

Response to North Lincolnshire Council's response document EXAM 37A

The opening paragraph of EXAM 37A states:

“Under Matter 2 Paul Tattersfield has suggested amendments to Policy PS1 - Presumption in Favour of Sustainable Development (EXAM DOC 37) to overcome his concerns that the policy is concisely drafted. A substantive note was provided, but the amendments required to the policy are relatively minimal in content.”

The council seems to have misunderstood my comments which simply pointed out the suggested policy wording from the Government is concisely drafted and as such, any amendments should be in keeping by being similarly concisely drafted. Further given the concise nature of the additional proposed wording substantive reasoning was included.

It is also worth noting the ‘Planning Inspectorate Model Policy’ was not given in isolation as well as the model wording the Planning Inspectorate also said.

"Planning authorities will of course also need to consider what other aspects of their plans may need to be revised in order to reflect the approach of the presumption, to meet the development needs of the area,"

As stated in the hearings and written submissions it is difficult to see where this has been heeded, especially outside of the sub-regional town and selected market towns. This makes the wording of PS1 even more imperative.

Amendments to Policy PS1

The Council is of the view that the *“additional wording does not add anything to what is included within the policy already”* and demonstrates this by citing the first paragraph of PS1.

The first paragraph of PS1 is concerned with delivery rather than policy. It can therefore not be used to solve specific policy issues.

The third paragraph of PS1 is drafted to provide safeguards for occasions when there are

- (a) no policies
- (b) out of date policies

The additional proposed wording is to provide safeguards for occasions when there are

- (c) failing policies¹
- (d) policies with new dates but with out of date data²

“Where there are no policies relevant to the application or relevant policies **fail to meet objectively assessed needs or¹ are considered to be² out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether”**

Both of these amendments are clearly and demonstrably in the public interest and as such it is difficult to envisage a justifiable reason why the Council would not want to include the proposed wording changes.

Amendments to ancillary text

The penultimate paragraph of EXAM37A concludes with “*Plans should avoid repeating text from NPPF where possible*” as a justification for not making changes to the council’s proposed wording for sections 2.1 and 2.2.

The irony is not lost that both sections 2.1 and 2.2 comprise predominantly of quotes from the NPPF, worse still section 2.2 selectively quotes the NPPF out of context and in doing so dangerously changes the intent of the original drafter.