

Briefing Note: Local Development Orders (LDOs)

What are LDOs?

1. The power to make a LDO has been available to Local Planning Authorities for many years, however, up until more recently it is not a tool that has had widespread use. The current Government is placing great emphasis on the use of LDOs to help accelerate the delivery of new development and act as an instrument for proactive change.
2. LDOs may be brought forward by either the public sector, private sector or both in partnership. They are seen by Government as a positive planning tool. They create a more certain planning environment and therefore make investment more attractive. They embody a fundamental shift on the part of local authorities from waiting for the market to come to them with a proposal, to initiating development activity by granting planning permission for the kind of development that they want to see come forward on a site.
3. One of the chief advantages of an LDO is that the order can be shaped to local circumstances and to embody local aspirations – they can be as simple as to grant planning permission for a certain type of housing on a site in a flexible layout that protects the amenity of neighbouring properties or for development parameters to be set for a mixed use, multi stage town centre site.
4. There are three broad types of LDO:
 - Regeneration-led LDO – a regeneration-led LDO is suitable for sites with marginal viability which require front-loading and de-risking in order to attract developers, and convince landowners to get engaged. Often these sites are critical for place shaping objectives to meet housing and community priorities. Regeneration-led LDOs provide certainty where previous approaches such as Area Action Plans, Supplementary Planning Documents, masterplans or development briefs may have failed. Pilot LDOs sponsored by DCLG have included Brunswick Street, Teignmouth (Teignbridge District Council) and Cleethorpes town centre site (North East Lincolnshire unitary authority).
 - Enabling LDO – an enabling LDO is distinguished from the regeneration-led LDO in that whilst the council wants to encourage development, the project is not so driven by local policy priorities that they are prepared to make a large commitment of scarce resources to up-front costs. The site is more likely to be privately owned and there is value in the land for redevelopment. The landowner will be expected to meet or make a contribution towards the cost in the preparing the LDO in exchange for council's commitment to de-risking the planning process. Examples include the former Birds Eye factory site in Grimsby and the Wellfield Road site in Hatfield.
 - Routine LDO – a routine LDO is an innovative way to simplify the planning system and focus on relatively minor and uncontentious development where the impact of development is foreseeable and standard solutions can be identified and imposed through fairly standard planning conditions or

reference to design codes. For example, this might be to widen the scope of permitted development rights.

Process for making an LDO

5. The requirements for making an LDO are relatively short, which is consistent with their aim of simplifying the planning process. The first task is to prepare a draft LDO. This needs to specify the nature of the development that will be granted planning permission by the order, including uses and/or building works. The LDO must specify the land that it will relate to. This can be a single site, several properties or parcels of land, or an area-wide LDO. LDOs are specifically not permitted to grant planning permission that relates to a Listed Building and there are restrictions in relation to European sites.
6. The LDO must include a statement of reasons. This must clearly set out the proposals including a description of the land that will be affected by the LDO. It must also describe the types of development that will be permitted by the LDO. The draft LDO must be subject to a statutory consultation over a minimum 28 day period. Since the community will be asked to comment on the draft LDO, the statement of reasons must be clear and easy to read.
7. Following consultation, the local planning authority may make any necessary modifications to the LDO. The LDO may then be adopted by the local planning authority. Once adopted, the LDO and statement of reasons must be placed on the planning register. The local planning authority must also notify the Secretary of State.
8. LDOs are also subject to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Blackfriars and Quayside LDO

9. Members will be aware from a recent presentation on LDOs that the City Council and County Council are jointly working together on bringing forward a LDO for the regeneration of the Blackfriars and Quayside sites in the city centre. The LDO is expected to be residential led and, if adopted, would grant planning permission for the redevelopment of these key sites. The intention of the LDO is to de-risk the sites and make them more attractive to potential developers. Informal public consultation is planned to take place in September of this year ahead of a statutory period of consultation towards the end of the year. The current plan is for the LDO to be considered by the City Council, as Local Planning Authority, in January 2017. To assist this process, the Planning Committee should be given explicit ability to handle and approve LDOs.

Other possible LDOs

10. Officers are currently considering the wider application of the LDO process within the City. Potential areas for the future use of LDOs include minor proposals and extensions and for minor developments relating to commercial and industrial

premises. All such designations would be assessed using the process outlined above in paras 5-8.

Proposed Changes

11. There is currently no specific provision for the determination of LDO's in the Council's Constitution. Approval is therefore sought for Planning Committee to be given delegated authority to "determine all future matters regarding the making of Local Development Orders, including consideration of the results of any consultation process on an Order and the determination of the final adoption of an Order".