Policy Writing

King's House , 245 Ampthill Road, Bedford
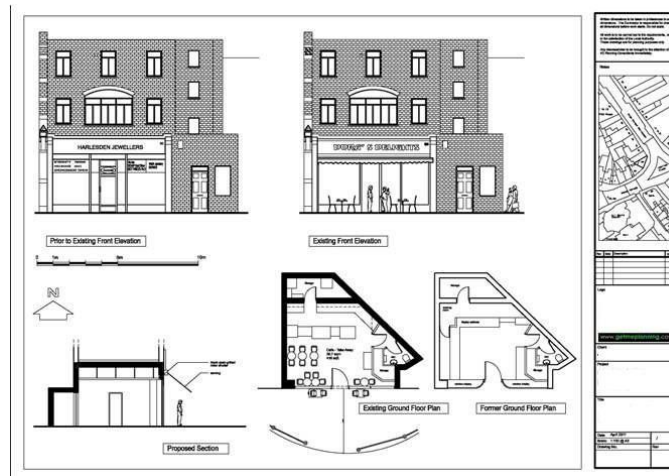
07 March 2016

Session Aims

- To understand how to progress from Vision and Objectives to Policies

- To understand what meeting the "Basic Conditions" means for plan drafting

- To understand what makes a good policy

- To explore other Neighbourhood Plan policies

- To consider what format your policies will take

- To conclude with a workshop to sketch out your policy options

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What you hope to achieve…

When a planning application is made by private individuals, or sometimes public bodies, to the council to seek approval for either a development or a change in the use of land or buildings, it will consider it how that fits in with:
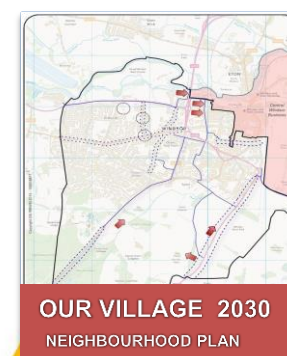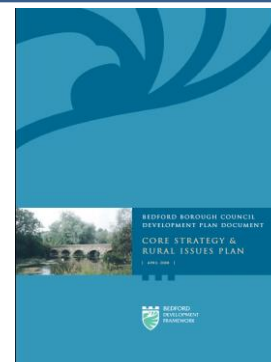
- **national planning policy;**

- **its own set of planning policies set out in its Development Plan/Local Plan; and**

- **any relevant planning policies set out in a "made" Neighbourhood Development Plan**

National policy   Local policy   Your policy

Meeting the "Basic Conditions"

Plans must:

- **Have appropriate regard to national planning policies**

- **Contribute towards sustainable development**

- **Generally conform with strategic (local plan) policies**

- **Comply with EU obligations (SEA if relevant, human rights)**

+ Don't forget that national policies mean plans must:

- *Try to preserve the settings of listed building(s)*

- *Try to preserve the character and appearance of any conservation area(s)*

NPPF - key paragraphs relevant to NDPs:

- Paragraph 6 (sustainable development)
- Paragraph 16 (positive support for development)
- Paragraph 17 (core planning principles)
- Paragraph 28 (rural economy)
- Paragraph 58 (requiring good design)
- Paragraph 76 (local green space)
- Paragraphs 183 – 185 (role of NDPs)

Use http://planningguidance.planningportal.gov.uk/

NPPF Paragraph 16:

"The application of the presumption will have implications for how communities engage in neighbourhood planning. Critically, it will mean that neighbourhoods should:

- Develop plans that **support the strategic development** needs **set out in Local Plans**, including policies for housing and economic development

- **Plan positively** to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan; and…….."

NPPF Paragraph 17:

- Planning policies shouldbe genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a **positive vision** for the future of the area.

- Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. **They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.**

What do the basic conditions mean for policy writing?

- Policies that fit into a clear strategy that underpins your NP where this strategy, as a whole, contributes towards the achievement of sustainable development

- Positively worded policies

- Clear and unambiguous wording

- Policies that are supported by evidence that demonstrate that the policy will contribute towards the achievement of sustainable development

Clear Strategy:

Written correctly, a series of planning policies taken together should be an expression of a clear strategy.

A "strategy" can be defined as a plan of action designed to achieve a long-term or overall aim.

A good neighbourhood plan should have an overall aim – or set of aims – that forms a strategy.

