How to write planning policies

Putting the pieces together

Contents

1 Introduction

This resource should be read in conjunction with the slides and the deconstructed policies that provide additional information on the topic.

Together they will explain:

- what a neighbourhood plan policy is
- how to structure a neighbourhood plan policy
- how to develop neighbourhood plan policies
- types of planning policies
- how to word policies

If you are new to neighbourhood planning you are encouraged to read the Locality Roadmap which explains the process of preparing a neighbourhood plan. Locality has also published a guide to writing planning policies. This document provides further information to that in the Locality guide together with examples.

2 What is a neighbourhood plan policy?

Your neighbourhood plan policies will provide the basis for the determination of planning applications. They must relate to the development and use of land. They exist to:

- provide clarity on what will be expected from a development proposal (e.g. where it will go and what it will look like)
- give prospective investors (including future residents) confidence in how the area will change in the future
- ensure that the impact of development is anticipated and planned for (e.g. by protecting wildlife sites, requiring open space, community facilities and other identified infrastructure)

Government guidance advises that "…*a policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared".*

Slides 2 – 7 of the slides provide further explanation of what planning policies are and what makes a good policy.

3 Types of planning policies

There are three types of planning policies:

- **Criteria led policy.** This is a policy with a series of requirements that a development proposal should meet. The requirements are usually set out as separate bullet points. You need to be clear whether the criteria are inclusive or exclusive i.e. you need to provide clarity on whether in order for a development to be acceptable, it would have to meet all of the criteria or only one, or perhaps some but not all.

- **Site specific policy.** This is a policy that applies to a particular area of land. Site specific policies either allocate land for a particular type of development, for example housing, or identify specific areas of land to which a policy will apply, for example a Local Green Space designation or the retail centre in a high street.

- **Generic policy.** This is a policy that will be applied universally to all development across the neighbourhood plan area. Examples include design, renewable energy and affordable housing policies.

Further information on these types of policies is provided on slides 19 -21 of the slides and in the Locality guide to writing planning policies.

4 How to write planning policies

Here is some advice on developing planning policies:

- It is important to remember that only policies dealing with **land use** can form part of your neighbourhood plan. Slides 14 - 16 of the slides provide further advice on how to differentiate between land use and non land use policies (e.g. community aspirations, projects and proposals). Non-land use policies need to form a separate section or an appendix in your neighbourhood plan. Fishwick and St Matthew's Neighbourhood Forum describe in this case study how they separated land use and non land use issues in their neighbourhood plan. The forum is producing a 'Big Local Plan,' focussed on regeneration issues in the area, to supplement their neighbourhood plan.

- Your neighbourhood plan will be assessed by an **independent examiner**. The purpose of the examination is to assess whether your plan meets the legal requirements. This includes testing whether your neighbourhood plan meets each of a set of basic conditions. You need to have the basic conditions in mind as you develop your policies and check that your plan is meeting these throughout the process. Further information is provided in How to write a basic conditions statement. Slide 25 of the slides provides a matrix to assist you in this process.

- You should keep your **vision and objectives** in mind as you develop your plan; they should act as reference. The policies in your neighbourhood plan should clearly flow from the issues and themes identified in the vision and objectives.

- **Clearly identify your policies**. Your policies need to be easily identifiable as they are the most important part of your neighbourhood plan. For further information see How to structure your neighbourhood plan.

- **Discuss your emerging policies with your local planning authority**. Government guidance advises that your authority should be able to provide constructive comments on your emerging neighbourhood plan and review its draft policies, but make sure you give it adequate time to do this. It may also provide comments on whether it considers the draft policies meet the 'basic conditions' and offer alternative wording to make a policy stronger if necessary.

  Your local planning authority should also identify the Local Plan policies it considers to be strategic (the policies that your plan needs to be in general conformity with) and advise on any national policy and guidance that is relevant to your plan. Further information is provided in How to engage and work constructively with your local planning authority.

- Ensure that the policies in your neighbourhood plan **address the issues in your area** (i.e. they are locally distinctive) **and add value** to the existing policy framework**.** You do not need to repeat national policy or policies in the Local Plan. Local Plan policies are part of the development plan and will be taken into consideration whether they are included in your neighbourhood plan or not.

- **Consider having a 'health check'.** A 'health check' provides an opportunity for an independent third party to assess whether they consider your draft plan meets each of the basic conditions before you submit it to your local planning authority. Further information on health checks is provided in How to submit your neighbourhood plan.

