

Test Valley Borough Council

**Neighbourhood Development Plans  
How to Write Planning Policy**

December 2016

## 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.

The key points are to keep it simple, make the point clearly, remember who you are writing for, 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 Council's 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 and National Planning Practice Guidance which can be viewed at <https://www.gov.uk/government/collections/planning-practice-guidance>. 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local plans, neighbourhood development plans (made) and local development framework documents that have not been withdrawn or replaced.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:-

- The policy may **allocate** land for development detailing the development types(s) considered acceptable and or sought in principle;
- Policies may **specify** particular requirements relating to each or any allocation (e.g. access, landscaping, location of green space, assessments needed etc);
- Policies may specify sites or designate areas within the neighbourhood area to be **protected or enhanced**, an environmental asset or areas of landscape character;

- 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);
- **Criteria** based policy - Some policies may be better expressed as two policies, and 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?

## 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 and simple and written 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 – this could be an applicant, developer or a Planning Inspector.

**Simplify** – keep to essentials and make sure that the reader understands them;

**Justify** – support your policy with facts/ evidence;

**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** and 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 which can lead to confusion and misinterpretation. Keep the text 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 is 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.

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 Test Valley Borough Council? The Borough Council? TVBC? The Council? It can also get confusing between Parish Council, Borough Council and Hampshire County Council. The same process can be applied to the name of your Neighbourhood Development Plan and how you refer to the Parish Council.

Try to avoid the situation where 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.

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.

### **Review when drafted**

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?

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.

### **Policy formulation / options**

To help justify your policy it is worthwhile recording 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.

If it has not already been done, once the first draft of your policies has been prepared they will need to be screened against requirements of European legislation on environmental assessments. The Borough Council is currently carrying this out for NDP groups. The screening exercise assesses whether the policies are likely to result in significant environmental effects. If there is deemed to be likely significant effects, further work will need to be undertaken, but the Borough Council will be able to advise you on this.

### **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.