A guide to writing planning policies which will address the issues that matter to your neighbourhood plan

Writing
planning
policies

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locality

Your neighbourhood plan is only as good as the planning policies it contains. These need to be clear, relevant and deliverable. Planning jargon can seem like a foreign language so this guide shows how to write planning policies which will address the issues that matter to your neighbourhood.

The guide should be read in conjunction with Locality's Neighbourhood Plans Roadmap Guide and Keeping it simple. These provide an accessible summary of how to produce a neighbourhood plan. The Government's Planning Practice Guidance is also useful for neighbourhood planning.

What are policies?

Policies guide many aspects of our lives – insurance policies for our homes, employment policies at work and government policies for issues such as health, defence and the environment. They are all used both to express intent and to guide decisions. Planning policies are no different - they exist to:

- set out requirements in advance for new development in an area – after all, planning is about the future
- inform and guide decisions on planning applications
- ensure that the multitude of individual decisions add up to something coherent for the area as a whole.

Without planning policies every planning decision would be made in isolation. This would make it very hard to achieve collective aims – such as open countryside free of buildings or good design for housing and other developments. Planning policies also ensure that individual developments meet a range of minimum requirements.

Why do neighbourhood planning policies matter?

The policies in your neighbourhood plan carry significant legal weight when decisions on planning applications are made. Planning decisions are 'plan led' as planning law requires that applications for planning permission must be determined "in accordance with the development plan unless material considerations indicate otherwise". This is sometimes called the "presumption in favour of the development plan" – where the starting point for deciding on a planning application is whether the proposals align with planning policies.

Your neighbourhood plan is part of the 'development plan' (which also includes your local authority's Local Plan) and so the policies it contains will be central to the planning decisions in your area. Neighbourhood plan policies also take precedence over non-strategic policies in the Local Plan where they are more up to date.

This kind of influence on planning decisions has not been available to communities before. While many groups have prepared or contributed to parish plans, community plans or supplementary planning documents none of these have the same legal clout as a neighbourhood planning policy.

The bottom line is that neighbourhood planning policies really matter and so it is important to get them right.
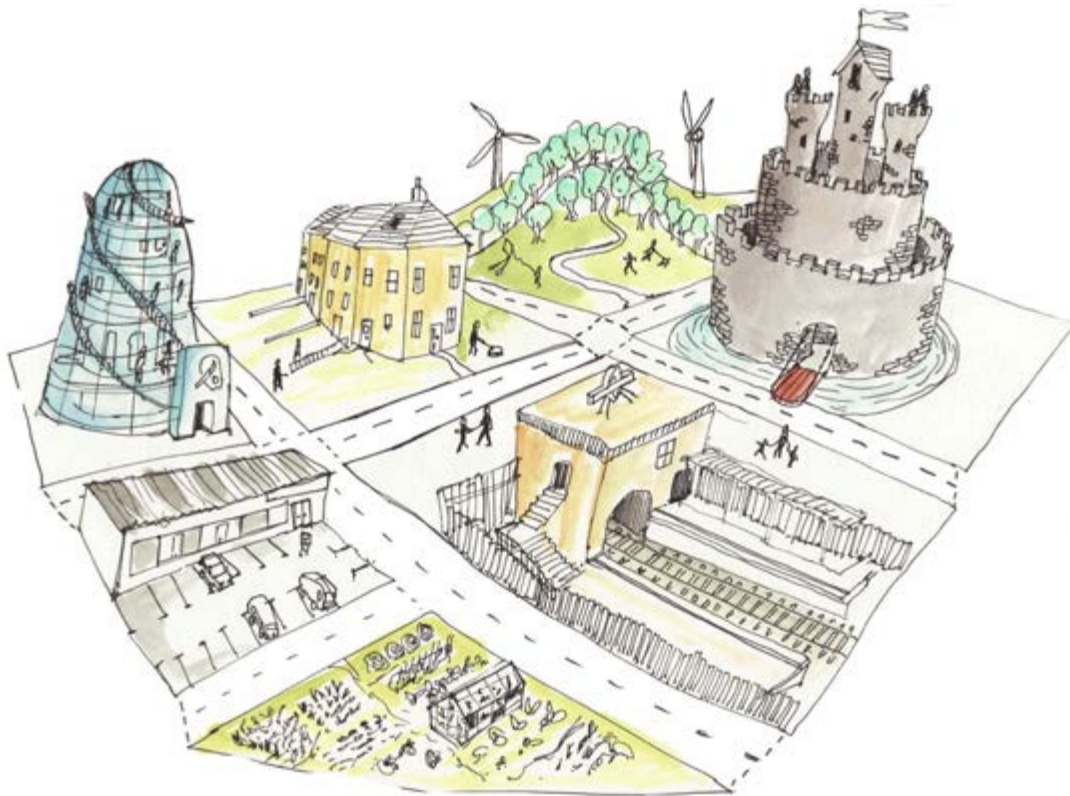
What makes a good planning policy?

