

Neighbourhood Development Order Guidance Note 3

Getting started

August 2013



Neighbourhood Development Orders can be developed by the parish council and the community. With this in mind, it will be important to fully engage your community and other interested parties e.g. landowners and developers from the start.

A series of guidance notes are available to assist the preparation of your Neighbourhood Development Order.

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The process governing the preparation of Neighbourhood Development Orders is set out in Guidance Note 2: A guide to procedures. This guidance note is based on the relevant legislation and regulations, which established the key components of the Neighbourhood Development Order (NDO) process which must be followed by communities and local planning authorities.

But before you plunge in, it would be worth considering the following:

- **Is there a problem or opportunity to be tackled by the NDO?**

NDOs may have the best chance of being developed where there is a clear problem to solve, or opportunity to exploit, within a parish. Although NDOs do not have to be backed by a specific development plan policy (e.g. policies within the Core Strategy or your own Neighbourhood Development Plan), it will give it more strength if the policy intent is already agreed and is supported by evidence and potentially a Neighbourhood Plan or Village Design Statement that has provided some certainty about what form of development will be permitted; an NDO is primarily an implementation based tool and greater support for them can be secured when they are judged to be implementing agreed policies adopted by the community.

- **Can you informally consult with interested parties?**

You should involve major external stakeholders from the outset to make sure there is bottom-up support based on their experience of the issues to be resolved.

Some NDOs may be geared to achieving a specific change across the entire parish whilst others may be focused on specific sites, their owners and developers in specific contexts. Each will require an approach to consultation which garners support for the concept of the NDO and its objectives, both among the direct participants e.g. the parish council and wider stakeholders, including our own Development Management team; it would be worth seeking advice from the officers who determine planning applications in respect of the feasibility of your ideas, as a poorly conceived NDO may result

in poor quality development and create neighbourhood conflict across your parish or within the area to which it relates.

When adopted, on-going benefits from your NDO could accrue to landowners, developers and householders who no longer need to prepare and submit planning applications for certain types of development. Informal consultation at the outset presents an opportunity for parish and town council's to discuss the potential to share the costs of preparing the NDO.

The main test of the NDO being fit for purpose will be through consultation. Different stakeholders will have different expectations of the order. Get the community signed up and involve local people through, for example, a short survey of their views on using this legislative tool.

- **Have you considered risk management?**

It might help to imagine what the area will be like following the NDO: Who/what are you wanting to attract? Think through the unintended consequences such as:

- Who/what might you inadvertently exclude but would have wanted to allow?
- Who/what might you be including that you didn't expect or intend?
- What are the implications of the changes in activity levels that may arise from the allowed development?
- Will the order result in subsequent impacts such as extractor flues on the front of buildings?

- **What development(s) should be permitted by the NDO?**

NDOs can be used to achieve a wide variety of objectives and promote a wide variety of behaviour by developers and householders to achieve community, planning, environmental or regeneration objectives. Therefore it is important to set out your perceptions of the potential developments that the order should cover before going further.

- **To which area(s) should the NDO apply?**

The geographical area over which the NDO can apply is also wide. In theory, a NDO could apply across several parish boundaries, to a specific

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single development, or a range of areas in between. Therefore you will need to carefully consider that geographical scale of your NDO, as this will have a direct relationship with the level of detail and specificity which can be included in the NDO, affecting the type of development which can be permitted through it.

If, following the consideration of the above, you decide that a Neighbourhood Development Order would be worth producing, then the following initial steps should be considered, as they will help to ensure that your order is successful and assist the process through to the examination and referendum.

- Get your community involved;
- Designate your Neighbourhood Area;
- Establish your project group;
- Produce a project plan;
- Develop a consultation and communication plan;
- Involve your Ward Member.

Get your community involved

The decision to proceed with an NDO will likely be taken following initial consultations with the community and other interested parties. Involving the community from an early stage will help to ensure that your NDO tackles a problem or capitalises on an opportunity identified by residents, thus increasing the likelihood of a 'yes' vote at the referendum.

Producing a development order will require a range of skills. Once the decision has been made to progress the order, recruiting volunteers to assist with the various stages will be important. An assessment of the skills which are readily available within the community - a skills audit, is both a great way to involve people and make the task of producing the order simpler. If your community has any planners, surveyors, environmental or legal professionals, public speakers, IT specialists or graphic designers these could offer useful skills in producing your NDO.

It is also important to remember that a group of volunteers to organise meetings, leaflet drops, collating material and finalising proposals will be equally valuable to progressing your NDO.