Strategy

The village heart will be prioritised as a thriving centre for local shops services and community infrastructure. Sustaining local businesses and improving local facilities is a key plan priority. Local community facilities will be supported.

Housing growth is to be accommodated in a sensitive way and the strategy for housing growth is explained later in this document (See Policy 1). This is primarily based on modest scale developments within and on the edge of Tattenhall village but also enabling smaller scale development across the Parish. Future growth based on large scale, inappropriate development along existing village boundaries will not be supported by the community.
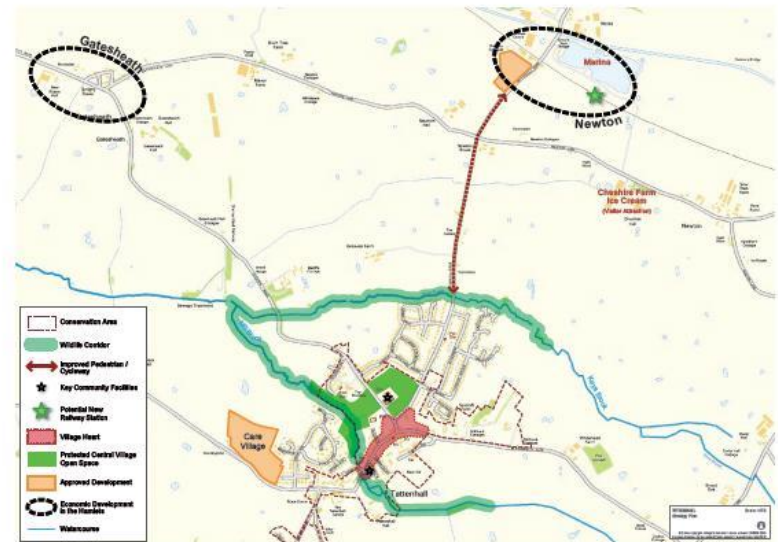
A number of small scale dispersed developments can be accommodated throughout the parish and could provide new affordable housing, opportunities to new and existing residents and meet the housing numbers and deadlines defined by Cheshire West and Chester Council Emerging Local Plan.

The continuing care retirement community development helps to diversify the housing offer in Tattenhall and the local area.

Important green spaces are to be protected as are strategic views within the Parish and into and out of the village of Tattenhall. (Important views are listed at Appendix A) Green wildlife corridors are promoted along Keys Brook and Mill Brook through, and around Tattenhall.

The Plan is also positive about new employment development of an appropriate scale, including at the hamlets of Gatesheath and Newton-by-Tattenhall.

Improved walking and cycling connections are promoted, as an early action, from the hamlets to Tattenhall via new footways. As a longer term aspiration the creation of a new railway station is highlighted as an opportunity to provide a sustainable link to Crewe, Chester and beyond.

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Positive Language

Planning can and should be a means of planning positively for your community and for its common good.

The way in which you write your policies – the words you use – can have a major impact on their "tone" and therefore on the "story" you are telling.

"We will not allow development unless…"

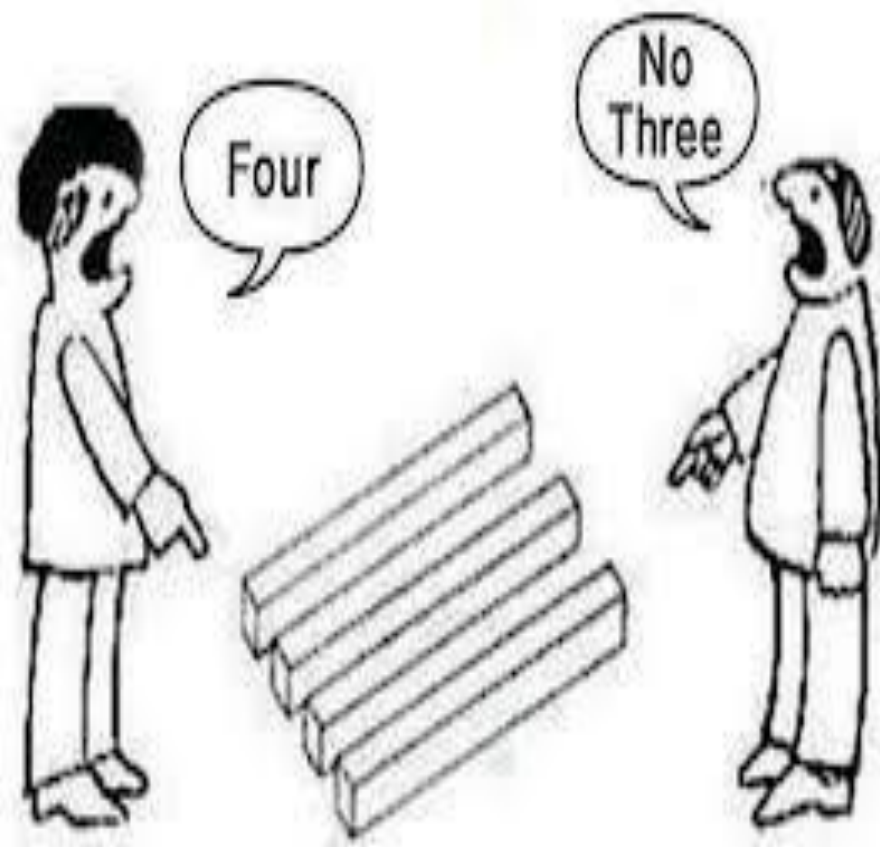"Planning permission will be granted provided that…"