Planning is as much art as science. There are many different ways to write planning policies intended to achieve the same outcome. The language of planning can seem alien and it doesn't have rigid rules. Common sense and plain English should be your watchwords. Try not to be put off by the style and format of many Local Plan policies. You will want to listen to their advice but you don't have to ape the professionals.

The Government's Planning Practice Guidance states 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."

The golden rule is that your policies should be clear, positive, relevant and capable of being delivered. They also need to be evidence based. You will find some top tips on how to write planning policies in **Box 1**.

Box 1 - Top tips for writing planning policies

Write in everyday English – try to avoid jargon and stick to common sense language.

Avoid duplication – there is little point in addressing issues that are already covered by the policies in your Local Plan.

Be clear – avoid ambiguity and be as precise as you can about the intention of your policy.

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.

Stand out – the policies are the centrepiece of your neighbourhood plan – make them stand out by putting them in a box in clear bold text.

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.

Keep it local – your planning policies cannot conflict with Central Government policy or challenge the strategic elements of your local authority's planning policies or deal with topics such as minerals or waste or nationally significant infrastructure.

Be positive – word policies to welcome development that meets your expectations instead of turning development away.

Targets – use your policies to set targets or provide indicators which can be used to monitor success.

Delivery – your policies need be capable of being delivered within the time frame

Be practical
Government planning policy states that plans "should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency" (National Planning Policy Framework, paragraph 17). This is a test which will be applied when your plan goes to independent examination. A number of neighbourhood planning policies have been deleted by Examiners for not being clear enough, so paying attention to how you write your policies is essential.

Add value
There is little point in your neighbourhood plan addressing issues that have already been covered by your local authority in its Local Plan. A neighbourhood plan should address gaps or provide further detail rather than duplicating existing policies.

Your vision and objectives
It helps if your planning policies are clearly linked to an overall vision and clear objectives for your neighbourhood plan. Planning policies don't exist in isolation – they are there to deliver your community's ambitions through planning decisions (see **Box 2**).

Clear intentions
Some groups have found it very helpful to write down in everyday English what they want each planning policy to achieve as a first step. If you are clear on your policy intent then you can be sure each policy will address what you want before getting bogged-down in the language of planning. The policies can also be tested against your Plan's vision and objectives to ensure completeness.

Positive wording
Your planning policies should be positively worded – Government policy requires neighbourhood plans to "plan positively" and that they "should not promote less development than set out in the Local Plan or undermine its strategic policies" (National Planning Policy Framework, paragraph 184).

Keep it simple
There is no limit to the number of objectives or policies you can include although you are best focusing on the issues where your neighbourhood plan can add most value. Don't become too enthusiastic or over stretch your resources. The best neighbourhood plans are often the simplest and you may want to look at the advice in Locality's Keeping it simple guide.

Box 2 - **Linking your vision, objectives & policies**

This illustration shows the link from vision to policies in relation to two neighbourhood plan objectives.

Vision

To be known by people at all stages of their lives as one of the best parts of the City in which to live and for its strong community, rich urban character, attractive green streets and spaces and thriving natural environment. The neighbourhood will be safe and enjoyable to move around on foot and bike and will be well connected to the rest of the city and beyond by public transport.

Objectives	Policies
1. Protect and enhance all green spaces within the neighbourhood	**EN1: Protection of green spaces within the neighbourhood** Development that results in the loss of green spaces or that results in any harm to their character, setting, accessibility or appearance, general quality or to amenity value will only be permitted if the community would gain equivalent benefit from provision of a suitable replacement.
	EN2: Valley Park Development which would detract from the landscape or ecological value of Valley Park will not be permitted.
2. Manage traffic and encourage walking, cycling and public transport.	**T1: Sustainable transport** Development as appropriate to its scale and location should include proposals which enhance the attractiveness of walking, cycling and transport.
	T2: Through traffic Design and highways proposals that mitigate against the impact of traffic within residential areas will be supported.

(Derived from Exeter St James Neighbourhood Plan)

The limits of neighbourhood planning

Neighbourhood planning policies only influence development that requires a planning application. You cannot have planning policies on issues that fall outside of the scope of planning control. There is also a wide range of development that falls within planning control but does not require a planning application (known as 'permitted development'). See **Box 3** for a full explanation and a breakdown of the different categories and then test your understanding with the exercise in **Box 4**.

There are also some specific limits on neighbourhood plans – for example by law they cannot deal with minerals or waste issues and must have regard to national planning policy, such as Green Belt. In addition, the law requires that neighbourhood plans must be in general conformity with the strategic policies of the development plan (which includes a local planning authority's Local Plan). People may have differing views on what is considered 'strategic'. Green Belt boundaries are certainly strategic and cannot be amended by a neighbourhood plan. An early conversation with your local planning authority is advisable. You should feel free to disagree if the issue is central to your plan and keep an eye out for how other neighbourhood plans are dealing with the issue of what is "strategic" or not. In case of dispute it will be for the Examiner to address as part of their assessment of whether your plan meets the 'basic conditions'.

