

Policy Writing

Some basic points.....



Policy Writing

- Planning policy writing is technical writing! It's also an art!
- There is no one right way to do it – even the pros cant agree
- Anyone, with a little bit of thought, can do it!

What is a planning policy?

- Planning policies provide the basis for the determination of planning applications.
- 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)
- Planning policies must relate to the **development and use of land**

Users of Policy

- Think about the end user:-
 - Development Management Officers
 - Councillors
 - Developers
 - Agents
 - The public
 - And if you are unlucky, QCs and Judges!
- Therefore must be easy to understand by a variety of audiences and to use with some certainty.

What national planning policy says about policies....

“...Local Plans should set out the opportunities for development and **clear policies on what will or will not be permitted and where**. Only policies that provide a **clear indication of how a decision maker should react to the development proposal** should be included in the plan.”

National Planning Policy Framework, paragraph 154

The same principles apply for neighbourhood plan policies.

What national planning guidance says about policies...

“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.”

Planning Practice Guidance, paragraph 41

Good policies are:

- Clear, precise and positively worded
- Supported by robust evidence and not just based on local opinion or whim
- Capable of having an effect and being implemented within the plan period
- Address the issues in your area (they are locally distinctive)
- Add value to existing policy framework.

Neighbourhood Plan Policies - Three basic formats

- Generic
 - general requirements which apply across the Plan area to all developments. e.g., design, character
- Criteria based
 - targeted on particular types of developments or themes clearly identifying the requirements that need to be met with indicators. e.g., housing, employment, design in particular areas
- Site specific
 - applying to particular areas of land, and individual or groups of sites, often referred to as 'allocations'. e.g., housing, employment, local green space.
 - Must be shown on a map.

Neighbourhood Plan Projects

A piece of work or task that

- **Assists the delivery of the neighbourhood plan**, and is important to the community, but will be achieved through a different means than writing a planning policy.
- **Acts as a source of policy.** Planning policies derived from other 'projects and interventions' active in the area. E.g. as part of a town centre regeneration project.
- **Acts as a focus for community action.** Sometimes Neighbourhood Plans stimulate community activity and new initiatives. Having them in the Plan can keep a Plan 'alive' in the public mind.
- Can include management arrangements, funding packages, joint working with other organisations, etc.
- Carry no particular status
- Are not subject to examination or referendum.

