

# Right to Regenerate: reform of the Right to Contest

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## City of Durham Trust Response

### Organisation Information

The City of Durham Trust is a community interest organisation currently a Charity and Limited Company consisting of 14 Trustees with a range of skills, experience and interest in Durham City and its natural and built environment. There are 396 members from Durham or with a particular interest in Durham.

Its priorities are:

- (1) To preserve, conserve and enhance for the benefit of the public the natural and built environment of the City of Durham and its surroundings, including its green belt, buildings and features of architectural and historic value, and areas of natural beauty and interest.
- (2) To engage and inform communities and promote their co-operation in the preservation, conservation and protection of the natural and built environment of the City of Durham and its surroundings, including its green belt.
- (3) To encourage and celebrate the highest sustainable standards in planning, design, landscape and architecture in the City of Durham and its surroundings.

### Consultation

The proposals were discussed at a Trustees meeting and formulated by a Trustee and the Chair. The Trust has not submitted a Right to Contest application.

### Contact:

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**Q1: Do you consider the Right to Contest useful?**

Yes/No – please provide a reason for your answer.

**Unproven** The Trust has yet to see adequate analysis of the outcome of the current rights to contest and scope of land it can apply to. It can see use for community organisations but remains sceptical about the potential for public land moving into private control with inadequate public consultation, participation and agreement. The issuing of only one order in the past six years under these powers seems to indicate that they are not useful and extending them further is extremely unlikely to meet with more success.

**Q2: Do you think there are any current barriers to using the right effectively, and if so, how would you suggest they be overcome?**

Yes/No – please provide details.

**Unproven** As question 1 – there is insufficient evidence provided. In terms of land release, as an example, it sees potentially greater issues in land banking by major volume housebuilders. It is unaware that there has been any benefit in increasing housebuilding or availability of housing or potential to do so.

**Q3: Would a definition of unused or underused land be useful, and, if so, what should such a definition include?**

Yes/No – please provide details.

**Yes** – but the Trust would be concerned about the way in which this might be used contrary to community interest. It shouldn't include any areas that might be considered 'greenfield' land and should concentrate on brownfield with greater potential for beneficial use.

**Q4: Should the right be extended to include unused and underused land owned by town and parish councils?**

Yes/No – please provide a reason for your answer.

**No.** This would be potentially equivalent to moving public land to private ownership without financial or other benefit to local people or their proper consent.

**Q5: Should the government incentivise temporary use of unused land which has plans for longer term future use?**

Yes/No – please provide a reason for your answer.

**Possibly** – providing this is with community consent and of benefit to local communities and administrations, financially or otherwise. It should not be an entry point for private takeover of public land. It should not be used to force sales to private individuals or businesses.

**Q6: Should the government introduce a requirement for local authorities to be contacted before a request is made?**

Yes/No – Please provide a reason for your answer.

**Yes** – however it should be noted that the Trust doesn't agree with extending the rights.

**Q7: Should the government introduce a presumption in favour of disposal of land or empty homes/garages where requests are made under the right?**

Yes/No – Please provide a reason for your answer

**No.** This would potentially cut out proper local and community consideration that should be prioritised.

**Q8: Do you agree that the government should require these publicity measures where requests are made under the right?**

Yes/No – Please provide a reason for your answer

**Yes** – but only if relating to existing rights to contest.

**Q9: Should government offer a ‘right of first refusal’ to the applicant as a condition of disposal?**

Yes/No – Please provide a reason for your answer. Please also include what you believe would be a reasonable timeframe for the expiration of the right of refusal.

**No** - This could unreasonably hasten loss of public land without adequate market testing for genuine and reasonable use.

**Q10: Should the government impose conditions on the disposal of land? And if so, what conditions would be appropriate?**

Yes/No – Please provide a reason for your answer.

**Yes** – however the Trust believes that removing local powers and moving them to the Secretary of State is wrong in principle. It should only be conditioned with community input and consent. Useful only if relating to the current extent of rights.

**Q11: Do you have any additional suggestions regarding reforms that could improve the effectiveness of the Right to Contest process?**

Please explain your answer.

**No**, but more background information and analysis is clearly needed and scrapping the current right if ineffective should be an option. Land release is

much more complicated and genuine, properly funded public initiatives can unlock underused land very effectively. The role of the private sector in land locking should also be scrutinised.