You cannot use your neighbourhood plan to require your local authority to make designations or exercise particular powers which would help you deliver your plan objectives. If these are required then they need to be dealt with through negotiation and liaison with the local authority. Examples include:

- Serving a tree preservation order
- Listing an asset of community value
- Putting a building on the local list
- Designating or extending a conservation area
- Serving a compulsory purchase order

Your plan may help support the justification for exercising any of these powers but you cannot compel your local authority to use any of them.

Neighbourhood planning projects

One of the most exciting things about neighbourhood planning is how it brings people together to generate project ideas for improving the local area. It is about much more than producing a neighbourhood plan for determining planning applications.

Many of these projects may fall outside planning control (see **Box 3**) but they can still be included in your neighbourhood plan provided that you keep your planning policies and your projects physically separate in the plan. This can easily be done by putting them into different sections. Your policies section will be the only one to carry legal weight in planning decisions but the process of debating and agreeing your projects may well help them get delivered.

There can be important connections between your planning policies and your projects, such as where planning consent is required to deliver a project or where a project can be funded through giving permission for development. Many plans include a prioritised list of projects and how they will be funded as part of a delivery plan or action plan. You should only include projects capable of being implemented in the time frame of your plan.

Box 3 - What is development?

The term "development" has a specific legal meaning when it comes to planning. It covers building, mining, engineering or other operations and also material changes in the use of land or buildings. There are a number of exceptions, including the use of land for farming or forestry and also activities which only affect the inside of buildings (unless listed). These are not considered as "development" at all and so lie entirely outside planning control.

All "development" requires planning permission and this is the basis of the system of planning applications which local authorities operate across the country. However, there are further complications as some development is granted automatic planning permission and so does not require a planning application. This is termed "permitted development" and includes smaller scale house extensions and loft conversions or street works by utility firms and many changes of use.

The question of whether a neighbourhood plan is relevant to any particular issue can be broken down in four ways:

1. **Not development** - There will be a wide range of initiatives which a local community wishes to pursue which fall outside the legal definition of development. This doesn't mean they are not important but a neighbourhood plan is not going to be an effective way of delivering them. You can include them in your plan as projects but they carry no particular status and are not subject to examination or referendum. The scope for neighbourhood plans to deal with projects is dealt with elsewhere in this guide.

2. **Permitted development** - In some cases the community will have an interest in an issue – such as the impact of satellite dishes on the character of a street or a payday loan shop replacing a greengrocer – which is permitted development. Neighbourhood planning policies cannot address these issues. The only circumstances where a neighbourhood plan can have an impact is where a local authority has issued a Direction (called an Article 4 Direction) to remove permitted development rights for a given area and so require planning applications to be submitted.

3. **Development** – This is where neighbourhood planning comes into its own, with planning policies determining what development can take place and where. These issues will be the purpose of your plan.

4. **Conditions and obligations** – There is a further category of issues 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

Box 3 - What is development? (continued)

- Community Infrastructure Levy – this is being introduced in many areas as a financial levy on new development which might be used to fund some of the proposals in your neighbourhood plan – your parish council or neighbourhood forum will have a direct say in how some of this money is spent and you can use your neighbourhood plan to set out your priorities. Parish councils have the strongest influence as 25% of the money raised in the area of the plan is given directly to them to manage.

There is more information available on the requirements for planning permission in the Planning Practice Guidance.

Box 4 - What can your neighbourhood plan influence? Take the test

This guide has explained how some issues can be controlled through neighbourhood planning while others fall outside planning control altogether. It has also distinguished between planning policies and projects. Test your understanding by answering whether and how a neighbourhood plan can deal with the following:

Can your neighbourhood plan:

Protect an ancient tree?	**YES** – through policies which place appropriate conditions on planning permission.
Provide affordable homes?	**YES** – planning policies can require a proportion of new homes to be affordable and deliver this through a s106 agreement.
Improve the local train service?	**NO** – you will have to lobby your train company and local MP.
Set up a local green business network?	**NO** – but this could be one of your projects.
Introduce a 20mph zone?	**NO** – speed limits are a matter for your Highways Authority but traffic management in relation to new development is for planning policy.
Control the conversion of shops to payday lenders?	**NO** – this is currently "permitted development" and so not subject to planning policy.

Planning policies come in all shapes and sizes. This section explains the different types and provides guidance on how to present and word them to best effect. There are few absolutes and planning professionals and even Examiners have been known to have differing views. Don't let this worry you. Focus on what you are trying to achieve through your plan and keep things simple and clear.

Types of planning policy

Different planning policies are designed to achieve different things. The three most common (with examples) are:

Generic – a simple policy which applies universally to development across the entire neighbourhood plan area.

