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Some thoughts on how Neighbourhood Development Orders can link into Neighbourhood Development Plans

The Neighbourhood Planning (General) Regulations made following the Localism Act 2011 allow communities in England to prepare a Neighbourhood Development Plan; community-led frameworks for guiding the future development of an area. Have a look at [mycommunity - neighbourhood-planning](#).

Neighbourhood Development Plans

In the past, plan-making processes have been led by local authorities, but now neighbourhood planning allows local people (through a recognised Qualifying Body - either a town or parish council or a neighbourhood forum in un-parished areas) to develop planning policy and proposals for improving their neighbourhood area. If these plans receive a 50% yes vote in a referendum they are then made.

If made, the Neighbourhood Development Plan becomes part of the statutory development plan for the area. This means that local authorities will take the plan into account when making planning decisions. So, by preparing a Neighbourhood Development Plan local people are being given the opportunity to:

- Choose where they want new homes, shops, offices and other development to be built
- Have their say on the design of new developments

Preparing a Neighbourhood Development Plan does not mean that things get built immediately, but they do provide an opportunity for development to take place over the lifetime of the plan.

Neighbourhood Development Orders

Neighbourhood Development Orders can only be brought forward by a Qualifying Body (either a town or parish council or a neighbourhood forum) either as part of a Neighbourhood Development Plan or independent to the plan. In preparing a Neighbourhood Development Order, the qualifying body must go through the same process as that to be followed when preparing a Neighbourhood Development Plan. However, once it is established the order grants planning permission for specified developments in a neighbourhood area and there would be no need for anyone to apply to the local planning authority for planning permission if it is for the type of development covered by the order. A Neighbourhood Development Order should therefore make it easier and quicker for the kind of development it describes to go ahead in the future.

Whilst there has been a growing interest in the preparation of Neighbourhood Development Plans (NDPs) there does not seem as much interest in Neighbourhood Development Orders (NDOs). For many Qualifying Bodies (QBs) the prize in preparing a NDP is not only influencing the type of development that comes forward but actually seeing the development they seek to bring forward, so supporting QBs to develop an NDO within their NDP is a way of supporting them to reach the prize. This short paper explores what might be needed to dovetail NDOs into the preparation of NDP.

Preparing an NDO

Considering the elements of support required to prepare an NDO the list below is offered. This list is not exhaustive but is drawn from experience of working within a number of different locations and from evidence of others seeking to complete some form of community led development (for example experience with QBs in Clyst Honiton, Buckfastleigh, Stroud and from work supporting community-led development in Totnes, Torbay, Bristol and Plymouth). The themes and issues that have commonly emerged are as follows:

Early engagement/facilitation support: there is a need for this form of hand holding by those with an understanding of neighbourhood planning and elements of community led development to determine if

the use of an NDO is the best option and to frame the work required, and subsequently (if an NDO is appropriate) facilitative support is required to enable the QB to prepare the NDO. Support includes:

- negotiation of land deals
- collaborative working with a range of stakeholders with varying aspirations, including developers (and in some instances tendering for a developer partner if appropriate and the chosen route to delivery of the development proposed)
- strategic development of the development delivery methods (including procurement)
- compiling finance (both pre-development and investment finance)
- brokering in other support

Assessment of the strategic planning context: in order to bring an Order forward it is necessary to ensure that there is a robust planning logic and clear evidence to show the need. This will ensure the Order is in general conformity with local planning policy and meets the basic conditions. It is felt that in the majority of cases assessment of housing need and economic growth will be required to provide the evidence basis and planning logic.

- i. Site Assessment: will be required to determine sites to be allocated within the NDP or to bring forward as an NDO.
- ii. Site Masterplanning/Design Brief: some work will be required to some level (possibly RIBA Stage 1 to 2) but the level of detail will be dependent on the development model proposed. This needs to draw together:
 - the feedback from any initial community engagement and consultation completed (either as stand alone, as part of NDP preparation, or other reports etc)
 - full understanding of the constraints attached to the site (flood, heritage, ecology, traffic/transport, proposed model of delivery, site ownership, on-going site management etc).

The resultant output of this work is a view about the scale and massing of the development, likely development zones, the type of development within the zones, and an early view about how any constraints can be mitigated.