Clear and unambiguous wording

You won't achieve the goals of your neighbourhood plan if the policies it contains are muddled, long and complex or use overly technical language.

Those who read your policies need to easily understand how to respond to their requirements. You need to be able to explain them to others and therefore be able to make reasoned and consistent decisions based upon them.

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Evidence

Supporting information to go with Planning Policies in Neighbourhood Plans

Upper Eden Plan (2012)

9. UENDP1 - Affordable Rural Exceptions Housing for Local People

Reasoned Justification

9.1.   There is a general need for affordable housing in the Upper Eden Area which is evidenced by the parish based affordable housing need surveys carried out in 2009/10. These suggested that for the five years after 2009, 25 households in Kirkby Stephen, 23 households in the Local Service Centres of Ravenstonedale, Brough, Nateby, Soulby, Crosby Garrett and Warcop, and 8 in the other 10 parishes would be in need of affordable housing. Further evidence of house prices as a multiple of earnings suggests that many emerging households are (and will be) unable to buy or rent housing, particularly of they wish to stay local to their parish, family or community links. Many parishes have no housing which is available as affordable housing at all. This policy relaxes the existing constraints on providing rural exceptions site affordable housing, from a situation where a suitable site is judged in terms of its proximity to three other dwellings (Eden Housing SPD para 4.1.1) to a situation where the suitability of the site is judged in terms of its impact on the landscape and visual amenity. This will provide many more allowable, but appropriate, sites within the Upper Eden Area where the opportunity and the need for affordable housing will coincide. The provision of housing which is secured as affordable in rural areas can benefit, not only the initial occupier(s), who may have work, family links, caring responsibilities or simply the best opportunity to provide a suitable house for themselves, but it will also benefit the local community by ensuring that the dwelling is available after initial occupation to those in housing need in the future from the parish. Such housing may provide additional benefits in terms of sustaining local communities, providing opportunities for renewable energy production, reinstating abandoned dwellings, or retaining architecturally important buildings.

Intention

9.2.   The intention of this policy is to allow local people to access housing which is affordable to them in rural areas. This policy is intended to help those local people who have access to land or buildings in rural areas and who cannot afford to buy or rent on the open market but who have the means, skills or ability to convert an existing building or build a new house for themselves. It will be most applicable where the housing need and a housing opportunity coincide. There is no intention to impose a maximum size of any property built under this policy. It is considered that the occupancy restrictions, individual finances and circumstances will ensure sensible limits are self imposed by the applicant.

Evidence

Supporting information to go with Planning Policies in Neighbourhood Plans
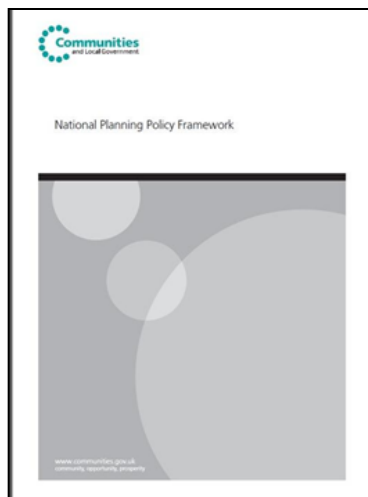
Upper Eden Plan

(2012)

UENDP1 - Rural Exceptions Housing for Local People

Rural exceptions sites for single plot affordable housing will be permitted to meet a local need where this need is evidenced and where the development does not have an unacceptable impact on the visual and landscape amenity of the area. This may be acceptable in the case of either new build dwellings or conversion of traditional buildings. In each case ancillary works such as access, outbuildings, curtilage boundaries also should not have an unacceptable impact on the visual and landscape amenity of the area. These developments will need to consider how the balance of benefits such as any social, economic, environmental or community benefits for the intended occupier or wider local community justifies the proposal. This policy operates in all rural areas and no size restriction applies

Affordable housing for local people will be secured as such for its longevity through a Section 106 Agreement.