Local character

NP/DG2.1

New development should be similar in density, footprint, separation, scale and bulk of the buildings to the density footprint, separation, scale and bulk of buildings in the surrounding area generally and of neighbouring properties in particular, unless it can be demonstrated that the proposed development would not harm local character.

- Ascot, Sunninghill and Sunningdale Neighbourhood Plan

Criteria based – a policy with a series of requirements that should be met by development proposals. These can be set out as separate bullet points.

Affordable housing

Policy H.5
Proposals for small scale affordable housing developments outside the Much Wenlock development boundary will be supported subject to the following criteria:
- *they comprise up to 10 dwellings*
- *the proposals contribute to meeting the affordable and social-rented needs of people with a local connection*
- *the development is subject to an agreement which will ensure that it remains as affordable housing for people with a local connection in perpetuity*
- *the proposals would not have a significant impact on the surrounding rural landscape and the landscape setting of any settlement in the plan area*
- *the development in appropriate in terms of its scale, character and location with the settlement to which it is associated.*

Open market housing will only be permitted outside the Much Wenlock development boundary where this type of development can be demonstrated to be essential to ensure the delivery of affordable housing as part of the same development proposal.

- Much Wenlock Neighbourhood Plan

Design

D1: Good quality design

All new development within St James must demonstrate good quality design. This means responding to and integrating with local surroundings and landscape context as well as the existing built environment. In St James good design means:

- *achieving high quality design that respects the scale and character of existing and surrounding buildings*
- *respecting established building set back and arrangements of front gardens, walls, railings or hedges*
- *ensuring proposals relate to established plot widths within streets where development is proposed, particularly where they establish a rhythm to the architecture in a street*
- *using good quality materials that complement the existing palette of materials used within St James*
- *adopting the principles of sustainable urban drainage*
- *meeting the requirements of 'Secure by Design' to minimise the likelihood and fear of crime*
- *innovation to achieve low carbon sustainable design.*

Good design should provide sufficient external amenity space, refuse and recycling storage and car and bicycle parking to ensure a high quality and well managed streetscape. Planning permission will not be granted for development of poor design that fails to take the opportunities available for improving local character and quality of an area and the way it functions.

- Exeter St James' Neighbourhood Plan

NB This policy omits to confirm that all the criteria apply by not including "and" after the penultimate criterion

It is important to be clear if all the criteria apply or if they should be considered as alternatives. This can be clarified by linking the criteria with either "and" or "or" depending on whether they all apply or should be considered as alternatives. This is a frequent omission and led to the Examiner of the Lynton and Lynmouth Plan expressing doubt about the clarity and precision of the policies.

Site specific – this is where a policy applies to particular areas of land. One of the most powerful tools for a neighbourhood plan is to allocate land for a particular type of development.

You can also identify green or wildlife corridors for protection and you can designate Local Green Space – "Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances." (National Planning Policy Framework, paragraph 76). As well as allocating land you can use your plan to set out the principles which need to be followed in developing a particular site. This might include specifying what needs to be covered in a design brief to accompany any planning application. If you have site specific policies then you need to include a clear map showing the location and boundaries.

If you have detailed proposals for a particular site then you may wish to take things further and use a 'neighbourhood development order'. This is an additional power for communities effectively to grant planning permission for a site, establishing the principle or even giving detailed consent.

With all site specific proposals it will be important to speak with the landowner. A fundamental requirement for neighbourhood plans is that policies and site allocations are deliverable and this depends critically on the landowner's views.

Allocating development

Policy KSS4 – Land at Village Hall
The redevelopment of the existing Village Hall site with a residential use will be supported in principle, provided the following criteria can be met:

- *A replacement facility of equal or greater size has been provided elsewhere within the village and is now fully open to the community.*
- *The proposal makes the most efficient use of the land whilst respecting the rural setting of the site.*
- *The proposal provides for a sufficient level of on-site parking and turning in accordance with Policy DS.3 of this Plan.*

- Kirdford Parish Neighbourhood Plan

Local green space designation

Policy 11: Local Green Spaces
The Neighbourhood Plan designates the following locations as Local Green Spaces, as shown on the Proposals Map:
i. 'The Horse's Field', rear of Pearson Road
ii. Canada Road Playground
iii. Herington Fields, off Fitzalan Road

Proposals for any development on the land will be resisted other than in very special circumstances, for example, it is essential to meet specific necessary utility infrastructure needs and no alternative feasible site is available.

- Arundel Neighbourhood Plan

Establishing development principles

Policy HS4: Woodcote Garden Centre, Reading Road
Site WNP02 [shown on a proposals map] is allocated for 9 dwellings, subject to:
i. the proposed development conforming to the policies contained in the Woodcote Neighbourhood Plan and the South Oxfordshire Core Strategy; and
ii. the following site specific requirements:

   a. the development will occupy the blue shaded area edged in black shown on Map 12.ii
   b. vehicular access to the site will only be from the Chiltern Rise site (WNP01)
   c. vehicular access to the site from the Reading Road will only be permitted for existing housing
   d. the provision of pedestrian access to the Reading Road at, or near, the current entrance to Woodcote Garden Centre for the new homes on the site and the adjoining Chiltern Rise site
   e. development will take place outside the safeguarding area for the gas pipeline
   f.   retention of the existing vegetation to the north of the site to provide some screening from adjacent open fields.

iii. The landowner and any proposed developer notes that the allocation of the site in the Woodcote Neighbourhood Plan is subject to the grant of planning permission and the start of work on site not later than 31st March 2023.

