

Neighbourhood Planning

Guidance Note 8

Neighbourhood Development Order

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This guidance note provides information on an alternative to a Neighbourhood Plan, a Neighbourhood Development Order, including an outline to the process.

If you need this document in an alternative format, such as large print or a different language, contact Breckland Council on 01362 656870.



What is a Neighbourhood Development Order?

The Localism Act 2011 has brought about reforms to the planning system in England which gives communities more control and influence over their area and how it should develop. One of the tools for doing this is the Neighbourhood Development Order (NDO).

What does a Neighbourhood Development Order do?

An NDO allows communities to grant planning permission for specific sites or for a use class within a Neighbourhood Area. The exact types of development will need to reflect local circumstances at the time of drafting. Essentially, it will remove the need for developers to apply separately for planning permission to the council for the types of development set out in the order.

There are certain types of development that cannot be covered by an NDO. These are known as 'excluded development'. In simple terms, this is any development connected with minerals or waste, a nationally significant infrastructure project - including any power station or wind farm over 50MW, and major projects requiring Environmental Impact Assessment (EIA) under EU law.

NDOs must also follow certain rules. Firstly, they must be generally in line with local and national planning policies and other appropriate laws. Secondly, they cannot be used to block development, but they can influence the type, design, location and mix of new development.

Who can prepare a Neighbourhood Development Order?

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

How long will it take and how long does it last?

It will be up to individual areas to decide on the pace at which they wish to progress their NDO. It will depend on the level of work required to prepare the order including time needed for evidence gathering and consultation as well as whether an Environmental Impact Assessment is needed. It is suggested that the process might take between 12 and 24 months.

An NDO lasts for 3 years once it has been adopted. This is in line with the time that planning applications are valid for. However, this time period may be able to be extended as part of creating the NDO.

What area can a Neighbourhood Development Order cover?

There is no strict definition of the area that an NDO should cover. It is for the community preparing the order to decide what area should be covered depending on their circumstances. An NDO area must fit within a designated Neighbourhood Area. Only one NDO can

be promoted in a Neighbourhood Area at any given time.

Does a Neighbourhood Development Order have to relate to a Neighbourhood Plan?

Communities can prepare an NDO as a stand-alone entity if they wish. However, it is often a good idea to link an NDO with a Neighbourhood Plan. For example, the plan could identify the need for a local shop and a broad location. The NDO could then apply a planning permission to a particular site or existing building where the shop will be built.

What is the process?

Stage 1: Defining the Neighbourhood Area

A Neighbourhood Area encompasses the area where an NDO will apply. This will usually be the parish boundary, however designating part of a parish or partnering with adjoining parishes may be considered if this can be justified.

Once your application is received, Breckland Council will publish it for a 4-8 week period (in most cases) to allow comments to be made and alternatives suggested. Once the consultation is completed we will consider all responses and make a decision. All decisions will be published. Once this process has happened, you can then start to prepare an NDO.

Stage 2: Preparing the Neighbourhood Development Order

The town/parish council prepares a draft version of their NDO.

Stage 3: Consultation on Draft Neighbourhood Development Order

The town/parish council should undertake extensive consultations on the draft order with their community and wider area. The draft order should be publicised and consulted upon in a way that brings it to the attention of those living, working or running a business in the Neighbourhood Area. The consultation period for people to make comments on the draft order should last for a period of six weeks.

A number of other bodies must also be consulted including Historic England, anyone who would normally be consulted on a planning application, any statutory consultee, Breckland Council and any adjoining town/parish council. See the guidance note on consultation.

Environmental Assessment: The draft Order will also have to conform with the EU Directive on Strategic Environmental Assessments (SEA). It is anticipated that a screening procedure to determine whether the proposals in an NDO are likely to have an environmental impact upon the environment. If they are likely to, a minimum SEA will be needed. The cost of which will fall to the town/parish council.

Stage 4: Submission of the Neighbourhood Development Order

The draft Order is then considered by the council to satisfy that it is suitable to go forward to independent examination. This is primarily to do with legal compliance matters, e.g. that the body putting forward the plan is a qualifying body, the plan is consistent with the designated area and is in general conformity with the Development Plan.