Making policies sustainable and relevant over the life of the plan

National Planning Policy Framework

Sets out guidelines on sustainability:

- **Economic** – contributes to a strong, responsive and competitive economy;
- **Social** – supporting strong, vibrant and healthy communities with housing to meet the needs of the present and future generations;
- **Environmental** – protecting and enhancing our natural, built and historic environment, improving biodiversity, minimise waste and pollution and promoting a low carbon economy.

National Planning Policy Practice

Sets out guidelines on the general content of neighbourhood plans – see:

http://planningguidance.planningportal.gov.uk/

Neighbourhood Planning

Provides advice on the neighbourhood planning system introduced by the Localism Act including key stages and decisions (e.g. deciding neighbourhood areas, the legal tests for neighbourhood plans, and the process of independent examination and referendum).

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Sustainable development and deliverability

- *"..to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system" NPPF para. 8*

- A policy needs to be capable of implementing the strategy set out in your plan.

- Your plan needs to be deliverable. Your strategy will probably have a timescale attached to it (for instance 2016 – 2030) within which your policies will need to have the desired impact.

- Being clear about what that desired impact should be is a crucial part of the plan making process.
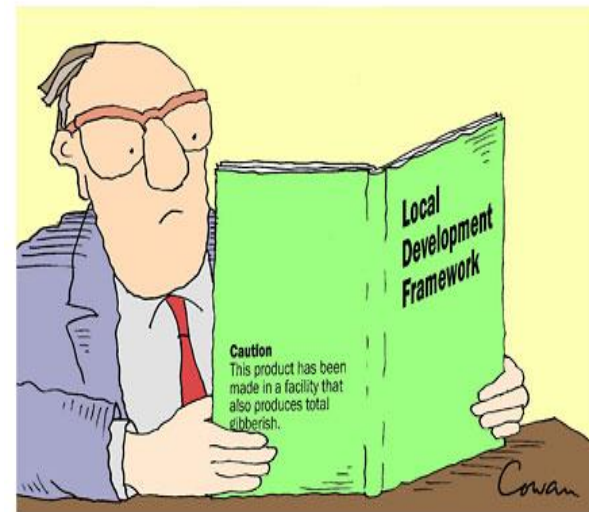
Some "Do's and Don'ts" of policy writing

Do:
- Write in plain English, avoiding jargon
- Be clear and precise
- Support with evidence, not just local opinion
- Write in positive terms, where possible
- Check against national planning policy and the strategic objectives in the Local Plan
- Make sure the policy can have an effect during the life of the plan
- Work with your Local Planning Authority

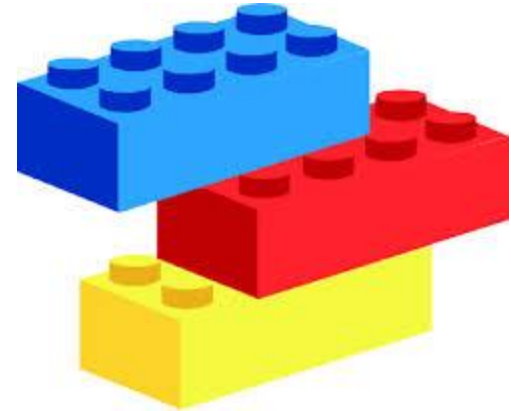# Some "Do's and Don'ts" of policy writing

Don't:

- Try covering every eventuality

- Duplicate other planning documents

- Develop unsupported statements

- Use double negatives

- Use ambiguous wording e.g. 'normally'

- Develop a policy if it is already covered sufficiently in the NPPF or Local Plan

Rationale

- Develop a consistent approach in introducing and explaining a policy
    - E.g. Ascot NP where each policy is introduced with the policy and supporting text which draws a direct link between the views of the community and the content of the relevant policy
    - E.g. Tattenhall NP where each policy is preceded with 'Justification and Evidence' text as well as 'Community Feedback' as well as 'Plans, Documents and Strategies' which support the policy.
    - E.g. Upper Eden Neighbourhood Plan
- Probably best to have one plan editor / author

Recommended format

- Intention – what do we want?

