

Neighbourhood *Planning*



Guidance notes on How to Write Planning Policy

How to write planning policy?

This note will provide you with some of the basic tips to help you draft policy for inclusion in your neighbourhood development plan. Key points are, to keep it simple, make the point clearly, remember who you are writing for and make sure that the policy does what you want it to do, and, that at the end of the day it can deliver. We provide a checklist at the back of this note for you to use once you have drafted your policy.

Consistency with other plans

Neighbourhood plans set out policies for development and use of land within the area. They can be as general or as detailed as you like.

They must however be in general conformity with the strategic elements of the Councils local plan. This means neighbourhood development plans cannot contradict the local plan or undo decisions it has made. If they are not in conformity with the local plan you will need to justify why not. For example, if the local plan says there will be 500 new houses, the neighbourhood plan cannot say there will only be 50 new houses. Similarly, if a local plan allocates a site or parcel of land for development, the neighbourhood plan cannot stop development taking place there.

National policy is largely set out in the National Planning Policy Framework which can be viewed at www.communities.gov.uk/publications/planningandbuilding/nppf. The development plan comprises all locally adopted local plans, neighbourhood development plans (made) and local development framework documents that have not been withdrawn or replaced. Regard should also be had to emerging (draft) documents currently in production.

Neighbourhood development plans must also be in line with national planning policy and other legislation such as European Union laws.

Policy types

There are a number of different formats that policy may take. This section explores what they may look like and then goes on to look at the key principles of policy drafting.

Neighbourhood *Planning*



- The policy may **allocate** land for development detailing the development types(s) considered acceptable and or sought in principle, for example:

HA1 Site F is allocated for

- 203 residential dwellings within the 9.4 hectares..
- 17 hectares of landscape publically accessible open space....
- 1.4 hectares of land as potential expansion land for the consolidation of Lord William's school
- 2 hectares of land as a potential future primary school site
(Thame NDP March 2013 policy extract)

- Policies may **specify** particular requirements relating to each or any allocation (e.g. access, landscaping, location of green space, assessments needed etc), for example

Policy ESDQ3: Provide new allotments

Allocated residential sites must provide the following areas as allotments:

Site C: Land to the south-east of Thame - 0.33 ha

Site D: Land to the south of Thame - 0.33 ha

Site F: Land to the west of Thame - 0.33 ha

(Thame NDP March 2013)

- Policies may specify sites or designate areas within the neighbourhood area to be **protected or enhanced**, an environmental assets or areas of landscape character, for example,

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Neighbourhood *Planning*



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Policy EN3 Queens Crescent Garden Local Green Space

Development within Queens Crescent garden would only be permitted where it forms a part of a comprehensive landscape design for the garden. Proposals would be expected to enhance the community enjoyment of the green space and contribute to an improvement in the character, accessibility, appearance and general quality or amenity value of the garden through new planting, improvements to walls, paths and provision of features in accordance with the comprehensive plan. (Exeter St James March 2013)

- Policies may be more **generic** and apply to several types or all future development within the neighbourhood plan (e.g. local design policies, policies relating to transport and access etc) for example

Policy CSL7.

Development proposals should take every opportunity to contribute to a connected green network and improve linkages between spaces, the river and the Flashes. (Winsford Submission NDP April 2013)

- **Criteria** based policy - Some policies may be better expressed as two policies or some more complex policies can be simplified by breaking it down into bullet points or a list of criteria. Criteria based policy should have a flow taking the reader through the list of criteria generally in a priority order.
 - List criteria in order of priority and or
 - Put criteria in a chronological order. To check that you have the chronology right, apply the criteria backwards, what result do you get?

Neighbourhood *Planning*



Policy H1 – Affordable Housing

Proposals for affordable housing will be supported, subject to the following criteria:

- the proposals will contribute to meeting the affordable housing needs of the community in terms of types and sizes of dwelling, levels of affordability, and mix of tenures;
- the dwellings will be occupied by local persons in housing need in accordance with the definition in policy H2 and
- for owner occupied properties the net internal floorspace will be less than 90 square metres (Lynton & Lynmouth Neighbourhood Plan Oct 2013)

Policy Drafting - Principles

Stop and think before you start to write. As a starting point, write down the title and in a logical order the key elements that you want your policy to cover. Does the policy **add** anything more to the current local plan policy and national guidance? If it does not, you need to consider carefully if you need the policy.

Write your policies based on **achieving your vision and objectives**. Use standard headings and consistent numbering. Keep the heading simple. Do the two go together?

The policy should be **clear, concise & simple** or as Cheshire Community Action have phrased it, **KISS – Keep it Short and Simple**. Write them in a tone that is fit for purpose. Remember these policies will be used to help determine planning applications. They should not be written in legalese and should be readable to a diverse audience. Remember the three “**FYs**”:

Simplify – keep to essentials and make sure that the reader understands what they are;

Justify – support your policy with facts/ evidence;

Neighbourhood *Planning*



Quantify – avoid wherever possible generalisations of size or quantity, e.g. big, large, small. What you may consider to be small, another may not. State quantity and dimensions where applicable.

Try to keep your **sentences short** (Plain English Campaign) indicate that you should try to keep the length down to an average of 15 to 20 words. Try to stick to one main idea in a sentence.

Phrasing policies positively. For example use of positive language ‘development would be acceptable where ... (and then list a number of criteria) rather than we will not ‘and ‘we don’t want’ Etc. Don’t forget the Neighbourhood Development Plan cannot be used to stop development, but is there to shape.

