



Community Right to Buy

Consultation response form

We are seeking your views on the following questions on the Government's proposals to introduce a Community Right to Buy – Assets of Community Value.¹ **If possible, we would be grateful if you could please respond by email.**

Please email: crtbuy@communities.gsi.gov.uk

Alternatively, we would be happy to receive responses by post. Please write to:

Community Right to Buy Consultation Team
Department for Communities and Local Government
5/A3 Eland House
Bressenden Place
London SW1E 5DU

The deadline for submissions is 5pm on Tuesday 3 May 2011.

(a) About you

(i) Your details

Name:	Owain Lloyd-James
Position:	Senior Local Government Adviser
Name of organisation (if applicable):	English Heritage
Address:	1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST
Email:	owain.lloyd-james@english-heritage.org.uk
Telephone number:	0207 973 3841

¹ DCLG (2011) Proposals to introduce a Community Right to Buy – Assets of Community Value: Consultation paper.
see: www.communities.gov.uk/corporate/publications/consultations

(ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational response	<input checked="" type="checkbox"/>
Personal views	<input type="checkbox"/>

(iii) Please tick the *one* box which best describes you or your organisation:

Voluntary sector or charitable organisation	<input type="checkbox"/>	
Local authority (i.e. district, London borough, county council)	<input type="checkbox"/>	
Parish council	<input type="checkbox"/>	
Business	<input type="checkbox"/>	
Landowner	<input type="checkbox"/>	
Land conveyancer	<input type="checkbox"/>	
Other public body (please state)	<input checked="" type="checkbox"/>	Non-Departmental Public Body
Other (please state)	<input type="checkbox"/>	

(iv) Do your views or experiences mainly relate to a particular type of geographical location?

City	<input type="checkbox"/>	
London	<input type="checkbox"/>	
Urban	<input type="checkbox"/>	
Suburban	<input type="checkbox"/>	
Rural	<input type="checkbox"/>	
Other (please comment)	<input checked="" type="checkbox"/>	National

(vi) Would you be happy for us to contact you again in relation to this

consultation?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

(b) Consultation questions

Section 3 – Definition of Asset of Community Value

Q1. Do you agree that the regulations should give local authorities the power to decide what constitutes an asset of community value based on a broad definition of 'local community benefit' and a list of excluded assets?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

If No, why not?

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Q2. If yes, (a) do you agree with the factors listed above that the local authority should take into consideration when deciding whether a piece of land or building is an asset of community value?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Further comments:

Whether the asset is already nationally, or locally (as part of the Local Heritage List) designated for its historic significance should also be a consideration when deciding whether a piece of land or building is an asset of community value.

The process of heritage designation recognises its value to the local community. Therefore, a designated heritage asset will also be an asset of community value (it is worth noting that social and communal value is one of the criterion often applied to assessing the suitability of assets for inclusion on Local Heritage Lists).

(b) Should these be set out in regulations?

Yes	<input checked="" type="checkbox"/>
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No	<input type="checkbox"/>
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Further comments:

To ensure a degree of clarity for those involved, it would be useful if these were set out in regulations.

Q3. We envisage that the definition of 'land of community value' would not include a piece of land or a building which the nominator suggests has a potential use as opposed to former or current use – do you agree?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

If No, why not?

Community value should not simply relate to the use of a building or land. The value could relate to how the asset contributes to the quality of a place (contributing to the 'environmental well-being' of the area). It is important that that contribution is recognised in how community value is assigned and retained.

Q4. Are there other areas that you believe should be explored further to strengthen the Community Right to Buy?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

If Yes, what?

We agree that there should be clear controls over the demolition of an asset on the list, as suggested in the consultation.

Q5. Do you agree that all residential property should be excluded from being listed as an asset of community value, except where the accommodation is tied to the asset of community value or is integral to the working of the asset?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If No, why not?

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Q6. Are there other types of land or buildings that should be excluded from being listed as assets of community value?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If yes, what?

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Section 4 – Ways in which assets may be nominated and listed

Q7. Do you agree that the nomination process should be open to any group or individual and that they should have a 'local connection'?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

If No, why not?

We would welcome additional information as to how this would work. Defining a 'local connection' will be fraught with problems. For examples, would that be restricted to residents within a National Park, or should it also include regular visitors who may live just outside the park boundaries?

We would strongly advocate defining 'local' as broadly as possible so as to avoid excluding organisations, like county heritage groups, who can play an important role in bringing historic buildings back to life.

Q8. How else could an individual or group be defined as having a 'local connection'?

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Q9. Are there other process(es) by which an asset of community value should be listed?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If Yes, what?

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Section 5 – Information to be included in community nominations

Q10. Should (a) the regulations specify the minimum information that should be included in a community nomination?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Further comments:

It should include information on whether the asset is a designated heritage asset (perhaps under the explanation of community value).

(b) Or should this be left to the local authority's discretion?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Further comments:

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Q11. If you think the regulations should specify the contents of a community nomination, is there other information that should be included?

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Section 6 – The procedure for listing assets

Q12. Do you agree that owners should be informed before the local authority makes a decision whether to list the asset or not?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

If No, why not?

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Q13. Should the local authority be required to follow any other procedures when deciding whether to list an asset?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

If Yes, what?

It should check whether it is a designated heritage asset (see answer to question 10). If so, the authority should consult English Heritage as a statutory consultee on decisions which affect specified types of heritage assets.

Section 7 – Notification about inclusion and removal of a listed asset

Q14. Is there anyone else (other than the owner, occupier and nominator) the local authority should inform of inclusion or removal of a community asset from the list?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

If Yes, who?

Where the asset is a designated heritage asset the local authority should inform English Heritage (see answer to Question 13).