- Justification - why is this right for our area?
  – Evidence, National Policy, Local Policy, Engagement findings

- Policy
  – Planning Permission will be granted provided that…

What makes a good policy?

- Does it meet the basic conditions (i.e. NPPF, local plan, sustainable development, EU considerations)?

- Can it be easily understood by your community?

- Can it be understood (and interpreted correctly) by the development management officers who will be implementing it?

- A policy that links well with an identified objective and the NP vision

- Does it add value to the existing planning policy framework in place?

- A policy that will be supported at referendum?

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Policy / Proposal	Details	Is there a clear link between the policy and evidence?				Site Allocations			Basic conditions (the examiner's 4 tests for neighbourhood plans)			
		What evidence supports this policy/ proposal?	What does public consultation show?	Is there enough evidence? Y/N	Is more work needed?	Is the site suitable ?	Is the site available?	Can it be delivered?	In line with national policy (NPPF)?	In line with strategic policies of the local plan?	Contributes towards sustainable development?	Compatible with EU obligations e.g. does it need a SEA assessment?

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Exploration of Existing Neighbourhood Plans

Managing Growth

- Tattenhall NP. Pages 12 – 13 including Policy 1

- Ascot NP. Pages 32 NP/H1 – Development Briefs

- Woodcote NP. Page 26. Policy H9 Scale of new Development

Housing Mix

- Marsh Gibbon NP. Page 10 Policy MG7 plus the relevant section in the evidence base report.

- Woodcote NP. Section 10. Page 22.

Transport

- Marsh Gibbon NP. Page 13. Policy MG13 plus the relevant section in the evidence base report.

- Tattenhall NP. Pages 21 including Policy 5

- Woodcote NP. Pages 17 onwards in Section 7. Traffic and Transport Policies. The Examiner's report is also interesting in terms of understanding what is regarded as planning policy and what is not.

- Ascot NP. Page 49. Policy NP/T2 Cycle Routes

Local Facilities/Community Infrastructure

- Tattenhall NP. Page 19 – 20 including Policy 4

For Design & Local Character:

- Cuckfield NP. Pages 24 – 28 including Policy CNP1 – Design of New Development and Conservation

- Marsh Gibbon NP. Page 8 (policies MG1 and MG2)

- Tattenhall NP. Pages 14 – 16 including Policy 2 plus page 23 – 24 including Policy 6

- Ascot NP. Pages 25 – 26 including Policy NP/EN3 Gardens

- Ascot NP. Pages 34 – 36 including Policy NP/DG1 Respecting the Townscape

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Exploration of Existing Neighbourhood Plans

For Open Space/Local Green Space Designation

- Cuckfield NP. Pages 28 – 29 plus Map 4
- Marsh Gibbon NP. Page 9 (policies MG3 and MG4) plus the relevant section in the evidence base report.
- Tattenhall NP. Page 23 – 24 including Policy 6
- Arundel NP. Page 36, Policy 11 Local Green Spaces. Also look at Examiner's report at page 30.

Developing in the Countryside/ affecting the countryside

- Cuckfield pages 31 – 32 plus Policy CNP5 Protect and Enhance the Countryside
- Marsh Gibbon NP. Page 10. Policy MG5

For Biodiversity

- Cuckfield pages 34 – 37 including policy CNP4 Protect and Enhance Biodiversity
- Marsh Gibbon NP. Page 15. Policy MG19 Protecting and Provision of new Natural Environment Habitat, Trees and Hedgerows.
- Ascot Neighbourhood Plan. Page 25 Policy NP/EN2 Trees

Heritage

- Arundel NP. Page 38 39. Also look at Examiner's report from page 31

Reducing Flood Risk

- Much Wenlock Neighbourhood Plan. Page 16 Policies RF1 – RF6

Tourism Economy

- The Lyn Plan. Page 11 Policy E2 – Change of use of Hotels and Guest House

Workshop: your policy intents, the evidence and wider policy context

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Moving from Vision and Objectives towards policies

Step 1 - Clarify and confirm your Objectives

– Distinguish between the end in itself and the means to an end.

