 The New Rights (3)

The Community Right to Challenge (Services)

The Community Right to Challenge allows voluntary and community groups, charities, parish councils, local and fire and rescue authority staff to **bid to run authority services** where they believe they can do so differently and better. This may be the whole service or part of a service.

Transfer of local services to **independent providers** aims for a system more efficient and more cost-effective.

Groups need to submit a written **expression of interest**. Local authorities must consider and respond to expressions of interest which, if accepted, will trigger a **Procurement exercise** for that service. The interested group will then take part in the procurement exercise, alongside others.

Step 1

Assessing your organisation

[Read more ▶](#)

Step 2

Approaching the authority and acquiring service information

[Read more ▶](#)

Step 3

Building your business case

[Read more ▶](#)

Step 4

Submitting an expression of interest

[Read more ▶](#)

Step 5

The relevant authority's decision

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Step 6

The procurement exercise

[Read more ▶](#)

Step 7

Getting ready to run the service

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Opportunities 2 The New Rights (4)

The Community Right to Reclaim Land

Right to ask that **under-used or unused land owned by public bodies** is brought back into beneficial use.

Huge areas of previously developed land are left vacant or under-used in England. Much is owned by public bodies. A 2008 survey of previously developed land estimated that 7,500 hectares of publicly owned land, suitable for housing, was vacant or under-used.

The Department for Communities and Local Government (DCLG) has made it easier to find out who owns what. We've combined information from many sources into a **single public sector land ownership data set**.

Reform of the **Public Request to Order Disposal process** and increase of the numbers of organizations covered by it.

Anyone can send a request to the Secretary of State for Communities and Local Government setting out why they think.

Continuous review of land and property holdings (including a **retention policy**).

Opportunities 3 Design Support

Design support for communities

Innovative ideas about making **Design Advice and Toolkits** more accessible for communities (The [Bishop Review](#)).

Bodies involved:

The [Design Council](#), working with the [Royal Institute of British Architects](#) (RIBA), the [Royal Town Planning Institute](#) (RTPI), the [Royal Institution of Chartered Surveyors](#) (RICS), the [Landscape Institute](#), the [Home Builders Federation](#) and others, has been exploring new approaches towards providing design support for communities.

Some **examples**: developers and communities working closely together to develop successful housing schemes at Woodberry Down and St Andrews in London. An opportunity for there to be an increased focus on **communities as the new Clients across the sector**.

As a next step, government will be hosting a ministerial-led summit, in partnership with the Design Council and involving RIBA and RTPI and other partners, to scope how best to support built environment professionals in creating a **Nationwide Network of Neighbourhood Designers** who can help communities to influence local design.

Opportunities 4_Social Housing

Localism Act and Social Housing (*'Is a social house a home?' Deborah Garrie from Shelter*)

Introduces the '**Fixed-term Tenancies**' or "flexible tenancies", that establish a minimum tenancy of only **2 years**, although the recommendation to social landlords is to prolong it for at least 5 years.

The objective of these is "to provide a **limited and temporary 'safety net'** until people can compete in the housing market, freeing up properties for those in greater need (...)

They also provide a **great deal of flexibility for the landlord** in letting and managing their stock, and more **scope to innovate**".

Landlords set out the reasons that a social tenancy should not be renewed, paying special attention to two: - **under occupancy** - **financial means**

However, the Act places a new duty on local authorities to publish **Local Strategies** by January 2013, setting out the matters to which social landlords should have regard when granting and renewing tenancies.

The **Government predictions** show that it will only be in the late 2030s when flexible tenancies will start to have a major influence on the number of moves out of the social sector.

Opportunities 5_Conclusions

The Opportunities of an “Open Source Planning”



Opportunities 5_Conclusions

The Opportunities of an “Open Source Planning” (Planning Green Paper No. 14)

“A **radical Reboot** to promote the values of **Transparency and Free Access** as opposed to Centralisation and Corporativism”

“Instead of one planning structure determined centrally and applied unvaryingly across the country, a planning system where there is a **basic national framework**, within which **local people can produce their own distinctive local policies** to create communities which are sustainable, attractive and good to live in”

Restore **democratic and local control** over the planning system

Rebalance the system in favour of **Sustainable Development**

Produce a **simpler, quicker, cheaper and less bureaucratic** planning system

To foster a spirit of **Innovation and Entrepreneurship** as opposed to Bureaucracy, delay and centralised micro-managemet

Incentives for development of new homes and new businesses

Opportunities 5_Conclusions (2)

The Opportunities of an “Open Source Planning” (2)

Abolition of “entire bureaucratic and undemocratic tier of **Regional Planning**”

Freer use of land and buildings: **Flexible Zoning**. Change of use without Planning Permission

Abolish power of **Planning Inspectors and limit Appeals** against local planning decisions

“Ending the Garden Grab” to **prevent Overdevelopment**:

- abolish arbitrary Whitehall density targets
- reverse the classification of gardens as ‘brownfield’ land

Ease up the “unnecessarily prescriptive and overly complex **Building Regulations** to be simplified and reduced, with a focus on outcomes rather than box-ticking”

“Combined with **effective Community Action, Community Planning** can challenge the dominance of property markets and local planning policies. Ultimately, it could build the political and community power to create community-owned **Development Trusts** which can act as land owners and developers themselves”

“Used with skill and imagination, NPs give another option for **community activists**, and could be a useful weapon for justice in the battle for land and property” (Colenutt, 2012)

