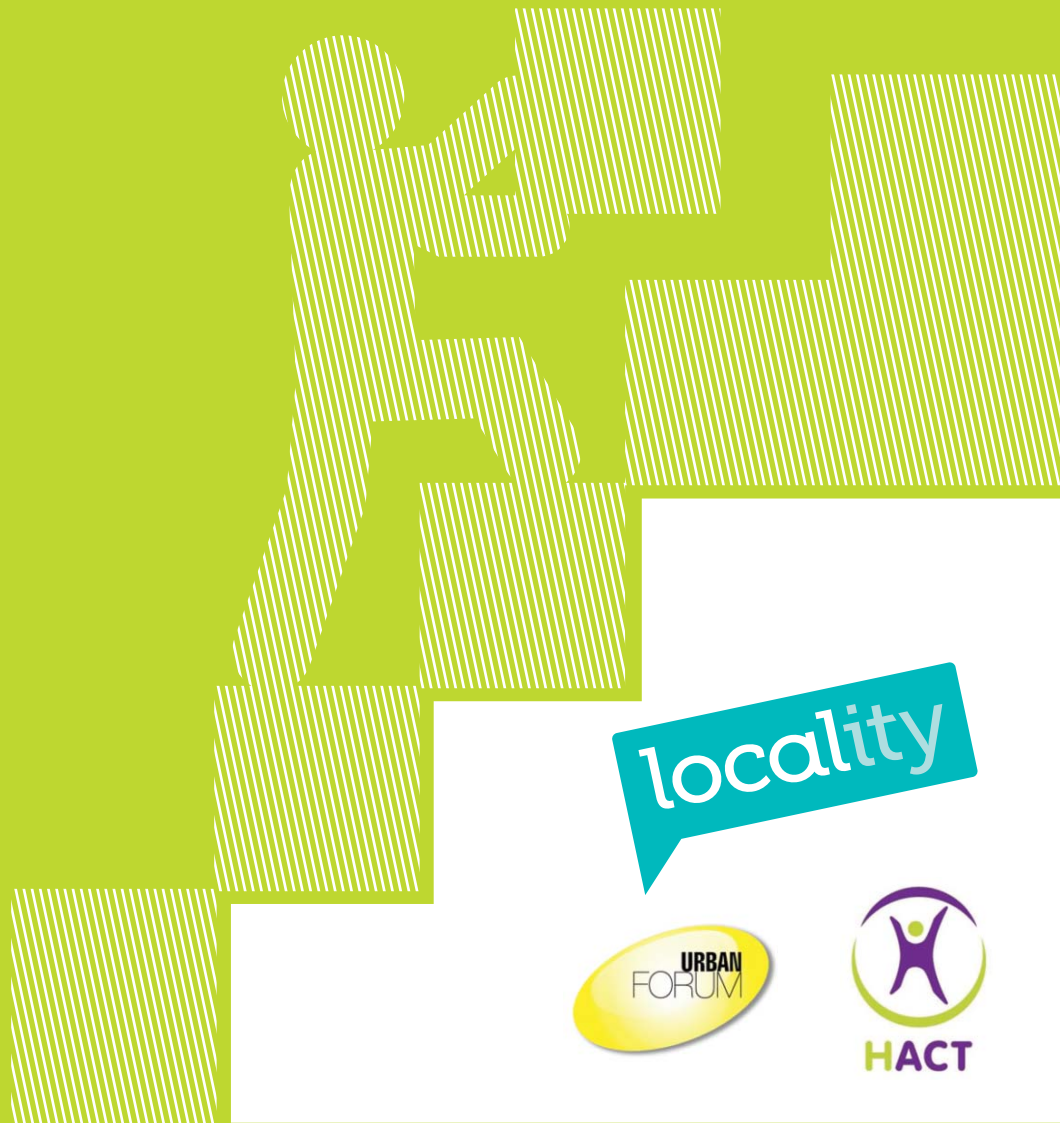


My Community Rights

Community Right to Build

Step 5:

Preparing a Community Right to Build order



Preparing a Community Right to Build Order

Community Right to Build Order

When submitting a Community Right to Build order proposal to the local planning authority it must include:

- a map which identifies the land to which the order proposal relates
- a consultation statement
- the proposed community right to build order
- where the qualifying body considers it appropriate, following consultation with English Heritage, an archaeology statement
- a statement explaining how the proposed community right to build order meets the basic conditions in paragraph 8(2) of Schedule 4B to the 1990 Town and Country Planning Act (it is not likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects))
- details of any enfranchisement rights, (these are rights of the occupier of social housing to buy their property whether their landlord wants to sell or not), which it is decided should not be exercisable and the properties, or types of properties, in relation to which to the enfranchisement rights are not exercisable – if these rights are excluded the tenant / occupier cannot require the landlord to sell the property to them and thus the property will continue to be owned by the community organisation in perpetuity (or until it decides to sell it).

Certain publicity and consultation

Before submitting a Community Right to Build Order proposal to the local planning authority it is necessary to carry out consultation.

The proposed order must be publicised in a way that will bring it to the attention of the people who live, work or carry on business in the neighbourhood area.

The following details must be publicised:

- the proposals for the community right to build order
- where and when the proposals may be inspected
- how to make representations
- the date by which those representations must be received. This date must not be less than 6 weeks from the date on which details of the proposals are first publicised

Certain specialist bodies

When preparing the Community Right to Build Order, consultation must be carried out with:

- the local planning authority, county council or parish council, any part of whose area is in or adjoins the area of the local planning authority
- voluntary bodies, some or all of whose activities benefit all or any part of the neighbourhood area

- bodies which represent the interests of different racial, ethnic or national groups in the neighbourhood area
- bodies which represent the interests of different religious groups in the neighbourhood area
- bodies which represent the interests of persons carrying on business in the neighbourhood area
- bodies which represent the interests of disabled persons in the neighbourhood area
- the owner of any of the land which is proposed to be developed under the order proposal and any tenants of that land
- English Heritage

In addition the following agencies must be consulted if the Community Right to Build Order might affect them:

- the Coal Authority
- the Homes and Communities Agency
- Natural England
- the Environment Agency
- Network Rail Infrastructure Limited
- Railway operators
- the Highways Agency
- the Marine Management Organisation
- a Primary Care Trust or any successor body
- the electricity provider
- the gas provider
- the water and sewerage companies
- The Garden History Society
- Civil Aviation Authority
- Secretary of State for Defence
- Secretary of State DEFRA
- Secretary of State Transport
- Mayor of London
- British Waterways Board
- Sport England
- A National Park Authority
- Health & Safety Executive
- local highway authority
- Theatres Trust
- any person to whom the electronic

communications code applies or who owns or controls electronic communications apparatus situated in any part of the area of the local planning authority

If in doubt seek the advice of the Local Planning Authority about with whom you need to consult.