

Frequently Asked Questions about Neighbourhood Development Orders

What is a Neighbourhood Development Order?

A Neighbourhood Development Order grants planning permission for specific types of development in identified areas. As East Lindsey is a District with Parishes, the Order must be initiated and lead by a Town or Parish Council who are called a "qualifying body". The area they cover can be the whole of the Parish or an identified area within a Parish, such as a town or village centre, or a specific site.

What is the purpose of a Neighbourhood Development Order?

A Neighbourhood Development Order is a tool that allows the granting of planning permission for specified types of development without the need to submit plans to the District Council. The planning permission granted by a Neighbourhood Development Order can be granted in full or outline. It can be unconditional or subject to conditions, for example obtaining the approval of the Local Planning Authority on matters of detail, or specifying the period within which applications must be carried out.

What can or cannot the Neighbourhood Development Order cover?

A Neighbourhood Development Order cannot give permission for "excluded development" – which is:

- County Matter (minerals, mining, aggregates, cement manufacture);
- anything in Annex 1 of the Environmental Impact Assessment regulations (oil refinery, power stations, disposal of radioactive waste, works for casting metal and steel, asbestos works, chemical works, construction of motorways, long distance rail lines and airports, trading ports and inland waterways, water incineration);
- Nationally significant infrastructure projects;
- Development removed through an article 4 direction or similar;
- Development in a conservation area.

It also may not grant permission for development where planning permission is already granted. The Order should also be in conformity with other Plans for the area (a Local Plan or a Neighbourhood Development Plan) so could not give consent to development which would be contrary to those documents.

Beyond that, there are no legal limits on what a Neighbourhood Development Order can cover.

What can a Neighbourhood Development Order not do?

A Neighbourhood Development Order does not remove the need to obtain building regulations, so plans will still need to be drawn for development

that require building regulations. It also does not remove the need for consent to be obtained from any other organisation (e.g. operators licences for businesses) or individuals (e.g. landlord or landowner).

How do we know if a Neighbourhood Development Order is right for us?

There are a lot of benefits to preparing a Neighbourhood Development Order, however, anyone preparing an Order should think carefully about the content. There is a lot of work involved in preparing an Order and if the planning system is not a significant issue in bringing development forward, it may be that other approaches would work better.

The purpose of a Neighbourhood Development Order is to encourage growth and development but an Order should not try to do everything. It is better that it targets specific issues of key concern in the community. It should only be introduced where there is a perception that the act of applying for planning permission is putting people off developing. It should not be seen as a tool for achieving development where a land owner is not interested in developing or for tidying up sites; the Order cannot force people to act.

The impact of the Order on neighbours should also be carefully thought about at the outset. The Neighbourhood Development Order will remove the normal rights for neighbours to object, as permission will be automatically granted for compliant development. Any development which has the potential to cause harm to the amenity of neighbours, be that houses or other business, is likely to be inappropriate in an Order.

How long will it take?

The timetable is set by the community. The more complex the Neighbourhood Development Order, the longer the process will take. For example, if the Order covers more than one area or type of development and if it deals with all matters of detail rather than deferring anything to the Local Planning Authority.

How does the community get involved?

The Town or Parish Council will set up a Steering Group. This group will work with a planning advisor from the Council whose role is to advise and support the group. Members of the community can be sit on this steering group, as well as individuals from relevant groups and organisations. There will be various consultation stages throughout the process where the wider community will be able to comment on the Order.

Who will carry out the examination?

The Neighbourhood Development Order has to be subject to an examination to make sure that it complies with national planning policy; is in general conformity with planning policies for the area; and it is compatible with EU obligations and human rights requirement.

The examiner will be agreed between the Council and the Town or Parish Council. They must be a qualified person (in that they are a qualified town planner), not live in East Lindsey and not have an interest or connection with the settlement concerned. They should also not work for the Council or any other party with a connection to the settlement.

How does the referendum work?

All those normally qualified to vote in the Parish will be allowed to participate. The Council will run the referendum and voting will be carried out in the same way as it would for a general election. If more than 50% of those that vote in the referendum vote in favour, the Neighbourhood Development Order is considered to have passed.

What happens if a Neighbourhood Development Plan passes the referendum?

The Council then has to adopt the Neighbourhood Development Order. It will be used as part of the planning process, with planning permission deemed to be granted where development complied with the Order (in the same way as development which is covered by permitted development rights).

What happens if a Neighbourhood Development Plan fails the referendum?

If the Neighbourhood Development Order fails to pass the referendum, the Steering Group will need to go back to the consultation work carried out previously to see what matters have not been properly addressed. If this is not clear, they may have to carry out further community consultation to ascertain what the concerns are.