

Neighbourhood Development Order Guidance Note 1

What is a Neighbourhood Development Order

August 2013



The Localism Act (2011) is clear that the bodies that are entitled to initiate a Neighbourhood Development Plan may also make a Neighbourhood Development Order. A series of guidance notes has been produced to explain what a Neighbourhood Development Order is and the various stages of production.

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What is a Neighbourhood Development Order?

Local authorities already have the power to develop Local Development Orders (LDO) which are a little used tool in the planning toolbox - there are few of these in operation across England and in Herefordshire, only the LDO pertaining to the Enterprise Zone at Rotherwas is being finalised at present.

In general, LDOs are designed to simplify the Development Management process by removing the need for certain development to achieve planning permission before development commences, where this is appropriate and proportionate.

Therefore the use of development orders can be a relevant and worthwhile exercise and the Localism Act (2011) has reformed the planning system to, among other things, extend this privilege to parish councils and thus give local people new rights to shape the development of the communities in which they live.

Intrinsic to this are Neighbourhood Development Orders (NDO), a new legislative tool which are similar to LDOs insofar as they allow local communities to determine what forms of development in their area should be permitted without the need for planning permission.

The benefits of preparing a NDO for residents and businesses include:

- Enhancement of locality;
- Participation in local community;
- Speed - once adopted by Herefordshire Council, the NDO would remove the need for anyone to apply to the council for planning permission if it is for the type of development covered by the order, which itself may make provisions in relation to all land in the Neighbourhood Area, or any part of land, or a site in that area specified by the order;
- Certainty of outcome.

Notwithstanding these benefits, the NDO must still be in line with national planning policy, the strategic vision for the wider area set by the council, and any other legal requirements.

What are the benefits of producing a Neighbourhood Development Order?

There is no compulsion for parishes to prepare a NDO, however in addition to the benefits mentioned previously, there are a number of factors which may help to make a decision on whether to prepare an order:

- Financial savings to applicants;
- Community benefits by attracting development of a higher standard that reflects local distinctiveness;
- A positive perception of the planning process due to reductions in bureaucracy;
- Understanding of the use of NDOs as a tool in the cultural move from Development Control to Development Management.

Preparing a NDO would also help your communities redefine the issues where planning really makes a contribution to the local area and lead to active partnership working with the council. To this end the process would bring together local residents, businesses, landowners and developers to share ideas and build consensus about what needs to be done within the local community.

Neighbourhood Development Orders can:

- Cover the whole of the Neighbourhood Area or just part of it;
- Form part of a Neighbourhood Development Plan or be a stand alone order;
- Grant permission for specific types of development within the area to which the order relates*.

* NDOs can provide for the granting of planning permission to be subject to a condition that the development commences before the end of the period prescribed in the order.

What is a Neighbourhood Development Order?

Neighbourhood Development Orders cannot:

- Be prepared by a body other than a parish council in Herefordshire;
- Be used to prevent development;
- Include excluded development (defined in the same way as for Neighbourhood Development Plans)**.

** This relates to Nationally Significant Infrastructure Projects (e.g. biomass power plants, wind farms etc) and development that would trigger an Environmental Impact Assessment (full details of excluded development are set within Section 61(k), Schedule 9 of the Town and Country Planning Act 1990).

Who can prepare a Neighbourhood Development Order?

Within Herefordshire, the parish and town councils are the only 'relevant bodies' who can prepare a NDO for their area. The parish/town council can enlist help from others within the community but only the relevant body can make a Neighbourhood Area application and submit the relevant draft documents to Herefordshire Council for consideration.

What will a Neighbourhood Development Order look like?

An NDO is likely to be a simple and concise document as it merely extends the permitted development rights for the area to which it relates, but it will be up to the parish concerned to choose the most appropriate level of detail.

The following items may, however, be considered worthy of inclusion in the order:

- Background/context;
- Objectives;
- Purpose;
- Area covered (including map of proposed area and/or list of addresses);

- Description of development to be permitted;
- Justification for NDO: the issue to be resolved by designation, why the area has been chosen, details of specific sites;
- Statement of policies: where there is a link to the Core Strategy or Neighbourhood Development Plan;
- Timescale: period of NDO and options for renewal if appropriate;
- Monitoring: data sources, timescales and notification procedures for developers;
- Description of risk assessment and risk management, for example, how residential amenity has been considered;
- Conditions to be applied;
- Identify who to consult.