The site comprises a collection of low key buildings and greenhouses associated with the current garden centre use. This brownfield site is available for redevelopment as the existing business use as a garden centre is not viable. The site is very well screened by houses fronting the Reading Road and by trees and hedges to the north. This existing vegetation should be retained to provide some screening from adjacent open fields.

- Woodcote Neighbourhood Plan

It is important to set out each planning policy so the intention is clear and it can be shown the evidence base is robust. This will help ensure it meets the basic conditions. It will also be useful to future applicants and the local authority planning officers who have to use the policy to make decisions in future years. These tips will help your presentation:

- introduce each policy with a short explanation that provides any necessary context and robust evidence behind its inclusion
- summarise the intent of each policy
- word your policies clearly and concisely
- visibly separate the actual policies from other text – many plans use boxes and/or put policy text in bold/italics
- clearly number the policies to aid navigation around the plan - it is customary to use the letters relating to the different topics – e.g. Housing policies are numbered H1, H2, H3; Open Space policies are numbered OS1, OS2, OS3 etc.

One example of a well presented policy from the Ascot, Sunningdale and Sunninghill Neighbourhood Plan is below:

NP–DG3 Good quality design

Context and reasoned justification

This Neighbourhood Plan supports the NPPF's objective to achieve excellence in design, especially design that will help establish a "strong sense of place" and "create attractive and comfortable places to live, work and visit" (NPPF para 58).

We already have a rich variety of architectural styles in the area and we would like to see new development contribute to this variety, while at the same time being sympathetic to the existing character of the area, as is also reflected in our policy NP/DG2 regarding density, scale and bulk of new builds. Our policies do not restrict development; instead they challenge developers to deliver innovative development of high quality design that responds to its surroundings and is appropriate for our area.

Intent

To encourage new development to deliver a creative and high quality standard of design, that sits comfortably with the existing built and natural environments.
To ensure new development, especially that intended for family occupation, includes ample garden areas, to serve the future residents and to reflect the current character of the area.

NP/DG3.1 *All new development should demonstrate good quality design and respect the character and appearance of the surrounding area. Development that fails to take the opportunities available for enhancing the local character and quality of the area and the way it functions shall not be permitted. A central part of achieving good design is responding to and integrating with local surroundings and landscape context as well as the built environment through:*

- *Using good quality materials that complement the existing palette of materials used within the area*
- *Using green hedging and/or trees for highway boundaries wherever possible and in keeping with the existing streetscape*
- *Ensuring safe access for pedestrians, cyclists and road users*
- *Providing adequate refuse and recycling storage incorporated into the scheme to minimise visual impact*
- *Innovative design that is sustainable in its design, construction and operation*
- *Promoting high quality interior spaces and light*
- *Adopting the principles of sustainable urban drainage, where appropriate.*

- Ascot, Sunningdale and Sunninghill Neighbourhood Plan

NB This policy omits to confirm that all the criteria apply by not including "and" after the penultimate criterion.

There is constant debate over the use of particular words in planning policies and growing experience from how they have been addressed by different Examiners.

Some of the most common debates are over the following words:

'must' and **'must not'** – only use 'must' where you are sure that the requirements of the policy are compulsory in all circumstances. This is likely to be unusual but is appropriate where the policy is binding.

'should' and **'should not'** – this leaves room for exceptions and, while it is commonly used, 'should' opens the door to applicants to justify why the policy doesn't apply to them.

'normally' and **'not normally'** – this is generally frowned upon because it introduces a vagueness which doesn't fit with the legal prominence given to planning policies when making decisions. The Examiner into St James Exeter Neighbourhood Plan also considered such wording to introduce "a degree of conflict with national policy" although not so great as to fail the basic conditions. The word also adds little to the meaning of the policy.

'presumption against/in favour' – this phrase is generally frowned upon as all neighbourhood plans are prepared on the basis of a general presumption in favour of sustainable development which underlies national planning policy.

'where possible' – this is another loose phrase which doesn't offer any certainty as to the circumstances where it is or is not 'possible' to meet the policy requirement. It can be appropriate to require applicants to include supporting information to show how they have considered alternatives as a way of showing what is 'possible'.

'encouraged' or **'supported'** - many plans uses these terms to convey a positive approach to development and generally 'encouraged' is considered as being the more proactive.

