

# Community Right to Build Guidance Note 2

## Getting started on your Community Right to Build Order

January 2013



The Community Right to Build has given communities the opportunity to deliver the homes, businesses and facilities they need without applying for planning permission - subject to certain conditions being met. This guidance note provides general advice in respect of forming a community group which will enable you to take proposals forward either independently or as part of the local parish council.

If your community is interested in producing a Community Right to Build (CRtB) Order, there are some initial steps you should consider to make the Order successful and assist the process through to the examination and referendum.

- Get your community involved
- Form a community group
- Designate your Neighbourhood Area
- Establish a project group
- Produce a project plan
- Develop your business case
- Develop a consultation and communication plan
- Involve your Ward member (County Councillor)

### **Get your community involved**

It is essential that the objective of your CRtB Order represents the views of the wider community, not just the parish council or community group behind it. Involving the wider community in all stages of preparing your CRtB Order will make it more likely to reflect their aspirations and priorities and thus gain their support at the referendum. There are, however, other reasons why early community engagement is intrinsic to the process:

- It is a statutory requirement (included in the Localism Act 2011)
- Early engagement is essential for developing consensus within the community and avoiding misconceptions
- It is part of the evidence base and helps to achieve better informed outcomes
- It will help to avoid the risk of raising expectations that cannot be delivered through the planning system
- Public support and confidence need to be maintained
- It helps to avoid conflict, delay and cost at later stages

Preparing a CRtB Order is not compulsory; taking advantage of the opportunity and responsibility to deliver site-specific developments will be up to each community. Your community should be involved in the decision to produce a CRtB Order and be kept informed once the decision has been made to progress.

The wider community includes residents, community groups, businesses and landowners. Nobody within the community should be excluded. This will involve engaging people with differing views and perspectives.

Producing a CRtB Order will require a range of skills and so it may be necessary to involve communities and individuals in much greater depth. Once the decision has been made to progress an Order, recruiting volunteers to assist with the various stages will be important. Undertaking an assessment of the skills which are readily available within the community - skills audit - is both a great way to involve people and make the task of producing the plan simpler. If your community has any planners, surveyors, architects, environmental or legal professionals, public speakers, IT specialists or graphic designers these could offer useful skills in preparing the Order.

It is also important to remember that a group of volunteers to organise meetings, leaflet drops, collating material and put everything together will be equally valuable to progressing your Order.

### **Form a community group**

Any community in Herefordshire can use CRtB via their parish council or a community group. If the parish council does not wish to use its CRtB powers, members of the community will need to come together to form a corporate body that meets certain governance requirements.

It is possible that some communities will want to take advantage of the CRtB independently of their parish council. To use the CRtB powers, they must form a community group. Further guidance on this is contained in a separate guidance note number 4: Setting up a community group, but assuming local people want to form an organisation; they need to decide how they want to work together. There are various legal options, but the group must be set up to improve the social, economic and

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environmental well being of the area.

Once you have formed your community group, you will need to notify Herefordshire Council by filling in form CRtB1 and sending it to the Neighbourhood Planning team, who will check that the group meet the requirements set out in the regulations and will send out a confirmation e-mail.

## Designate your neighbourhood area

The CRtB is part of the Neighbourhood Planning framework, so the community will need to designate the Neighbourhood Area they wish to improve through their activity.

**N.B. Community groups can only apply to designate a Neighbourhood Area through their parish council. There is no need to submit a separate application if your parish has already been designated. This will be the case if your parish council is currently preparing or has prepared a Neighbourhood Development Plan.**


The Neighbourhood Area with which the CRtB Order is associated can be large or small. For example, it could contain a village, town centre, housing estate, employment area or combination of these. Or it could be based on an administrative boundary such as a parish boundary. However, it is not possible to designate more than one Neighbourhood Area within any parish. Therefore it is recommended that the Neighbourhood Area proposed ought to follow the parish boundary to allow for a Neighbourhood Development Plan to be submitted at a later stage. This is assuming your parish council has not already designated a Neighbourhood Area.

You can find out if your parish council has designated a Neighbourhood Area by looking on the Neighbourhood Planning webpages on Herefordshire Council's website

Once you have decided the extent of the area you wish the Order to cover, the parish council will need to apply to Herefordshire Council to designate a Neighbourhood Area on your behalf. The application must be submitted alongside a map identifying the area to which the Order relates. A formal 6 week consultation period will follow and Herefordshire Council will give consideration to any representations received. A

Neighbourhood Area application forms (NP1)

County of Herefordshire District Council  
Planning Services  
PO Box 230  
Blusschool House  
Blusschool Street  
Hereford  
HR1 2ZB

 **Herefordshire Council**

**Application to designate a Neighbourhood Area  
Town and Country Planning Act 1990  
Neighbourhood Planning (General) Regulations 2012**

**Publication of applications on the Herefordshire Council website**  
Please note that the information provided on this application form may be published on the Authority's website. If you require any further clarification, please contact the planning department.

Please complete using block capitals and black ink

1. Parish Clerk details	2. Additional contact details (if different from parish clerk)
Title: <input type="text"/> First Name: <input type="text"/>	Title: <input type="text"/> First Name: <input type="text"/>
Last Name: <input type="text"/>	Last Name: <input type="text"/>
Unit: <input type="text"/> House Number: <input type="text"/> House Suffix: <input type="text"/>	Unit: <input type="text"/> House Number: <input type="text"/> House Suffix: <input type="text"/>
House Name: <input type="text"/>	House Name: <input type="text"/>
Address 1: <input type="text"/>	Address 1: <input type="text"/>
Address 2: <input type="text"/>	Address 2: <input type="text"/>
Address 3: <input type="text"/>	Address 3: <input type="text"/>
Town: <input type="text"/>	Town: <input type="text"/>
County: <input type="text"/>	County: <input type="text"/>
Postcode: <input type="text"/>	Postcode: <input type="text"/>
email: <input type="text"/>	email: <input type="text"/>

**3. Relevant body:**  
Please confirm that you are the relevant body to undertake neighbourhood planning in your area in accordance with section 61G of the 1990 Act and section 5C of the 2012 Regulations

Yes:  No:

Name of Parish Council:

decision regarding the designation will be made approximately 2 weeks following the end of the consultation period.

