

The government believes the Localism Act 2011 is changing the way local government does things. Local councils are certainly taking a very hard look at what it means to them and how they might deliver the changes. There are four overarching objectives; to make local government more responsive to local needs, to engage with and empower local people, to deliver a more democratic and effective planning system, and finally more local decision-making on housing. At this level it sounds reasonably innocuous but as ever the devil is in the detail when it comes to impacts on landownership. As elements of the act are changing on a weekly basis the detail bears reviewing again. It is a dry subject but an important one says Mark Weaver of Complete Land Management.

One element of empowering of local people will result in the Community Right to Bid on Assets of Community Value. What is an Asset of Community Value? Crucially it can be in private ownership. Privately owned cricket pitch? A field occasionally used as a car park? A field in the centre of the village? The village shop? The secretary of state is expected to set regulations, but when? The Community is expected to be able to nominate assets to the list. What right of appeal will a property owner have? What will be the criteria of acceptance? The Countryside and Rights of Way Act had a similar feel to it and caused much grief and anguish.

An Asset of Community Value will be subject to the Community Right to Bid. While it is presumed a forced sale is unlikely to be possible, the community will have the right

Local turbulence



to bid for an asset at disposal. What is a disposal? Clearly a straight forward sale will trigger the Community Bid, but from father to son? Trust to beneficiary? The proposed prescriptive time table is long and tortuous. It will no doubt be expensive. The owner of any buildings or land which appear on such lists must not dispose of the land unless notice is first served on the local authority. Allowing any 'community interest group' to be treated as a potential bidder. Reassuringly the community may not be successful in its bid and a sale to a third party can take place. The

scrutiny and restrictions do not sound like simplification which is what Eric Pickles is reported to be seeking with Localism.

A more democratic and effective planning system sounds very attractive. Indeed Pickles said in 2011: "We want to get Britain building again. We'll be doing it by working with the market. Not against it." The Parish councils have been generally enthusiastic about delivering Neighbourhood Development Plans but the complexities and cost have slowed much of the impetus that arose at the bill stage.

We have written a number of

times about the positive benefits of consultative planning with Parish and borough councils. As Localism moves towards us it looks increasingly likely that landowners should become engaged early with the Neighbourhood Development Plan. Possibly instigating the discussion with the relevant parish. We are finding that a discussion with the parish council and local councillors will help refine the short medium and long term planning opportunities for a landowner. It is possible to identify meaningful projects which will gain support and can be delivered early. Agreement is not compulsory and battles will still be fought, won and lost. The National Planning Policy Framework is not part of the Localism Act but will directly affect Neighbourhood Planning. Care to theorise about the effect of a presumption in favour of sustainable development? Sustainable development for whom? The user, funder, or environment? More clarification needed quickly please Eric!



Mark Weaver
Managing partner
Complete Land Management
01892 770339



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