– Seek endorsement from the community on the Vision and Objectives

– Will explore further in exercise two today

Step 2 – What needs to be done to realise your objectives

– At this stage may well include actions relating to land use planning or other type of action

– If planning, establish your **Policy Intent**

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Moving from Vision and Objectives towards policies

Step 3 – Map or confirm the objectives and policy intent against the evidence (factual and consultation) and policy context (national and local).

- subject of group work today
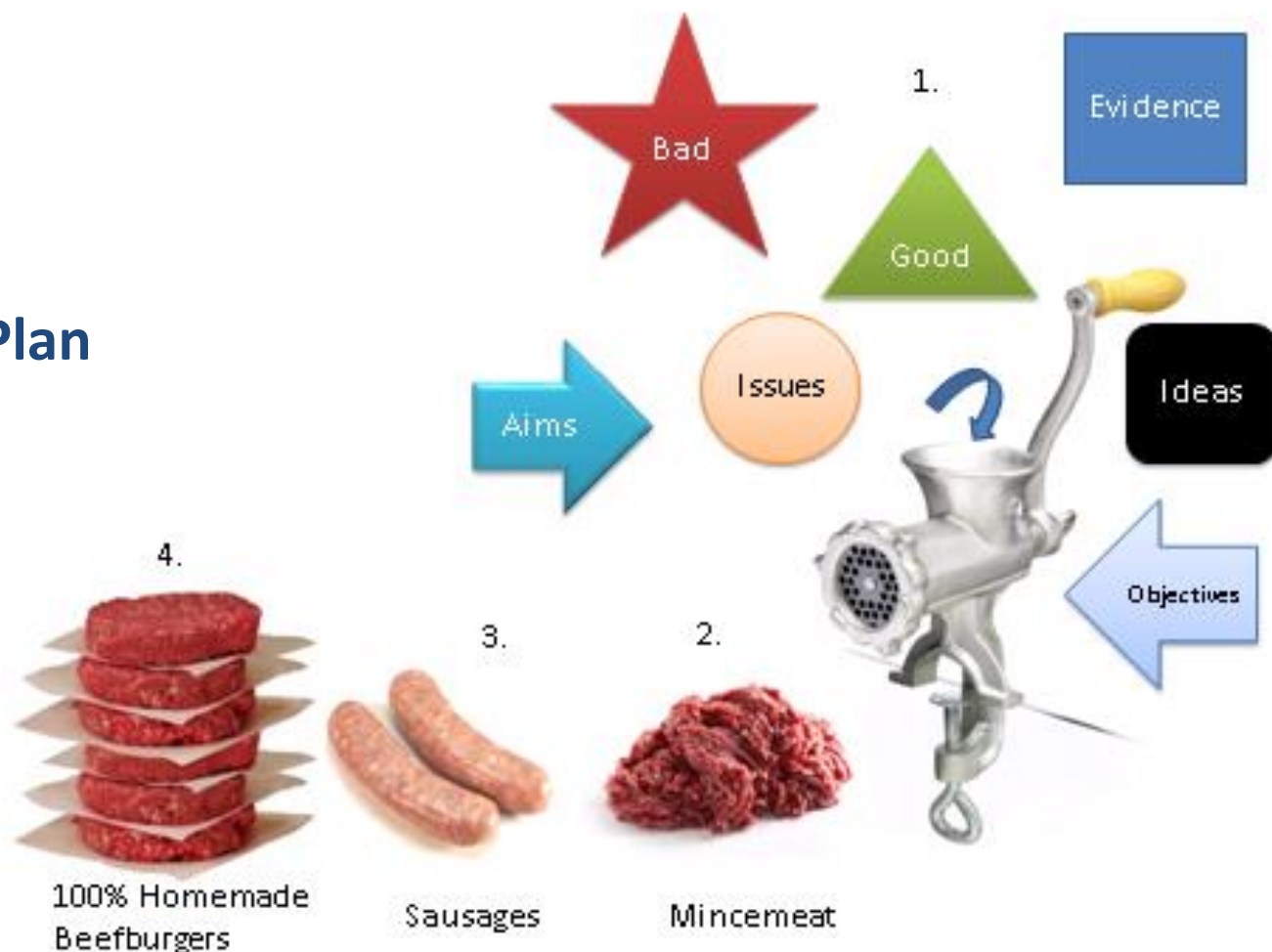- Continue this work using the PAE policy mapping template.