Q15. Is there other information (other than that listed in paragraph 7.3) that should be included in the notification of inclusion of an asset on the list?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

If Yes, what?

It will be important for the notification to include whether the asset in question is a designated heritage asset.

Q16. Do you agree that an asset should be removed from the list of assets of community value once the local authority knows that it has been sold as a result of a relevant disposal?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If No, why not?

Q17. Should local authorities be able to remove an asset from the list if it is no longer considered to be of community value?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Further comments:

We would welcome further guidance on how the decision to remove an item from the list would be taken.

Q18. Is there other information that should be included in the notification of removal of an asset from the list of assets of community value?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If Yes, what?

Q19. Are there other ways (in addition to those listed in paragraph 7.11) in which an unknown landowner, or an owner whose current address is not known, might be contacted and notified that their land has been included on or removed from the list of assets of community value?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If Yes, what?

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Section 8 – Content and publication of the list of assets of community value and the list of land nominated by unsuccessful community nominations

Q20(a). Do you agree that local authorities should decide the most appropriate ways to publicise the lists and bring them to the attention of the community and other interested parties, beyond what is set out in the Bill?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

(b) If not, what further requirements should be set out in regulations?

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Section 9 – Right of appeal for landowners

Q21. Do you agree with the suggested period (28 days) for requesting an internal review?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If No, why not?

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Q22. Is there any other information (in addition to what is listed in paragraph 9.3) the owner should provide?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If Yes, what?

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Q23. Do you agree with the proposed timescale of 6 weeks for the local authority to complete the internal review?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If No, why not?

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Q24. Do you agree that the review should normally be undertaken by an officer in the local authority who is equal in rank to or more senior than the officer who took the decision to list the asset and who was not involved in the original decision-making?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If No, why not?

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Q25. Do you think that the landowner should be entitled to an oral hearing as part of the internal review?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If Yes, in what circumstances?

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Q26. Should anything else be included in the internal review process?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If Yes, what?

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Q27. Should formal provision be made for landowners to appeal to a court or tribunal if they are dissatisfied with the outcome of the local authority's internal review?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Further comments:

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Section 10 – Length of the windows of opportunity and protected period

Q28. Do you agree with the proposed length of the interim period (6 weeks)?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If No, why not?

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Q29. Are there any other kinds of groups that should be allowed to make a request to be treated as a potential buyer during the interim window of opportunity period, thereby triggering the full period?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If Yes, who?

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Q30. Do you prefer option (a) 3 months; or option (b) 6 months; or option (c) other?

3 months	<input type="checkbox"/>
6 months	<input type="checkbox"/>

Other	<input type="checkbox"/>
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If 'other', how long should the full window of opportunity be?

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Q31. Do you agree with the proposed length of the protected period (18 months)?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If No, why not?

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Section 11 – Exempt disposals and permitted sales within the full window of opportunity

Q32. To what extent should we allow for cases of partial occupation (as set out in paragraph 11.3)?

Comment:

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Q33. Are there other disposals (in addition to those listed in paragraph 11.4) that should be exempt?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If Yes, what?

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Q34. Are there other circumstances (in addition to those in paragraph 11.6) under which sales should be permitted within the window of opportunity?

Yes	<input type="checkbox"/>
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No	<input type="checkbox"/>
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If Yes, what?

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Q35. Do you agree with the list of groups in paragraph 11.7 that could be eligible to purchase an asset during the window of opportunity?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If No, why not?

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Section 12 – Compensation for landowners

Q36. Do you agree with the proposal in paragraphs 12.3 and 12.4 (that compensation should be based on costs incurred as a result of the procedural requirements of the scheme)?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If No, why not?

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Q37. Do you agree that compensation claims should be considered and paid for by the local authority?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If No, why not?

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Q38(a). Do you agree that only private landowners should be entitled to claim compensation?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If No, why not?

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(b) What do you think the definition of 'private landowner' should be?

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Q39. Do you agree with the proposed time limit of 90 days for making a compensation claim?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If No, how long do you think the time limit should be?

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Q40. Do you agree with the proposal in paragraph 12.8?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If No, why not?

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Q41. Do you agree with the proposal in paragraph 12.10?

Yes	<input type="checkbox"/>
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No	<input type="checkbox"/>
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If No, why not?

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Q42(a). Should landowners be entitled to appeal against a local authority's decision about compensation?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

(b) If Yes, on what basis?

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Section 13 – Enforcement of the regulations

Q43. Do you agree that an enforcement regime is required?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If Yes:

Q44. Do you have any comments on the process of enforcement?

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Q45. Are there alternative approaches to enforcement that you would propose?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If Yes, what?

Section 14 – Support and Guidance

Q46. What support would be most helpful?

It would be helpful for there to be support which pulls together existing literature on community ownership and transferring ownership in relation to heritage assets. English Heritage, the Prince's Regeneration Trust, the Architectural Heritage Fund and the Building Preservation Trusts have all developed documents which could support both authorities and community groups through the process of taking responsibility for community assets. We could provide a more detailed description of existing literature if required.

(c) Additional questions

Do you have any other comments you wish to make?

English Heritage is concerned that the use of terminology, such as 'lists of assets' may lead to the lists of assets of community value being confused with 'Local Heritage Lists' and 'Listed Buildings'. Each involve the protection of buildings and land which have been identified as being of value, but there is clearly a difference in how that value is defined. We would want steps to be taken which ensure that such confusion does not result in a lack of importance being placed on the different lists. We would welcome the opportunity to discuss how this might be achieved.

END

If you would like this document in a different format, please contact
our Customer Services department:
Telephone: 0870 333 1181
Fax: 01793 414926
Textphone: 01793 414878
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