Designate your Neighbourhood Area

To enact you parish's Neighbourhood Planning powers you will to designate your Neighbourhood Area.

N.B. Assuming that your parish has already been designated as a Neighbourhood Area, either because a Neighbourhood Development Plan has been or is being prepared, or if your parish/town council has decided to prepare a development order instead, then there is no need to make a subsequent application as designations remain in effect, unless you apply to formally revoke them. It is also important to note that a new application will not be required if your NDO is to cover only part of a designated Neighbourhood Area.

A Neighbourhood Area will define the area covered by proposed NDO. You are encouraged to define your Neighbourhood Area in line with the parish boundary, even if the NDO will only apply to specific sites within the parish; it would be unwise to preclude the possibility of a Neighbourhood Development Plan being progressed in future years by applying to designating only the area or sites to which an order will relate. It should be noted that there can be more than one NDO per Neighbourhood Area.

Whilst considering whether to progress with a NDO, you should give thought and have discussions with your adjoining parishes as to whether you would benefit from producing one development order between you. Jointly prepared orders can apply to the whole or part of the parishes to which they relate, though only those parishes without a designated area need apply to the Council to designate a Neighbourhood Area. If there are similar or cross boundary issues to resolve, then there are a number of benefits in producing one development order between you, namely saving time and effort in gathering information and collating survey data etc.

Once you have decided the extent of the area you wish to cover, you will need to apply to Herefordshire Council to designate a

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Neighbourhood Area. A formal 6 week consultation period will follow and Herefordshire Council will give consideration to any representations received. A decision regarding the designation will be made approximately 2 weeks following the end of the consultation period. An application form and accompanying guidance is available on Herefordshire Council's Neighbourhood Planning webpages to assist you in applying to designate your Neighbourhood Area.

Establish your project group

The parish/town council is the 'relevant body' and therefore responsible for producing NDOs for their area. However, a parish can enlist the help of others by forming a project group to assist them develop their plan.

The project group should be representative of the Neighbourhood Area. For example, if your NDO will cover more than one parish then this should be reflected in the membership of the project group. If a parish decides to form a project group then the group should include both parish councillors and members of the community.

All decisions taken by the group should be transparent and communication links with the full parish/town council strong as they will remain the responsible body.

Producing a simple 'terms of reference' for the group would be helpful. This should set out the purpose and remit of the group and the reporting and decision making procedure.

Produce a project plan

The thought of producing a NDO may appear to be a daunting task at the start, but this can be made easier with project planning and management. This will consist of a schedule of what you consider is necessary to achieve the final order. For example:

- What activities will need to be carried out at each stage of developing the order - research, meetings, consultations, surveys, events, analysis?
- What resources will be needed - people, materials, funding?

- How much time should be set aside to accomplish each stage?

It is estimated that the average time to produce an order will be at least 12 months; it would take longer to prepare a Neighbourhood Development Plan due to the wider range of issues that can be covered under these. Certain stages of the process will require 6 week consultation periods and the additional time to consider and reflect on any representations received. These will need to be accounted for within your programming. Producing a programme will help you focus and monitor progress on the order for each stage effectively. The programme will also assist Herefordshire Council to plan effectively for your independent examination and referendum.

Consultation and communication

Consultation and communication with the wider community will be vital to the success of your NDO, particularly as only those orders with a positive referendum result can be made. People are more likely to support an order they have been involved in and have had the opportunity to participate throughout.

Therefore thought should be given to the various ways of communicating with your whole community. This includes traditionally 'hard to reach' sectors of the community such as young people, ethnic groups, Gypsies and Travellers, people in a dispersed rural area, the business sector and those with physical and learning difficulties.

This could involve producing material in another language and using a wider range of techniques than the parish have traditionally used such as social media.

Herefordshire Council's Statement of Community Involvement contains useful information to assist the development of your consultation plans. Once your draft order has been prepared, there will need to be a formal round of public consultation. The Neighbourhood Planning team will be able to assist you with these and separate guidance has been produced entitled 'Statutory consultees' to highlight the appropriate bodies to consult.

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Separate guidance material is available highlighting some 'Best practice community engagement techniques' and 'web enabling your plan' for getting people involved.

Involve your Ward Member

Your ward member should be involved in the initial decision making to progress Neighbourhood Planning within your area. This includes help defining Neighbourhood Area boundaries, assuming these have not already been defined, building community consensus and identifying issues.

They will have a vital role in supporting, mediating, explaining options, finding solutions and explaining the feasibility of your proposals within the wider countywide planning policy context.

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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