Step 4 – Explore your policy options

Ingredients for policies

What goes into making effective policies for your Neighbourhood Plan

(*with apologies to vegetarians*)

1. Evidence
Bad
Good
Issues
Aims
Ideas
Objectives

4. 100% Homemade Beefburgers
3. Sausages
2. Mincemeat

Writing a policy

- Key points to remember:

  - What objective will a policy help achieve?
  - What is the policy itself trying to achieve?
  - Why is this the right approach for our area?
  - What are the options we could use for the policy?
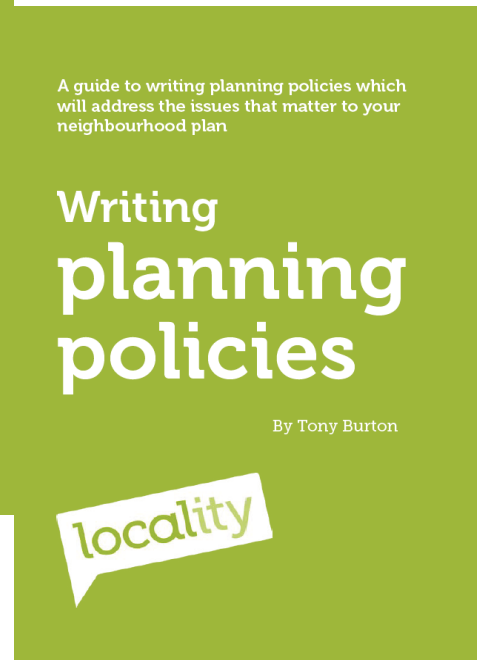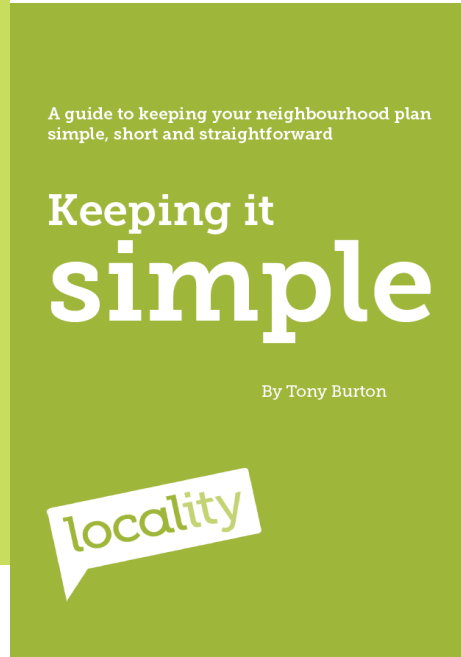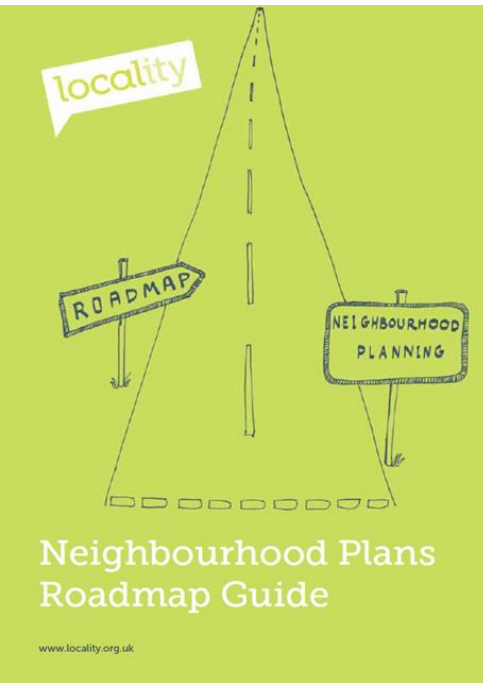
WORKSHOP – WRITING POLICIES

What do you submit?

- The plan and map showing the neighbourhood area
- The title of the plan
- A consultation statement
- A "basic conditions" statement
- A SEA or statement why one is not required

Don't Forget: help is available.......

…..and you can get in touch with us at Planning Aid England:

National:

Advice Line Tel.: 0330 123 9244

E-mail: advice@planningaid.rtpi.org.uk

Web: www.rtpi.org.uk/planningaid

Planning Advisor:

Brian Whiteley

Tel: 0203 206 8980

Email: brian.whiteley@planningaid.rtpi.org.uk