An application form and accompanying guidance is available on Herefordshire Council's Neighbourhood Planning webpages to assist you in applying to designate your Neighbourhood Area.

## Neighbourhood Planning and CRtB

If your parish council is undertaking a Neighbourhood Development Plan, it may be worth considering combining the two together so that there will only need to be one referendum. This could not only help to avoid confusion within your community, but would also help to encourage a higher turnout for the one referendum rather than two separate ones.

## Establish your project team

Whilst the responsibility for producing a CRtB Order lies with parish councils or community

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organisations, there is no reason why they should not enlist the help of others by forming a project group to assist them.

The project group should be representative of the Neighbourhood Area and include both parish councillors and members of the community. The selection process will be important and should be seen as open, fair and inclusive in order to ensure a greater degree of community support. All decisions taken by the group should also be transparent and communication links with the full parish council or community group strong, as they will remain the responsible bodies.

Producing a simple 'terms of reference' for the group would be helpful. This should set out the purpose and remit of the group and the reporting and decision making procedure.

### Producing a project plan

The thought of producing a CRtB Order may appear to be daunting at the start, but this can be made easier with project planning and management.

This will consist of a schedule of what you consider is necessary to achieve the Order. For example:

- What activities will need to be carried out at each stage of developing the Order - research, meetings, consultations, surveys, events, analysis, design of scheme, producing plans?
- What resources will be needed - people, materials, funding?
- How much time should be set aside to accomplish each stage?

Producing a programme will help you focus your activities and monitor progress. The programme also assists Herefordshire Council to plan effectively for your independent examination and referendum.

### Developing a business case

The successful implementation of your CRtB Order will be dependant on your ability to purchase the land required and enter into contracts with developers and builders. Therefore, assuming your project does not have

the funds to deliver it or the support of a wealthy benefactor are not already at your disposal, you will need a business case to show that it is

- feasible (can be achieved in the short term),
- sustainable (can be successful in the long term)
- credible (your organisation has the required skills or can draw on the skills of professionals for the knowledge and capacity to deliver it).

The business case will usually be made through a business plan or a project feasibility plan. This explains how the development will be delivered and includes an explanation of the finances of the project, covering both capital (up front costs of the build) and revenue (ongoing running costs of the project).

But the business plan also needs to show why the project is needed, and will need to inspire people - both potential investors and local people who may read your plan before they decide how to vote in a referendum.

There is a plethora of information and guidance available to help with preparing a business plan. Try doing internet searches for 'business planning' or ask around and find an organisation which understands and has experience in this field. It would be particularly useful to draw on the expertise of organisations which have helped communities develop business plans for capital investment projects.

If your project is to provide housing, guidance from the National Community Land Trusts ([www.communitylandtrusts.org.uk](http://www.communitylandtrusts.org.uk)) and the Self-Build Portal ([www.selfbuildportal.org.uk](http://www.selfbuildportal.org.uk)) may be useful. Both sites include lots of useful information including building costs, and a project feasibility toolkit.

Other potentially useful sources of information include Locality ([www.locality.org.uk](http://www.locality.org.uk)) and the Accord Group ([www.accordgroup.org.uk](http://www.accordgroup.org.uk)).

### Consultation and communication

Consultation and communication with the wider community will be vital to the success of your Order, particularly as only those with a positive referendum result can be adopted. People are more likely to support a plan they feel involved

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in and have had an opportunity to participate throughout.

Accordingly, thought should be given to the various ways of communicating with your whole community. This includes traditionally 'hard to reach' sectors of the community such as young people, ethnic groups, Gypsies and Travellers, people living across a dispersed rural area, the business sector and those with physical and learning difficulties.

This could involve producing material in another language and using a wider range of techniques than have traditionally been used across the parish such as social media.

Herefordshire Council's [Statement of Community Involvement](#) contains useful information to assist the development of your consultation plans.

Once your draft Order has been prepared, there will need to be a formal round of public consultation. The Neighbourhood Planning team will be able to assist you with this and a separate guidance note for Neighbourhood Development Plans has been produced entitled 'Statutory consultees' to highlight the appropriate bodies to consult. The information in which would be equally appropriate to CRtB Orders.

There is also guidance notes available highlighting some 'Best practice community engagement techniques' and 'Web enabling your plan' for getting people involved, these are all available to download from the Neighbourhood Planning pages on Herefordshire Council's website.

### **Involve your Ward member (County Councillor)**

Your Ward member should be involved in the initial decision to produce a CRtB Order within your area. This includes help defining Neighbourhood Area boundaries, building community consensus and identifying issues.

They will have a vital role of supporting, mediating, explaining options, finding solutions and explaining the feasibility of your proposals within the wider countywide planning policy context.

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**Community Right to Build guidance notes available:**

1. Producing a Community Right to Build Order
2. Getting started on your Community Right to Build Order
3. A guide to procedures - Community Right to Build Order
4. Setting up a community group
5. Funding a Community Right to Build Order
6. Environmental Impact Assessment
7. Glossary of terms

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