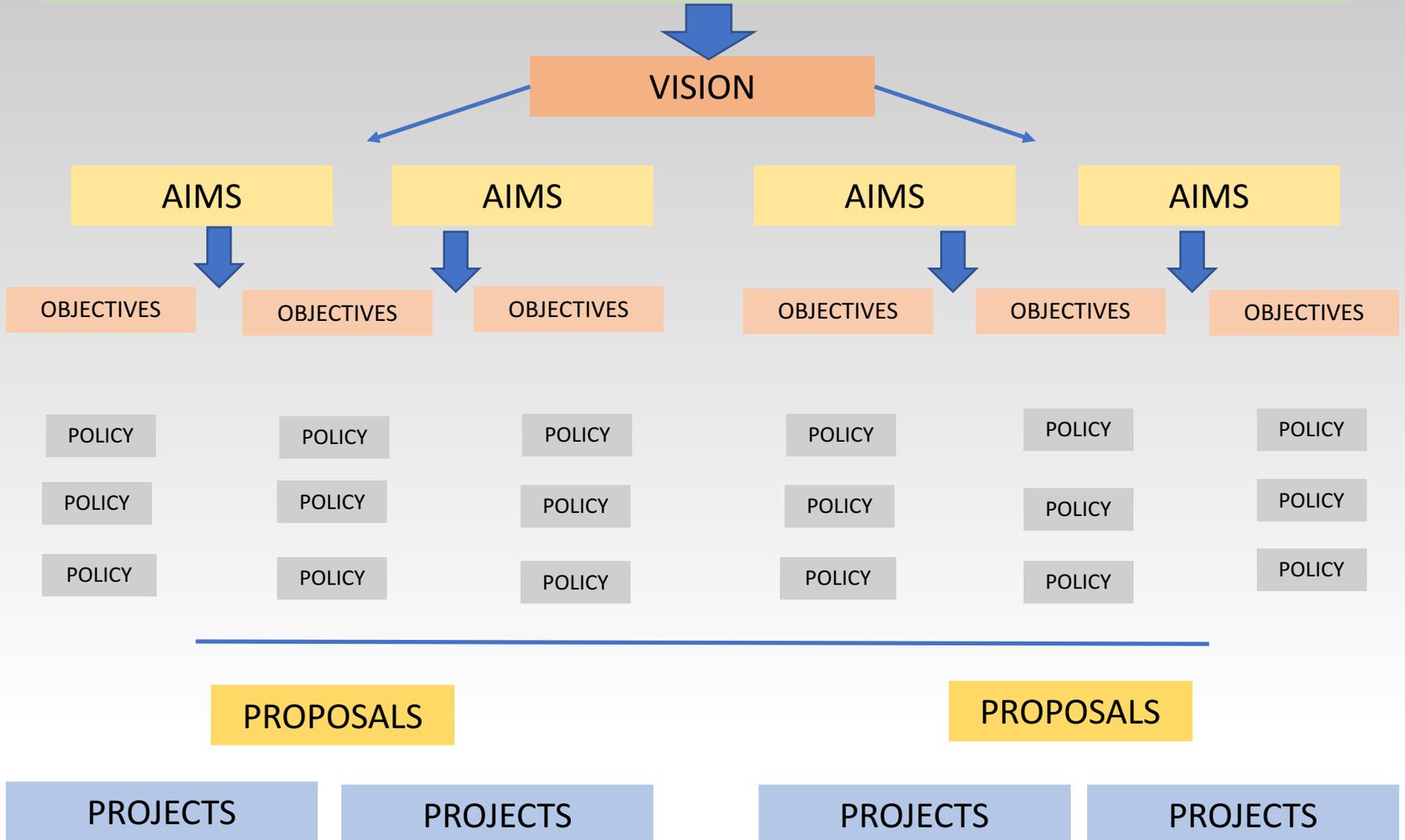
The Golden Thread

- **Policies should be set into context**
 - Vision and objectives – each planning policy should stem from a clear vision for your neighbourhood and help deliver at least one of your plan’s objectives.
 - Fit into a clear ‘golden thread’ from engagement and evidence to vision, aims and objectives...through strategy...to the policies
- **A reasoned justification for each policy.**
 - Evidence – you can’t just include policies on a whim, they need to be backed up by robust evidence and rooted in the feedback from your public engagement.
 - Not a repeat of evidence, but clarity on the change that the policy intends to achieve in relation to the strategy,
 - Explain what the policy is intended to achieve.
 - Show how the policy will serve the objective.

NEIGHBOURHOOD DEVELOPMENT PLAN STRUCTURE

EVIDENCE BASE – See website and summary in this document

NPPF - CORNWALL LOCAL PLAN - COMMUNITY ENGAGEMENT – SOCIAL, ECONOMIC & ENVIRONMENTAL DATA ETC



What can be covered?

- Development – covering things that require planning permission by determining what development can take place and where.
- Conditions and obligations – Which can influence decisions on planning applications and so be addressed in your neighbourhood plan. These are:
 - Planning conditions – these are requirements which have to be met by the applicant. Examples might be the retention of trees or limiting use of a site to daylight hours
 - Planning obligations – these are legal agreements to make otherwise unacceptable development acceptable – such as the provision of affordable housing, road improvements, contributions to education etc
- Community Infrastructure Levy – identifying priorities for spend

What can't be covered

- Not Development – Initiatives which a local community wishes to pursue which fall outside the legal meaning of development.. You can include them in your plan as projects
- Development which is 'Permitted development' unless there is an A4D – e.g. satellite dishes.

Test: Can your neighbourhood plan:

- Protect an significant tree?
- YES, through policies for planning conditions
- Provide more 1 bedroom homes?
- YES – planning policies can set housing mix and require a proportion of new homes to be affordable, delivered through a s106 agreement.
- Improve the local train service?
- NO – need to lobby train operating company, local MP etc.

- Set up a town centre management network?
- NO – but this could be a Project set up through your Neighbourhood Plan
- Introduce a 20mph zone?
- NO/YES – speed limits are a matter for the Highways Authority but traffic management in relation to new development is for planning policy.
- Provide for a new footpath through a site linking to the town centre?
- YES – through a planning condition on a new permission for the site.

- Require the maintenance of open space areas?
- YES – if the space is new and part of a new development, but usually only during an initial period of establishment. Arrangements for longer term management might be the subject of a Bond agreed as part of the approval process.
- Provide for a new bus service?
- NO/YES – but it can enable a new service by requiring lay-bys, passing bays, or securing financial contributions.
- Provide additional public car parking?
- YES – through a S106 agreement a developer may agree to provide more to offset an impact of development

- Generate extra investment in the town centre street-scene?
- YES – town centre or out of town retailing policies could require particular design features or off-setting investment
- Require an increased frequency of street cleansing?
- NO – it's the responsibility of the Council for that. However, it might be possible to provide for a planning condition requiring a fast-food outlet to 'litter patrol' its own frontage.
- Extend the Conservation Area?
- NO – Its covered by separate legislative procedures
- Remove Permitted Development Rights
- NO – only and Article 4 Direction can do that.