'preserve' – this is commonly used but rarely appropriate outside consideration of listed buildings and conservation areas as it literally means keeping things exactly as they are. In most circumstances planning policy is about managing change and not absolute preservation.

'protect' or **'conserve'** – these are often used interchangeably. 'Conserve' includes intent to care for as well as to keep safe from harm.

'character' – this is frequently used to describe the distinctive look and feel of an area which needs to be protected but it does little in itself to explain what this is. You may be better identifying supporting evidence (such as a local character study) which explains the elements that add up to define local character or describe it more fully in your policy text. The Objective in Rolleston on Dove's plan to "preserving the village atmosphere"

was commended by its Examiner for being "a more powerful term than character which is often used in plan making. Atmosphere encapsulates the idea that a place is more than a physical concept but also includes emotional sensibility and mood. It recognises people use and experience places. This in itself goes some distance in grounding the Neighbourhood Plan in sustainability." The Examiner rejected the term 'preserving' in relation to actual development as inconsistent with national policy.

'contemporary' – this is often used to indicate a like or dislike of a modern style of development and is very unlikely to be appropriate. As Government planning policy clearly states, "planning policies and decisions should not attempt to impose architectural styles or particular tastes" (National Planning Policy Framework, paragraph 60). The Exeter St James' Examiner considered that "at the very least the word 'contemporary' is ambiguous" and rejected it on grounds of a conflict with the Local Plan and national policy. A better approach may be to make clear that the neighbourhood plan encourages creative or innovative, site-specific design.
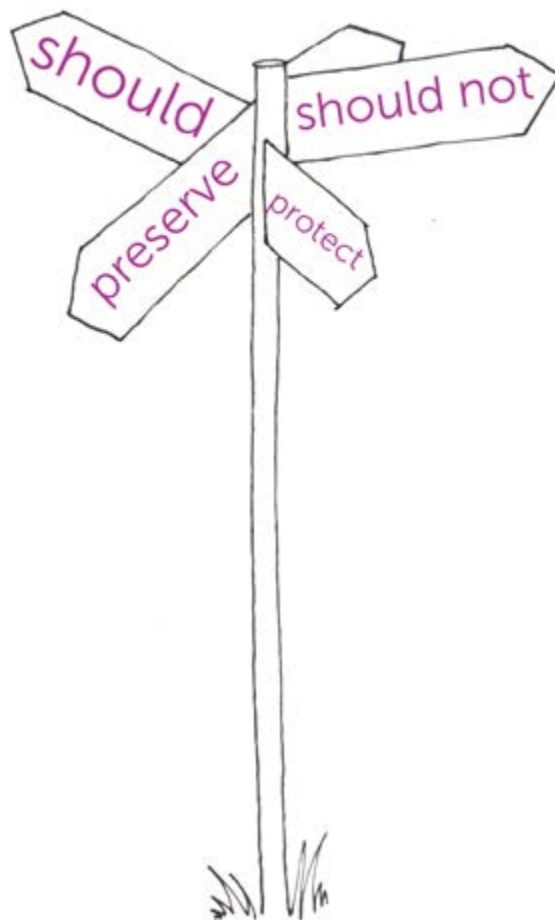
It pays to be precise in your wording of policies to avoid ambiguity or unintended consequences. Four examples illustrate the point:

Student accommodation – the Exeter St James plan seeks to address the impact of both 'large scale' and 'small scale' student accommodation. The original drafting identified large scale as above 10 units and small scale as below 10 units – with the result that a developer bringing forward accommodation of exactly 10 units would have slipped through the policy net.

'Development' – The term 'development' has a specific meaning in the language of planning. This includes changing the use of land or buildings as well as construction (see **Box 3**) and it is important to be precise in its use. Similarly, Tattenhall's draft plan includes a policy which supports 'new development' which meets a number of criteria, such as respecting local character. Its Examiner expressed doubt about limiting the policy to 'new' development which might be confined to 'new build' and therefore allow alterations and extensions of existing buildings to bypass the policy.

Take-away restaurants – the draft Exeter St James plan said that local retail, food and drink development:

"….will be permitted provided that….. (b) the proposed use is not already oversupplied in the area and will result in the excessive concentration of uses, such as takeaway restaurants;….."

As the Examiner states "The syntax leaves room for confusion. The policy appears to say (in part) that development will be permitted provided that the proposed use will result in excessive concentration of uses such as takeaway restaurants." The simple replacement of 'will' by 'would not' before 'result' addresses the issue.

'up to' – The Rolleston on Dove draft plan makes provision for "up to" 50% of new dwellings on allocated sites being for older persons. Yet as the Examiner notes "this could be satisfied by little or no provision".

There is regular discussion of a range of other issues around the use of planning policies:

Positive policies – it is national planning policy for neighbourhood plans to "plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan" (National Planning Policy Framework, paragraph 16). It is better to say "Planning permission will be granted if…." rather than "Development will not be allowed unless…." Nevertheless, brief, negatively-worded policies that give effective control over types of development can be clearer than tortuous positive worded development control policies hedged with numerous criteria. As a result most restrictive policies are more effective when phrased negatively, whilst promotional polices should be positively worded.