Reasons why a Neighbourhood Development Order may be a good idea

Appendix 1 at the end of this document highlights a range of project ideas which can support the objectives underlying your NDO, though the list is not exhaustive and what you aim to achieve during the lifespan of the order will, of course, depend on the circumstances within your parish.

A separate guidance note is available entitled 'Neighbourhood Development Order project ideas' which discusses the merits of the objectives in Appendix 1 in further detail.

Process of producing a Neighbourhood Development Order

The table in appendix 2 indicates the process for preparing an NDO. An additional guidance note is available entitled a 'Guide to procedures' which will outline the various stages of the NDO and how to comply to the legal and conformity requirements within the Neighbourhood Planning (General) Regulations 2012.

What is a Neighbourhood Development Order

Appendix 1

Objective/Project idea	Potential benefits
<p>Promote vitality (town councils)</p> <p>Permit wider range of uses to occupy premises in town centres without the need for planning applications.</p>	<ul style="list-style-type: none"> • Create opportunities for relocation or development; • Provide opportunities for community groups to occupy premises; • No procedural delays associated with making an application; • Certainty of outcome.
<p>Promote employment (town and parish councils)</p> <p>Adopt NDO as part of a shift towards a simplified planning consents process in specific areas where there is potential or need for business growth.</p>	<ul style="list-style-type: none"> • Create opportunities for local businesses to relocate or for new or young businesses to develop in established employment locations; • No procedural delays associated with making an application; • Certainty of outcome.
<p>Maintain local residential character (town and parish councils)</p> <p>Reduce cost and uncertainty for making a planning application for local residents, or for renovation work on large estates with similar buildings.</p>	<ul style="list-style-type: none"> • Improved residential amenity; • No procedural delays associated with making an application; • Certainty of outcome.
<p>Conservation (town and parish councils)</p> <p>Permit development which is in line with the conservation objectives contained in management plans, Parish Plans and Village Design Statements.</p>	<ul style="list-style-type: none"> • Improved residential amenity; • No procedural delays associated with making an application; • Certainty of outcome.
<p>Generate renewable energy (town and parish councils)</p> <p>Simply planning procedures for microgeneration and installing infrastructure to help implement local initiatives for a low carbon economy.</p>	<ul style="list-style-type: none"> • Improved energy efficiency; • No procedural delays associated with making an application; • Certainty of outcome.
<p>Regeneration (town councils)</p> <p>Encourage innovative approaches to development on sites with multiple owners or occupiers.</p>	<ul style="list-style-type: none"> • No procedural delays associated with making an application; • Certainty of outcome; • No constraining by detailed plans that do not reflect the future occupants' needs.

Appendix 2

Getting started	<ul style="list-style-type: none">• Check that NDO would be a feasible option for your community:<ul style="list-style-type: none">◦ Define the type of development(s) that the NDO would be expected to cover;◦ Review Core Strategy policy for your area - NDO will have more strength if the policy intent is already established;◦ Establish how the NDO would be administered - for example, how will people know what they can do without needing a planning application?• Advertise to the community the intention to do a NDO;• Establish a project team which could include members not on the parish council;• Define your Neighbourhood Area and submit to Herefordshire Council;• Develop a project plan for developing your NDO;• Develop a communication plan.
Prepare the order	<ul style="list-style-type: none">• Review available evidence;• Gather together information;• Check conformity of your order with the Core Strategy and national policy;• Finalise your draft NDO proposal;• Build a monitoring framework for feedback and future enforcement;• Consultation on draft order (6 weeks minimum);• Makes changes to NDO from consultation responses;• Write a Consultation Statement;• Write an Archaeology Statement (if English Heritage advises that this would be required);• Write Basic Conditions Statement.

Independent examination	<ul style="list-style-type: none"> • Submit the draft NDO proposal to Herefordshire Council; • Herefordshire Council will arrange the independent examination; • Appointment of an examiner; • Examiner’s report published.
Referendum	<ul style="list-style-type: none"> • Herefordshire Council will arrange a local referendum.
Adoption	<ul style="list-style-type: none"> • If the referendum shows community support, then your NDO will be adopted by Herefordshire Council.
Implementation and monitoring	<ul style="list-style-type: none"> • Progress check to determine the extent to which the NDO is delivering the development(s) specified in the order and whether a review/ update is required.

Neighbourhood Development Order guidance notes available:

1. What is a Neighbourhood Development Order
2. A guide to procedures
3. Getting started
4. Neighbourhood Development Order project ideas
5. Funding your Neighbourhood Development Order
6. Glossary of Terms