

## Inspector's opening for both development plans

- This Hearing is not a planning appeal. Nor is it an Inquiry into objections. The purpose of the Hearing is to assess the legal compliance and soundness of the Plan. Thus the Agenda focuses on the matters that I wish to hear more about, having read all the relevant documents, the representations and responses. Where the parties have clearly stated their positions and I believe that I have sufficient information, then there may be no specific item on the Agenda.
- Those making representations have a right to be heard, if they so wish. Thus, there is a final catch-all of "Any further points" so that additional points can be raised or questions put to the opposing side. However, the aim of my Advice Note to eliminate repetition remains important.
- In line with national policy, my starting point for the Examination is the assumption that the Council has submitted what it considers to be a sound plan. Those seeking changes must demonstrate why it is unsound by reference to the legal compliance tests and soundness criteria.
- You will be aware that I have communicated some concerns over the soundness of the Plan and that the Council may suggest some modifications. As a result it is likely that I will recommend for their consideration any necessary modifications to the Plan to make it sound and legally compliant. Any additional minor modifications are now solely the legal responsibility of the Council – these include typos and any modifications which do not materially affect the policies – and so they do not form part of this examination.
- I will aim to be pragmatic, positive and proactive. But, in the end, the final decision on the submitted policies and the evidence rests with the Council. I am not here to improve the Plan solely to make a judgement on its soundness and its legal compliance–
- Key facts about the Local Plan system:
  - This is an Examination into the soundness of the Plan, and I will have regard to all the representations made. But I am not required to respond to them all.
  - The Examination starts with the submission of the Plan and ends with the submission of my report.
  - The Council is not bound to adopt the Plan if it chooses not to do so – the Plan then has no effective status.
  - Any essential changes to achieve a sound and legally compliant Plan that have not been subject to public consultation and sustainability assessment are likely to be beyond my remit and result in the Plan being found unsound, necessitating the Council returning to an earlier stage and rerunning the process.
  - There can be two main ways that the Plan might be found unsound – fundamentally unsound (the "showstopper"); or cumulatively unsound ("death by a thousand cuts").
  - All parties need to be aware of the implications of seeking changes.
- It is preferable for any changes (i.e. modifications) to be suggested by those involved in its implementation, rather than by me, although this may happen.
- Where modifications are to be made, I will need to ensure that the rights of third parties are not prejudiced by recommendations on matters which would

take them by surprise. Therefore these will need to be subject to public consultation and, where appropriate, modifications might also need to be covered by a revised Sustainability Appraisal. This will be done at the end of the hearing sessions and before I submit my report.

- I have already read the evidence submitted by the Representors and the Council. This means that in our discussions you will not need to repeat in detail your case to me or to give any sort of formal presentation.
- We will go through each item on the Agenda, and I will invite people to contribute to the discussion. I would welcome comments and questions from any of you as the discussion progresses. Please note that unless I specifically agree to it, there will be no cross-examination, but putting questions to the opposing parties during the discussion is acceptable.

Christine Thorby