

### Consultation Questions

The main consultation questions NALC will be responding to in this consultation are as below. NALC seeks the views of county associations and member councils in response to these questions to help inform its own submission to MHCLG.

#### **INCREASING THE USEFULNESS AND EFFECTIVENESS OF THE RIGHT**

1	Do you consider the Right to Contest useful?	Currently, no to us as a Parish Council.
2	Do you think there are any current barriers to using the right effectively, and if so, how would you suggest they be overcome?	Not currently applicable to Parish Councils currently.

#### **MAKING IT CLEARER WHEN LAND IS UNUSED OR UNDERUSED**

3	Would a definition of unused or underused land be useful, and, if so, what should such a definition include?	Yes, particularly with land that is used for public, recreational space, land that originates from bequest or as a charity and areas designated for long-term wildlife, Local Green Spaces and green gaps and re-greening projects. A definition regarding the protection of land for recreational, charitable or environmental use is essential.
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#### **EXTENDING THE SCOPE OF THE RIGHT**

4	Should the right be extended to include unused and underused land owned by town and parish councils?	No – small PCs do not have the finances or leverage to take on developers or corporations, unless any potential buyer pays the costs of all parties.
	[NALC Supplemental Question: Do you think that this proposal could lead to a back way in for developers to acquire redundant council-owned land and buildings?]	YES. This proposal would appear to be the whole point of proposed change in legislation. It would enable developers to pick the low hanging fruit by intimidating small parish councils who do not have the expertise or resources to oppose large, well-financed property companies.

#### **LAND WHERE A PUBLIC BODY HAS AN INTENDED USE**

5	Should the government incentivise temporary use of unused land which has plans for longer term future use?	No, not applicable to likely size of, or long-term plans for, parcels of land owned by a PC. Any temporary use should be up the PC and not an external organisation.
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#### **A GREATER ROLE FOR LOCAL AUTHORITIES**

6	Should the government introduce a requirement for local authorities to be contacted before a request is made?	YES – To enable them to make a timely response to the application. If Parish Councils are to be included it should be a consideration that such councils are staffed by volunteers and that timescales for a response may be significantly longer than that which could be expected from District and County Councils. A minimum response time of 3-month would support all different sizes of councils.
<b>PRESUMPTION IN FAVOUR OF DISPOSAL</b>		
7	Should the government introduce a presumption in favour of disposal of land or empty homes/garages where requests are made under the right?	NO – The burden of proof should lie with the applicant, otherwise a poor Parish Council could face very expensive litigation fighting a string of speculative attacks on its land.
<b>PUBLICITY AND REPORTING</b>		
8	Do you agree that the government should require these publicity measures where requests are made under the right?	YES – Provided that both the applicants-and the ultimate beneficiaries- details are also made public. This would help identify developers that were trawling for building land. The council relinquishing land should receive 80% of any uplift.
<b>RIGHT OF FIRST REFUSAL</b>		
9	Should government offer a 'right of first refusal' to the applicant as a condition of disposal?	YES – This would help avoid the situations where cash-rich developers moved in once the right to buy had been established, as long as the terms were similar to that of 'Assets of Community Value'. Otherwise This would be detrimental to local groups that would otherwise have to find the finance in advance of making the application.
<b>CONDITIONS ATTACHED TO DISPOSALS</b>		
10	Should the government impose conditions on the disposal of land? And if so, what conditions would be appropriate?	YES – The land should be quickly be used for the purpose for which it was sold, so that it would not be possible for a developer to "hoard" land, possibly in order to force a default due to lack of land provision in the Local Plan. Perhaps, in addition to stipulating that the land be used within a short timeframe (otherwise the land should revert to local council control) but the land should be included in the building figures even before any building has taken place.

11	Do you have any additional suggestions regarding reforms that could improve the effectiveness of the Right to Contest process?	YES – If land is identified within a Local Plan or Neighbourhood Plan (since the latest reforms are seeking to remove Local Green Spaces from within the Local Plan) then the land should have additional protections, since there would be democratic support for the stated purpose of retaining the land via the Local Referendum required in order to have the LP or NP adopted. The inequalities between contestants would, without protection, would become more pronounced and undemocratic. Local parish councils should not be financially penalised when defending assets within their parish.
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