- Require improvements to local infrastructure, such as sewage works?
- YES – Through S106 agreements, providing they are proportionate and related to the scale of development involved.

Phrasing

- **Write in everyday English** – try to avoid jargon and stick to common sense language
- **Precise** in application and effect
- **Concise**
- **Unambiguous**
- **Able to be applied consistently** in a variety of circumstances
- **Positive** - policies to welcome development
- **Relevant** - to the development and area involved
- **Deliverable** - in the plan period
- **Targeted** - Provide indicators by which development can be judged (and the policy monitored)

'Words, words, words....'

- **'Should'** - leaves room for exceptions
- **'Must'** - use only where requirements are applicable in ALL cases
- **'Normally'** - implies vagueness in application
- **'Where possible'** - implies that policy criteria aren't serious requirements
- **'Presumption against/in favour'** - conflicts with general presumption in favour of sustainable development
- **'Where possible'** - too loose unless accompanied with requirement to show why something isn't possible
- **'Character'** - about the distinctiveness of an area to be protected, but doesn't say what it is, must be defined in the policy.

'Words, words, words....'

- **'encouraged' or 'supported'** - convey positivity, 'encouraged' is more proactive.
- **'preserve'** – literally means keeping things exactly as they are, so rarely applicable in Neighbourhood Plans as they are about encouraging sustainable development.
- **'protect' or 'conserve'** – used interchangeably. 'Conserve' includes intent to care for as well as to keep safe from harm.
- **'contemporary' or 'innovative'** – refers to modern styles of development, usually dismissively. Better to refer to criteria that would guide design such as scale and design of surrounding development.
- **'Up to'** can be confusing....
- **'And' and 'or'** - The absence of 'and' at the end of criteria means they can apply individually: The use of 'or' means that criteria can be used as alternatives.

Targets, information and funding

- **Targets are good to have**, provided they are justified. Note that 'target' doesn't mean maximum in planner-speak.
- **Requiring extra info to be submitted** with planning applications is allowed, but must be proportionate, relevant, necessary and clearly specified.
- **Funding requirements are allowed**, but only in terms of S106 and CIL, and cannot set particular sums.
- **References to material elsewhere** in the Plan and in the Local Plan are acceptable, but the use of external documents as criteria tests is not allowed.

Sustainable Development

- Sustainable development is a core principle of Neighbourhood Planning.
- Neighbourhood Plan policies must take the principles of sustainable development and apply them
- All policies should be tested to ensure that they deliver sustainable development - **sustainability appraisal**
- Also check that a policy doesn't contravene European or human rights legislation.

Presentation

- Clearly identify and separate
 - the context
 - reasoned justification
 - intended effect
 - the policy itself
- Use bold text, or a shaded box.
- Number objectives and planning policies to show off the 'golden thread' from evidence, through strategy, objectives to policy.
- But don't go 'font mad'!
- Make the Examiner's life easier!

OBJECTIVE 3

Improve skills and training by:

- a) Identifying skills shortages
- b) Supporting and encouraging the co-ordination of vocational training/skills development between formal education and private sector and identify appropriate providers including schools, further/higher education and training agencies

OBJECTIVE 4

Establish an innovation hub by:

- a) Working with Cornwall council to locate suitable start-up premises and via funding agencies to attract new businesses to form a co-operative work-space.
- b) Sponsorship and grant aid to support local enterprises and university/college links.

POLICY EM6

The Development Of An Innovation/ Business Support Hub

The development of an innovation/business support hub will be permitted:

- a) On the sites coming forward under Policy EM1 and policy EM2 and safeguarded in Policy EM4, and also on land within the Liskeard school site,
- b) On sites elsewhere if the site is:
 - i) On an established public transport route; and
 - ii) Accessible by foot and cycle;

Reasoned Justification

Policy EM6 – Development of an innovation centre/business support hub. Data from the census shows that Liskeard's working age population is relatively less well qualified than other areas. Associated with this fewer people hold managerial and professional occupations. On the other hand, there were proportionately more with skilled trades, although local businesses reported at engagement events that the availability of skilled staff was limited.

The latest earnings figure from the Annual Survey of Hours and Earnings show that the annual earnings of people working full time in the TTWA were very low in comparison with the rest of Cornwall and England. However, the figure for people resident in the TTWA were significantly better. The latter implies that many residents work outside the TTWA in higher paid jobs

than can be obtained inside the TTWA. By inference therefore, people living and working in the TTWA are more likely to be in a poor economic position, and upskilling may improve their economic chances and lead to access to better paid jobs. However, many of these may be outside of Liskeard, requiring commuting. Therefore, the provision of support for the growth of more innovative and skill-demanding firms and workplaces may reduce travel and assist sustainability.