Stage 5: Independent Examination

Subject to Breckland Council's agreement, the draft Order will then be subject to independent examination. Breckland Council will submit the Order and pay for

this process. The examiner will consider whether the Order is appropriate having regard to national policy and whether it is in general conformity with the Development Plan for the area.

The Examiner's report is not binding. They will be able to recommend whether the Order should be put forward for a referendum, modified or refused. Breckland Council will then decide what should be done in light of the Examiner's report. Where the report recommends modifications to the Order, Breckland Council will invite the town/parish council to make the required modifications.

Stage 6: Referendum

Where the examination is favourable, the draft Order will then be subject to a referendum, organised and paid for by Breckland Council. If more than 50% of those who vote agree with the Order then Breckland Council will adopt it.

Stage 7: Adoption

Once adopted, the NDO becomes part of the Development Plan for the area.

What are the benefits of a Neighbourhood Development Order?

Vitality

This benefit is only likely to be of relevance to town councils as there are few retail facilities in rural areas.

Maintaining the attractiveness of town centres as destinations for shopping, business and entertainment is an important factor in planning.

Traditional town centre areas can be given a regeneration boost through the planning system by permitting a wider range of

uses to occupy premises without the need for planning applications through an NDO which identified an area in which changes could occur without planning permission. The order can specify changes of use that would be desirable and exclude those that may be less desirable over the long-term.

The benefits for businesses from allowing more flexibility in changes of use include:

- Creation of opportunities for relocation or development in available town centre locations
- Evolution of existing businesses within their current premises
- Opportunities for community-based organisations to occupy premises
- Speed of change-no procedural delays with making an application
- Certainty of outcome for a prospective tenant and justification for investment in the premises by landlords

Employment

An NDO could provide an incentive for increased occupation of specific employment areas by providing flexible use of buildings and greater responsiveness to the needs of businesses.

The benefits for local landowners and businesses include:

- Creation of opportunities for relocation of local businesses or development of new or young businesses in established employment locations with good sustainable transportation links
- Ability for existing businesses to evolve within their current premises in order to meet the changing commercial circumstances or to meet new

enterprise opportunities if they wish so

- Speed- no procedural delays associated with making an application
- Certainty of outcome for a prospective tenant
- Improved prospects for immediate yields on employment property investments

Design and local residential character

Residential improvement could be encouraged through an NDO. Future costs and uncertainty can be reduced from planning applications submitted for small scale developments. An NDO could also permit renovation works to a building with multiple owners. In this instance an NDO could possibly work alongside a Village Design Statement.

The benefits for landlords or residents include:

- Improved residential amenity
- Speed-no procedural delays associated with making an application
- Certainty of outcome

Conservation

An NDO could help to protect and enhance a conservation area. It could provide an incentive for owners of buildings within the area to carry out appropriate improvements or to restore lost features.

The benefits for residents include:

- Improved residential amenity
- Speed-no procedural delays associated with making an application
- Certainty of outcome

Renewable energy

An NDO could encourage improvements in energy efficiency and reduction in carbon footprints in residential properties beyond that already permitted by reducing the installation costs through simplifying the planning procedures for installing the infrastructure. The issues will most likely be ones of design and impact on visual amenities.

The benefits for landlords or residents include:

- Improved energy efficiency
- Speed-no procedural delays associated with making an application
- Certainty of outcome

Innovation and regeneration

Where a site has multiple ownership or occupiers, an NDO could aid the implementation of an outline planning permission. This could encourage innovative approaches to development within the overall planning framework of an outline approval.

For example, on a new housing site, the road and plot layouts and general principles could be prescribed whilst each dwelling could be individually designed.

This approach could be an incentive to development in a run-down part of the town where principles can be approved in an outline application for it to be open to future occupiers to build their premises to their needs.

The benefits for future occupants include:

- Speed-no procedural delays associated with an application
- Certainty of outcome
- Not being constrained by detailed plans which do not reflect the future occupiers' needs

What funding is available?

Locality offers up to £9,000 of funding for NDOs. An Expression of Interest form must first be completed to help identify the level of support applicants will be entitled to.

Breckland Council will provide the funds for the examination and for the referendum. See the guidance note on funding for further information.