Homes for locals - this is one of the most frequently addressed topics in neighbourhood planning. The process of allocating social housing is a matter for housing management and not planning policy but requirements can be managed by legal agreement. It can be a complex area and one where it is well worth talking to the local authority housing team to avoid any risk of conflict with EU rules around free movement. The question of who qualifies for access to such housing and how the 'local connection' is defined has been dealt with in different ways:

> ### *Policy H4: Allocation of Affordable Housing*
>
> *20% of all new affordable housing in Woodcote provided by the Plan will initially be subject to a local connection, meaning that people with a strong local connection to the Parish and whose needs are not met by the open market will be first to be offered the tenancy or shared ownership of the home. In this context a strong local connection means an applicant(s):*
>
> > *(i) who has lived in the Parish for 5 of the last 8 years and is currently resident there, or*
> >
> > *(ii) who has lived in the Parish for at least 5 years and whose parents or children are currently living in the Parish and have at least 10 years continuous residency there.*
>
> - Woodcote Neighbourhood Plan

Policy H2 – Local connection

Affordable houses in the Parish shall only be occupied by persons (and their dependants) whose housing needs are not met by the market and:

a. who have a minimum period of 10 years permanent and continuous residence in the parish or an adjoining parish; or

b. who are not now resident in the parish or an adjoining parish but have a local connection with the parish including a period of permanent and continuous residence of 10 years or more within the last 20; or

c. who have an essential need to live close to another person who has a minimum of 10 years permanent and continuous residence in the parish or an adjoining parish, the essential need arising from proven age or medical reasons; or

d. who need to live close to their place of work in the parish or an adjoining parish.

Where such a person cannot be found, an affordable house may then be occupied by persons (and their dependants) whose housing needs are not met by the market and:

1. *who have a minimum period of five years permanent and continuous residence in the parish or an adjoining parish; or*
2. *who are not now resident in the parish or an adjoining parish but have a local connection with the parish including a period of permanent and continuous residence of five years or more within the last 10; or*
3. *who have an essential need to live close to another person who has a minimum of five years permanent and continuous residence in the parish or an adjoining parish, the essential need arising from proven age or medical reasons.*

Where such a person cannot be found, affordable homes may then be occupied by persons (and their dependants) whose housing needs are not met by the market and:

a. who have a minimum period of 10 years permanent and continuous residence in the additional adjoining parishes listed below; or

b. who are not now resident in the parish or an adjoining parish but have a local connection with the additional adjoining parishes listed below including a period of permanent and continuous residence of 10 years or more within the last 20; or

c. who have an essential need to live close to another person who has a minimum of 10 years permanent and continuous residence in the additional adjoining parishes listed below, the essential need arising from proven age or medical reasons; or

d. who need to live close to their place of work in the additional adjoining parishes listed below.

The additional adjoining parishes are: Oare, Porlock, Exford, Withypool & Hawkridge, Luccombe, Molland, Twitchen, North Molton, Brayford, Kentisbury, and Trentishoe.

- Lynton and Lynmouth Neighbourhood Plan

Use of targets – it is entirely appropriate for targets to be included in planning policies. This might range from the number of homes for a whole neighbourhood or a specific allocation through to the mix of land uses on a site. Numerical targets require clear justification and so your evidence base will need to be stronger than for general policies. Targets for housing numbers should not be included as ceilings for the level of development for a neighbourhood area.

Requiring extra information – your planning policies can require applicants to demonstrate how they will achieve the requirements of your plan in the information which is provided alongside the planning application. Any requirements need to be proportionate, relevant and necessary. Some requirements can often be included in a 'design and access statement' that must accompany applications for some development above a certain size.

Setting out funding requirements – your policies can be used to specify particular funding requirements from development, including use of the Community Infrastructure Levy and what are known as Section 106 planning obligations. You can also set out expectations for how the projects proposed in your plan can be funded through new development. Where policies are used that propose the use of obligations they must also meet the three tests set out in Government regulations – that the requirements are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Your local planning authority will produce a schedule for the Community Infrastructure Levy and any site specific requirements not covered need to be dealt with through Section 106 obligations. You may find your plan is being prepared ahead of the local authority's schedule and is able to influence its contents. Broughton Astley included a prioritised list of requirements (see next page).