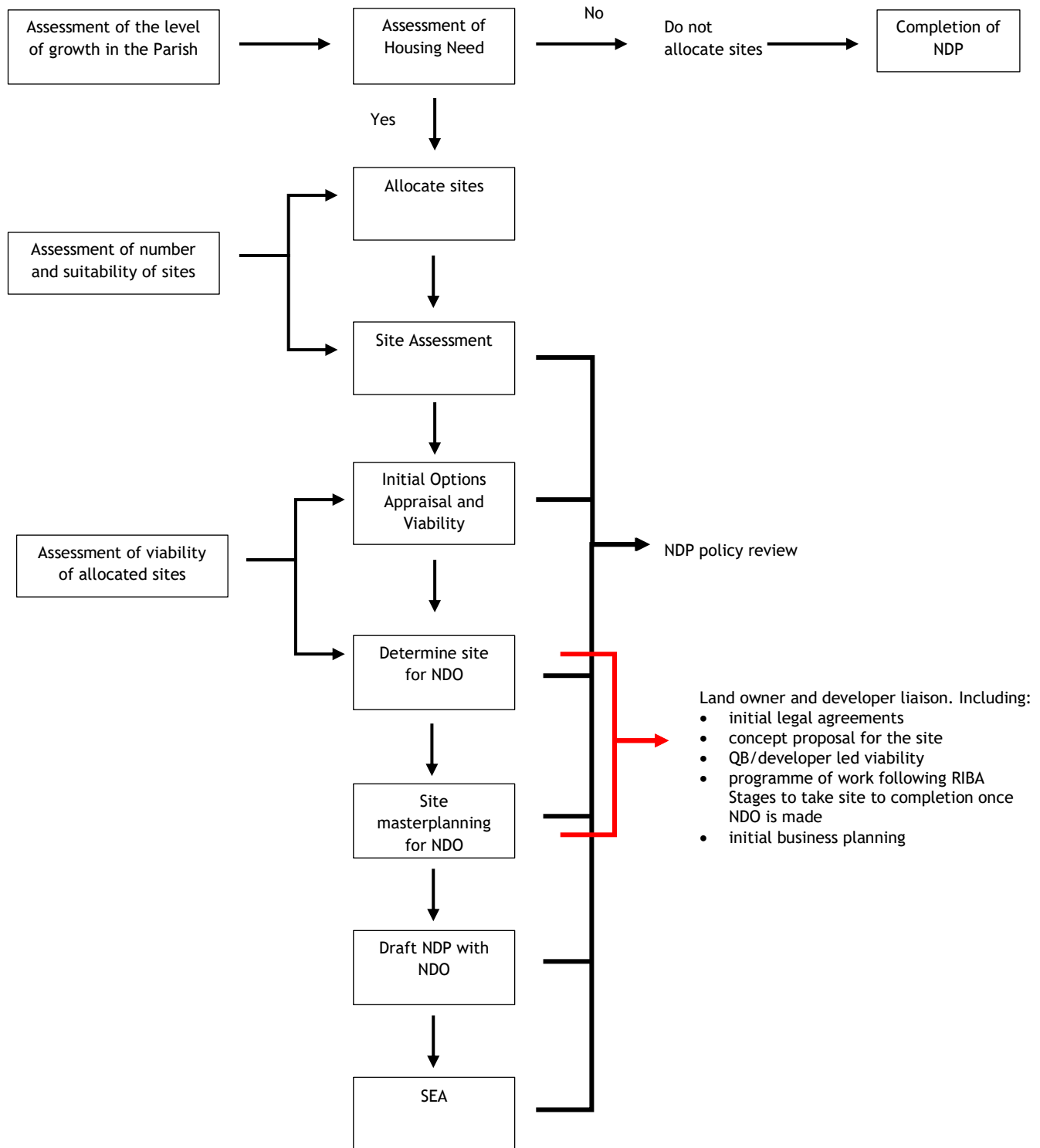
- iii. Option appraisal: the key issue will be around high level viability. This will identify any funding gap and the residual land values.
- iv. Strategic Environmental Assessment: likely to be required as part of site assessment through the NDP
- v. Viability: there may be a need for a further more detailed viability assessment depending on the model of development proposed. Clearly if a developer is involved the design brief should allow them to determine the cost of the scheme proposed.
- vi. Concept to Detailed Designs: may or may not be part of the NDO, in the main this is likely to be the input of the development partner once the NDO is in place as it stems from the design brief. However, this will take the RIBA Stage 1 - 2 work and develop this to final design stage. If the community is leading the development this work will be required to be completed by them, although this may take place by working with a development partner.
- vii. Legal Advice: will be needed to ensure security of land tenure and also the relationship (if any) between the QB and the developer. Also needed to ensure that the planning obligations set out in the Order are robust and workable.

It is clear that many of the areas of support needed are often required in order to ensure that the NDP is robust. QB/s are therefore already committed to the work or it is already in place as part of the preparation of the Neighbourhood Development Plan. The common areas of work include:

- Housing Needs Assessment
- Site Assessment
- Viability
- SEA

Alongside these planning specific areas of work, experience suggests that facilitative/scoping engagement is particularly critical and needed from the outset so as to determine if the use of an NDO is the best option (or if there are other options by which to bring the development forward) and, if and NDO is the best route, to frame the work required to dovetail it with the NDP. There is therefore a need to consider some of the elements that may not need specialist planning support (the early engagement, scoping and on-going facilitation) but do require knowledge of neighbourhood planning, community-led development, as well as understanding of land deals, viability and financing options etc.

Whilst the exact mix of the support needed will vary from neighbourhood to neighbourhood and Order to Order, as some/(much) of the work required to prepare an NDO may well already be in place through the preparation of the NDP. The graphic below aims to show the relationship with the work required and although it's an iterative process does help to show how an NDO might fit within an NDP.



So, if you are preparing an NDP and would like to see development come forward more rapidly why not consider the use of an NDO.

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