Avoid Double negatives. Use of negatives and particularly double negatives can lead to confusion and misinterpretation, it takes longer to work out what the written text is trying to get over, for example, “Resources will not be unlimited” (double negative) meaning resources will be limited (positive); “I do not disagree” could mean “I certainly agree”. And even the Rolling Stones fall into the trap, with for examples “I can’t get no satisfaction”. Keep it in the positive!

Keep it jargon free – go on a jargon hunt when you have finished. If you need to use a technical term, make sure it’s in the Glossary.

Avoid using extracts from documents such as the NPPF, Local Plan and Community Strategy etc. Instead you are recommended to use references in the text or footnotes that guide readers to an Annex of your Neighbourhood Development Plan. The Annex should contain sufficient brief details to allow readers to follow-up all the relevant sources.

Where appropriate, use policies that are worded in the **singular**, rather than the plural, so that they can be read as clearly applying to individual circumstances instead of only to a number of proposals or sites.

Select your words carefully. For example “shall” means compliance, while “should” or “may” means that you have a choice to follow it or not.

And / or are very different propositions. “And” is in combination with, whereas an “or” is an option.

Neighbourhood *Planning*



Try to stay clear of subjective words or phrases, as this will bring about different interpretations of your policy. For example “positive addition”;

Redundant words - use fewer words, for example,
“The purpose of this policy is...” could read “This policy is.....

Evidence

What evidence supports your policy? What were the results from your public consultation? Are there surveys, data, reports that justify what you’re looking to achieve with your policy? Is there sufficient evidence or do you need to generate additional evidence?

Consistency in the terms used. At the start of the process list the terms you are going to use in the written document and stick to them. For example how would you refer to Cheshire West and Chester? Cheshire West and Chester; Chester West & Chester; CW&C; The Borough Council; The Council. The same process can be applied to the name of your Neighbourhood Development Plan and how you refer to the Parish Council, etc.

Policy traps – don’t fall into these.

- Often we find that a number of different internal working groups have written policy and that these separate chapters or topics are then brought together to form the Neighbourhood Development Plan. When this happens there is often differences in style, terminology used etc. Be careful.
- There is always a strong case for not reinventing the wheel and to copy someone else’s policy. Be very aware that your Plan has been formed over time and with your own data and consultation. Policies should therefore be tailored to your own circumstances.
- Borrowing a policy from another Plan may mean that you have a variety of styles and approaches which may not be compatible. Likewise having numerous people drafting the Plan and Policies may also create consistency issues (see above comment).
- Make sure that there is a clear distinction between the policy and the reason and explanation that goes with it. They are two separate things.

Neighbourhood *Planning*



Review when drafted

Use the check list at the back of this document.

When you have finished, **read all the policies together**. Do they work for you; do they do what you want them to do?

Apply the SMART test to your draft policies and reasoned justifications. Are they **S**pecific, able to be **M**onitored, **A**ppropriate, **R**ealistic and **T**ime-related?

Apply the **20 second test**, read the policy. Do you understand what it wants to achieve?

Give the document to someone who has had no involvement with the drafting, let them do the 20 second test. **Peer review** your document.

Test it against a possible planning application or scenario that may happen within your area. Does it do what you want it to do?

Proof read for errors and omissions.

Make sure that all land use and development aspects of your Vision and Objectives have been covered by policy.

Neighbourhood *Planning*



Don't X	Do ✓
• Repeat national and local policy	• Know your reader
• Use jargon	• Ensure policy conforms with national and local policy
• Write in the negative	• Evidence based
• Use double negatives	• Positively phrased
• Copy someone else's policy	• Simplify
• Use over long sentences	• Justify
• Use legalese	• Quantify
• Repeat national and local policy	• Singular rather than plural
• Don't mix up policy and reasons and explanations	• Specific
•	• Measurable
	• Achievable
	• Realistic
	• Time related
	• Peer review

Policy formulation / options

You should record how your policy has changed over time and what options you have considered and why these options were not taken forward and /or why they were chosen. This information will help explain the reasons behind the plan and provide the justification for the approach taken.

Environmental and Habitats screening

Once the first draft of your policies have been prepared they will need to be screened against requirements of European Environmental and Habitats legislation. The Borough Council are currently carrying this out for NDP groups. The screening exercise determines whether the policies will result in significant environmental effects on European Designated sites. If there is deemed to be an effect, further work will need to be undertaken, but the Borough Council will be able to advise you on this.

Neighbourhood *Planning*



Sustainability Appraisal

It is good practice to carry out a check of the policies against sustainability criteria. This will help demonstrate how your plan is in line with sustainable development principles. The Borough Council can advise you on this matter.

Deliverability of policy

Once the policy is drafted look at how it may be implemented and how it will be delivered. Will additional infrastructure be required? How will this be funded? Who is going to deliver it and are they signed up to it? Possible funding sources include, New Homes Bonus and CIL.

Use of a Proposal Maps

It is recommended that your draft Neighbourhood Development Plan includes a proposals map. A proposals map shows which areas of land have been allocated for which uses (these should be linked to policies in your Neighbourhood Development Plan), including those areas that are to receive protection from development (again linked to policies in your Neighbourhood Development Plan). If your Neighbourhood Development Plan is dealing with a single site, then the proposals map may show in broad terms which parts of the site should be used for different uses, including access and open space. Again, your local planning authority should be able to advise you on map content.

Choice and use of consultants

If you consider a consultant is best placed to draft the policy, make sure you see examples of their work and that they have previously drafted successful planning policy. Ask to see examples. Be very clear what you want to achieve.

[illegible]