- **Have a look at examples** of policies in other neighbourhood plans and the reports of independent examiners. The number of groups that have a 'made' neighbourhood plan is ever increasing. This means that there is a body of experience, knowledge, expertise and best practice that you can tap into and build on during the development of your planning policies.

  There are also an increasing number of independent examiners' reports. These can provide information on issues arising at examinations and the modifications that examiners are recommending in order for a plan to meet the basic conditions. Learning from these reports can help you to write clear, concise land-use planning policies that meet the basic conditions.

  There are a number of websites dedicated to neighbourhood planning including the Community Knowledge Hub and the Forum for Neighbourhood Planning where you can find a wealth of information and resources and links to 'made' plans and examiners' reports.

- **Produce a map** that clearly shows where all the policies and proposals in your neighbourhood plan apply. For example, the specific parcels of land that you wish to allocate for housing or designate as Local Green Space. Any maps should leave no doubt about what land is included and what is omitted. For a small neighbourhood area this could be shown on a single proposals map (such as Marsh Gibbon Neighbourhood Plan). For larger areas you may need to show individual policy designations separately (for example Broughton Astley Neighbourhood Plan). As your local planning authority will be responsible for using your plan to determine planning applications it is important that you seek clarification on any mapping requirements they may have.

  You should also consider producing an all-encompassing map where all the policies (e.g. Local Green Space designation) and proposals (e.g. priority area for footpath improvement) and other designations (e.g. Conservation areas or Green Belt boundary) apply. This can be a very useful way of effectively communicating the scope and purpose of your neighbourhood plan. Examples of neighbourhood plans that have done this include 'The Future Vision of Thame' map in the Thame Neighbourhood Plan (page 18) and the 'Vision for Ascot, Sunninghill and Sunningdale' (page 22).

- **Be clear about the intention behind your policies.** It will be easier to develop the policies if you are clear about what you are seeking to achieve and what the outcome of applying the policies is intended to be. You should take each objective in turn [**LINK** to how to write a vision and objectives] and identify what action your plan could take in order to achieve your objective. Further information is provided on slides 9 to 14 of the slides.

  It is important to keep an open mind during this process as the policy option may not be immediately obvious. For example, if you identify congestion and heavy traffic in your area as an issue you want your plan to tackle, first you need to understand what is causing the problem.   Evidence may show that this is due to high numbers of people commuting out of the area for work. There may be various ways this issue could be tackled. This could include encouraging more employment locally by allocating land for employment uses or including policies to support home-working such as live/work units.

- Ensure your policies are **clear and unambiguous**. They should be drafted with sufficient clarity that a decision maker can apply them consistently and with confidence when determining planning applications. Care needs to be taken in order to ensure that your intention is clear and that your policies do not include words that are open to different interpretations. One neighbourhood plan included reference to 'eccentric buildings'. The independent examiner concluded that this term does not have regard to national policy *"…due to the high level of uncertainty introduced".* He recommended that *"…the term 'eccentric buildings' should be defined or the policy reworded to exclude the term".*

  Wherever possible you should usually avoid the word 'normally' as it may reduce the predictability within which decisions on planning applications can be made. The independent examiner of Exeter St James Neighbourhood Plan considered this issue at length and raised concerns that *"…exceptions to [neighbourhood plan] policies are*

already allowed for by 'material considerations' provision and adding another layer of exceptions by the word 'normally' is unnecessary and confusing, especially where the question of what may be normal and what may be abnormal is debatable."

Although consideration was given to amending the policy the word 'normally' remained in part because *"…[the] inclusion of the word 'normally' conveys what the Forum are trying to achieve through the Neighbourhood Plan, and I think there is sufficient guidance, either in the rest of the policies or in the supporting text, for potential developers to know what type of proposal could be acceptable on the grounds of 'abnormality' or other material considerations."*

The term 'normally' should be avoided but where it is used there needs to be clarity either in the policy or the supporting text to define the term in any given circumstance.

- Your neighbourhood plan policies should be **flexible** and care needs to be taken in using terms such as 'must' and 'preserve.' You should only use **must** where the requirements of a policy are compulsory in **all** circumstances and 'preserve' is rarely appropriate outside of the consideration of listed buildings and conservation areas. This is because it discourages positive change which could improve and enhance the neighbourhood plan area.

- **Ensure the language in your policies is positive.** Neighbourhood planning gives you the opportunity to shape the development of your area in a positive manner rather than as a tool to stop important development proposals from proceeding. Your planning policies should use positive language, looking at ways to enhance and improve your area. This can be achieved by using phrases such as *'planning permission will be granted provided that'* and *'development will be encouraged where it'* rather than *'we will not allow development unless'*. The words 'encouraged,' 'supported' and 'will be permitted all convey positive approaches to development.