Policy 5.3 of the CLP encourages education facilities that improve the training and skills base.

One means of supporting up-skilling is through the establishment of a training and development hub to serve the town/CNA, supporting a shared project initiative to bring together and manage the necessary provision.

Comment These initiatives may be delivered separately or in combination. The innovation hub could include: Serviced offices and/or 'hot desks' with administrative and clerical support/Co-working and collaboration space/ Layout and 'maker' space/ Business meeting space/ Access to very high bandwidth internet/ Showroom and event space/ Refreshment area.

OBJECTIVE 6

Do not add unacceptably to pressure on infrastructure, service and road traffic conditions, provide opportunities to resolve local infrastructure problems with sustainable remedial measures, and Promote developer contributions to the development and extension of the Town's social infrastructure by:

- a) Ensuring that infrastructure issues are understood and measures to improve existing provision/mitigate impacts are taken.
- b) In the likely possible absence of Community Infrastructure Levy, by encouraging financial contributions towards the upkeep and extension of town facilities that will be impacted upon by the new population occupying a residential development.
- c) Establishing a community fund, administered by Town Council for the intelligent distribution of such funds.

POLICY H7 Infrastructure

Housing developments during the plan period should not unacceptably add to demands on existing physical and social infrastructure provision in Liskeard and will be expected to make appropriate contributions towards additional provision, improvements to existing provision, or mitigating measures where impacts are unavoidable, in accordance with the schedules set out in the 'delivery plan'.

Reasoned Justification

CLP Policy 28 sets out the requirement for developer contributions to ensure that the necessary physical, social, economic and green infrastructure is in place to deliver development. Policy H6 is intended to ensure that, in addition to the 'standard' requirements to meet highway, educational, on and

off site drainage etc, the specific needs of Liskeard are addressed.

Comment. The 'Delivery Plan' gives details of the requirements under Policy H7. More background information is given in the Liskeard 'NDP Infrastructure Report'. In preparing for future growth, it details present & future capacity for the towns major services, utilities, open space & transport, indicating planned improvements and developer contributions. Also throughout the development of the plan, consideration has been given to avoiding unacceptable demands on infrastructure provision through paying regard to location of housing, employment and neighbourhood facilities, utilizing the main road network, strategic bus services and rail link, localized smaller site developments & proposed enhancement of safe and sustainable walking & cycling routes.

OBJECTIVE 7

Redress the imbalance in housing tenure, size and mix whilst meeting essential social needs by:

Providing for a mix of dwelling types, including particularly better quality housing that meet the needs of businesses moving to or expanding in the area and 1 and 2 bedroom flats for single people and couples, specialized need housing.

POLICY H8 Redressing The Imbalance In Housing Tenure, Size And Mix

New residential developments should incorporate where appropriate a balance of:

- a) larger family and 'aspirational homes'
- b) small dwellings suitable for 1 and 2 person households

- c) later-living units, and 'lifetime housing' suitable or readily adaptable for disabled persons or those with special needs, on parts of the sites with generally level access to facilities and public transport
- d) specialised housing (such as; extra care, foyer housing for young people, care and support housing etc.)

How is a policy assessed?

Neighbourhood plans must meet each of a number of basic conditions:

- appropriate having regard to **national policies** and **advice contained in guidance** issued by the Secretary of State
- **contributes to** the achievement of **sustainable development**
- is in **general conformity with the strategic policies** contained in the development plan for the area of the authority (or any part of that area).
- does not breach, and is otherwise **compatible with, EU obligations**

Have these in mind as you develop your policies

Objective Number	Details	Is there a clear link between the objective and evidence?				Opportunity Sites			Basic conditions (the examiner's 4 Tests for neighbourhood plans)			
		What evidence supports this objective ?	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

Summary

Good policies are...

- Written in plain English, avoiding jargon and technical planning terms if possible;
- Clear and precise – detailing circumstances that influence grant or refusal of planning permission – or other necessary clarification;
- Distinguish clearly between the policy itself and the supporting reasoned justification through clear presentation
- Supported by evidence, not just local opinion
- Consistent with national planning policy and the strategic objectives in the Local Plan but do not replicate
- Written to contain targets and indicators (where sensible) to assist monitoring and review
- Framed in positive terms where possible
- Capable of having an effect and being implemented within the plan period.

More help

- ‘Writing Planning Policies’ by Tony Burton, published by Locality
 - ‘How to write planning policies – putting the pieces together’ Planning Aid England
 - ‘Neighbourhood Planning - Writing policies’ Cornwall Council
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- available on their websites as a download.