

RIBA Response

Ministry of Housing, Communities and Local Government on Right to Regenerate: reform of the Right to Contest

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In March 2021, the Ministry of Housing, Communities and Local Government consulted on amendments to Strand 2 of the Community Right to Contest, which allows members of the public to request that the government directs the disposal of unused land owned by public bodies. The aim of this consultation was to strengthen the right and make it simpler to use as the new 'Right to Regenerate'.

The government was seeking views on the usefulness of the right, as well as potential reforms to increase effectiveness.

The RIBA's response to this consultation is below.

For further information on the RIBA's work on the Future Place programme, new homes and planning policy visit www.architecture.com

3. Would a definition of unused or underused land be useful, and, if so, what should such a definition include?

Yes, we believe that a definition would be helpful as it would assist applicants in identifying which sites meet the criteria of 'unused'. The definition should be developed following consultation with a broad range of stakeholders in order to reflect different views of what 'beauty' and 'used' mean in a variety of contexts.

5. Should the government incentivise temporary use of unused land which has plans for longer term future use?

No. However, if this is incentivised, temporary uses should not make changes which would introduce limitation to potential future uses or that impact the character and appearance of an area in an irreversible way.

6. Should the government introduce a requirement for local authorities to be contacted before a request is made?

Yes. Despite the additional strain on resources this will cause for Local Authorities, discussion prior to a request being made would allow for Local Authorities to consider feasible proposals for the site.

We also recommend encouraging Local Authorities to consider partnering arrangements where land and ownership is retained by the authority, possibly in the form of Community Land Trusts, to ensure long-term best value for those assets.

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. Few Local Authorities will have the resources to draw up future use plans for each piece of land under their ownership. Further, this removes decision-making from local authorities and could put a financial burden on local authorities buying back land later at a higher cost.

We recommend introducing a presumption in favour of retaining public land and of land owned by government departments being offered first to local authorities, Local Development Corporations or Community Land Trusts (CLTs) – in partnership with housing associations and developers where appropriate. Where public land is released, it should be on a principle of best value not best price.

10. Should the government impose conditions on the disposal of land? And if so, what conditions would be appropriate?

Yes. The conditions would need to ensure that the applicant is legally bound to put the land to an agreed new use, that exceeds local plan policy requirements, and that is delivered within a specific timescale. We recommend measuring the value of social and environmental return and giving this equal consideration to economic return. This includes considering the long-term impact of a proposal on the public sector to ensure that inappropriate development is avoided.