'Will be permitted…" is best used when you want to set out the *requirements* that will be *expected* from new development. For example, policy H2 of the [Much Wenlock Neighbourhood Plan](#) is worded as follows: "Housing developments within the development boundary of Much Wenlock [will be permitted](#) where they include a range of house type, including two and three bedroom dwellings.".

"Will be supported…" is best used when you want to be *proactive* about *encouraging* certain types of development and standards to be met but you are not explicitly disallowing development proposals that do not meet specific criteria.

The distinction between 'will be permitted' and 'will be supported' was discussed in the [examiner's report](#) of the [Hurstpierpoint and Sayers Common Neighbourhood Plan](#). The examiner concluded that the wording of Policy H1 '…new housing development will be permitted in areas which…' is too restrictive as a policy cannot require all housing development to enhance an existing settlement pattern as *"…this would probably be unachievable and would certainly be well beyond, and fail to have regard to, the requirements of national policy".* However, *"…to support development which enhances*

the settlement pattern would have regard to the Framework, which protects local character and supports good design".

Further advice is provided in the Locality guide to writing planning policies.

- Ensure your policies are capable of having an **effect and being implemented within the plan period**. Your neighbourhood plan must set out the time period for which it will apply. You therefore need to ensure that your policies relate to development that is likely to come forward during this period. For example, if you know that a site is not likely to be released for housing until 2028 you should not allocate the site in your neighbourhood plan if your plan only covers the period 2015 – 2026.

- Ensure that you **include evidence** to support your policies and the choices you have made. Your neighbourhood plan policies must be informed by proportionate robust evidence. You need to include a succinct statement to support each policy in your plan (this is often presented beneath the policy). Independent examiners have raised concerns about the lack of evidence to support policies and have recommended that policies are either modified or deleted. For example the independent examiner of the Kirdford Neighbourhood Plan (2014) recommended that the policy on local occupancy conditions for housing be deleted due to lack of evidence. Similarly, the examiner of the Madeley Neighbourhood Plan (2015) recommended that a requirement for new offices to have "…an active street frontage…" be deleted as this was not supported by evidence, and seemed unduly onerous for the type of use.

  The National Planning Policy Framework identifies evidence requirements and criteria for particular policies for example the designation of Local Green Space so you need to make sure that you meet these criteria. For example, the independent examiner of Rolleston on Dove Neighbourhood Plan concluded that he *"…did not see anything to indicate that this land was available for public recreational use. In addition I cannot identify any particular feature of this land that would distinguish it from the vast majority of other land surrounding the village nor can I see that it has any particular merit for special designation. I conclude, following a site visit, that this site does not meet the criteria for inclusion and should be deleted from the list in the policy".*

  Further information is provided in our resource on How to gather and use evidence.

- **Ensure your policies** reflect and support the strategic policies in the adopted development plan. Your neighbourhood plan cannot be used as a tool to stop development and it should not promote less development than set out in the Local Plan. Your neighbourhood plan should also be designed with sufficient flexibility to respond to changed circumstances.

  If you are seeking to allocate land for housing you should not use your plan to impose a cap on the amount of housing by setting a 'maximum' number of housing units. The number of houses you are seeking to deliver should be represented as a 'minimum' or 'at least.' The independent examiner of the Woodcote Neighbourhood Plan concluded that

the "…imposition of a maximum figure for housing creates a significant and fundamental conflict with the Framework [as it would] not allow for any new residential development, no matter how sustainable, above the maximum figure". However, he advised that "…adopting this approach does not mean any development goes in Woodcote. The policies of the Neighbourhood Plan and those set out nationally and locally would still control development".

5 Conclusion

The policies in your neighbourhood plan are the most important part of your plan. Once a plan is 'made' the policies will be the starting point for determining planning applications.

The policies must relate to the development and use of land and be worded clearly, concisely and positively. It should be clear to a decision maker, responding to a planning application, how they should interpret and apply your policies.

Your policies should be based on robust evidence, be clearly structured and should add value to the existing policy framework. They should clearly link to your vision and objectives and seek to address the issues identified in your area.

Drafting planning policies can be a tricky process. We recommend that you seek advice or assistance from your local planning authority and if necessary a planning professional. You are also advised to learn from the experience of others by looking at examiners' reports and 'made' plans. Further information on external sources of help is provided in How to resource your neighbourhood plan.

In this case study Birdham Parish Council explains how it developed the policies in their neighbourhood plan.

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