

OPENING STATEMENT ON BEHALF OF THE LOCAL PLANNING AUTHORITY ON
ISSUES OF LAW

Inspectors,

1. Under s. 20(5) and (7) of Planning and Compulsory Purchase Act 2004 (“the 2004 Act”), the issue in this examination is whether it would be reasonable to conclude that the local plan: (a) satisfies the procedural requirements set out in the Planning and Compulsory Purchase Act 2004 (“the 2004 Act”) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (“the 2012 Regulations”), (b) is sound and (c) that the duty of co-operation under s. 33A of the 2004 Act has been complied with. Additionally, under regulation 6 of the Environmental Assessment of plans and Programmes regulations 2004 and s. 19(5) of the 2004 Act, a strategic environmental assessment or sustainability appraisal of the plan is required.
2. These legal requirements have been complied with:
 - a) The procedural requirements of publicity and consultation have been met, in spite of the comments of some objectors; there has been no error in the types of documents which have been submitted with the plan to the Secretary of State under s. 20(2) and relevant regulations.
 - b) The plan is sound and complies with the requirements of the NPPF. This will be the subject of considerable debate during the examination, but the Council has provided a substantial evidence base from which it should be “reasonably concluded” (applying the wording of s. 20(7)(b) of the 2004 Act) that the plan is positively prepared, justified, effective and consistent with national policy under paragraph 35 of the NPPF.

- c) The duty to co-operate has been met. Notably, none of the duty to co-operate prescribed bodies contend that the duty has not been complied with.
 - d) The Council has undertaken a legally compliant environmental assessment of the plan proposals (CD9 as updated, CD12). The issue is whether the assessment is adequate as a matter of law. It plainly is.
3. For these reasons, the plan stands to be recommended for adoption. Any issues relating to its soundness as articulated by objectors, if accepted, are readily capable of being dealt with by recommended modifications under s. 20(7C) of the 2004 Act.

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