Policy statement CI1. – Contributions to new infrastructure and facilities

i. Financial contributions will be required, as appropriate, from each developer to mitigate the impact of the development on essential infrastructure such as public utilities, libraries, policing, waste services and the highways network.

ii. Financial contributions will be required, as appropriate, from each developer to fund additional healthcare, education and leisure services within the village in accordance with the obligations detailed in the Harborough District 'Provision for Open Space, Sport and Recreation 2009 (or subsequent revisions).

iii. Community priorities in terms of additional local facilities to be provided as a result of new development are:

    a. A centrally located community building suitable for use as a Medical Centre with associated parking spaces;

    b. A centrally located community leisure facility providing a minimum 4-court sports hall, gym and dance facilities, all weather-pitch changing rooms, storage, meeting rooms and associated administration and parking facilities;

    c. A centrally located community building with associated storage and parking spaces suitable for use by organised youth groups;

    d. A centrally located multi-use synthetic sports pitch suitable for both community and schools use;

    e. Two adult size Football Pitches with associated parking, changing and storage facilities;

    f. The construction on an informal BMX / Cycle Track facility with associated shelter and parking facilities.

iv. The construction of a swimming pool for joint community and schools use will be investigated and provided if financially viable.

- Broughton Astley Neighbourhood Plan

It is important that targets, standards or requirements for extra information or funding do not impose unreasonable burdens on applicants or make it impossible for them to bring forward viable development.

The most effective planning policies will be well grounded and clearly expressed. You should constantly test them and show they are robust.

Worksheet 1 can be used to ensure your policies are well grounded. It tests each policy for support through your public engagement or your evidence base and then against each of the basic conditions which must be met at examination. Site based policies are subject to further testing for how they have been selected and their availability and suitability.

You will find that your policies evolve over time. Policy writing is an iterative learning process. The example in **Box 5** from Woodcote Neighbourhood Plan shows how a policy controlling infill housing developed during the course of the parish council's work.

You should also sit down with the development management staff in your local planning authority to test your policies against a range of different planning applications. How do they stand up? Do they add value? Can the wording be strengthened? Are there any gaps? Is there a risk of any of the neighbourhood plan policies undermining those in the Local Plan unintentionally? The development management team is the one that will be using your policies on a daily basis so listen to its advice and feedback before finalising your plan.

In addition, you could find someone with a fresh pair of eyes to look at your plan or tap on the shoulder of a planner who lives in the area. You can get help online from other groups and also seek funding for you to use independent consultants or other advisors. The more you test your policies now the stronger they will be when your plan is finished.

Box 5 - **The evolution of a planning policy**

Policy H10: Infill housing in the AONB

Initial Draft: *This version was considered to be too negatively phrased*

Infill will only be permitted when:

   a. The development fills a restricted gap in the continuity of existing buildings where the site has existing building curtilages, normally residential, adjoining on at least two sides;

   b. Development will not involve the outward extension of the built up area within the parish;

   c. the development is a complete scheme that cannot be seen as, or used as, the first stage of a larger development;

   d. the development would not normally exceed 3 dwellings;

   e. and for every two large houses (4 or more bedrooms) there must be one small house (2 or fewer bedrooms).

Box 5 - **The evolution of a planning policy (continued)**

Pre-submission version: *This version was considered to be too restrictive and in conflict with the Core Strategy*

Permission will be granted for small residential developments on infill and redevelopment sites within Woodcote subject to proposals being well designed and meeting all relevant requirements set out in other policies in this plan and the Core Strategy, where the development:

a. fills a small, restricted gap in the continuity of existing frontage buildings, normally residential, or on a site which is closely surrounded by buildings;

b. will not involve the outward extension of the built-up area of the village into the AONB;

c. is not normally for more than three dwellings; and

d. provides for at least one small home with two or fewer bedrooms for every one large dwelling with four or more bedrooms.

Submission version: *This version passed examination and is included in the final plan*

Applications for small residential developments on infill and redevelopment sites within Woodcote will be supported subject to proposals being well designed and meeting all relevant requirements set out in other policies in this plan and the Core Strategy, and where such development:

a. fills a small, restricted gap in the continuity of existing frontage buildings or on other sites within the built-up area of the village where the site is closely surrounded by buildings.

b. will not involve the outward extension of the built-up area of the village;

c. is not considered to be backland or unneighbourly development that requires unsuitable access, reduces the privacy of adjoining properties or is inconsistent with the character of the locality; and

d. provides for at least one small home with two or fewer bedrooms for every one large dwelling with four or more bedrooms.

- Woodcote Neighbourhood Plan

For more information on neighbourhood planning you should read Neighbourhood Plans Roadmap Guide and Keeping it simple that are both available free from Locality. The Government's Planning Practice Guidance on neighbourhood planning is also useful.

This Guide was written by Tony Burton who can be contacted at tony@tonyburton.org.uk or on twitter @Tony4Place

September 2014

Worksheet 1 – **Testing your policies**

Policy	Link between policy and evidence or engagement?				For site allocations			Does policy meet the 'basic conditions'?			
	Support from evidence	Support from engage-ment	Is the link clear Y/N	Is more work needed? Y/N	How do you know site is suitable?	How do you know site is available?	Is it clear how site has been selected as best option?	In line with the national policy (NPPF)	In line with strategic approach of Local Plan?	Contribute towards sustainable develop-ment?	Compatible with EU obligations – SEA & human rights?