
Government consultation on The Right to Regenerate: Reform of the Right to Contest

Committee to review the Government consultation available at:
<https://www.gov.uk/government/consultations/right-to-regenerate-reform-of-the-right-to-contest/right-to-regenerate-reform-of-the-right-to-contest>

Committee to consider an appropriate response from SWTC.

Paper and suggested response attached.

Suggested response – Part 1

To endorse the concerns raised by the National Association of Local Councils – namely:

- That developers will be tempted to approach local people and remunerate them for putting their names on the challenges being made. Whether local councils are subsequently subjected to the 'Right to Contest' or the 'Right to Regenerate', there needs to be a requirement about how the land or buildings are subsequently dealt with after they are passed on to ensure that developers are not tempted to use a front to acquire land or buildings, perhaps at below market value.
- That semi-natural wildlife areas become deemed to be 'under-used'.
- Given the government's pro-developer stance, will any land that is transferred in this way be given some kind of 'prior permission' status, thereby by-passing the normal planning system?
- What mechanism will be available to adjudicate between competing claims for the same piece of land?
- What are the implications for council-owned land that is subject to certain statutes, such as allotments or village green?
- Assuming local councils were to be added to the Schedule 16 list, would all of them have to produce regular reports, or just those where requests have been made under the 'right'?

Suggested response – Part 2

To express concern about the general thrust of the consultation, which appears to be a presumption in favour of development; 'The Right to Contest' is being renamed 'The Right to Regenerate'

Whether or not it is a good plan to develop/regenerate any given piece of land, will entirely depend on the Government's chosen process for evaluating the benefits of the current use of land.

For instance, a naturalised piece of land will provide a habitat for a biodiverse range of species and may contribute to flood attenuation. It may also provide an informal open space for nearby residents to relax in and enjoy. However a property developer could argue that the land is underused.

The Government consultation says: **4. *The government wants to empower people to challenge the inefficient use of public sector land in their communities, and to bring it into better economic use, including to provide new homes.***

The emphasis on economic use indicates that the measure of the usefulness of any given piece of land will be its potential for economic return, over and above wider sustainability outcomes (which would consider social, environmental and economic concerns in the round).

If adopted, the proposed change to the Right to Contest would reduce the ability of local authorities to plan for sustainability in their areas. Further, it would put at risk any land which is owned by a public body and is deliberately being retained in its current state for the environmental and social benefits it currently provides.

Recommendation

- i. To object to the proposals for the reasons given above.
- ii. To submit the above responses to NALC (for consolidation) and also to MHCLG.

Attached below : NALC briefing