

**INSPECTOR'S NOTE TO SELBY DISTRICT COUNCIL ON
IMPLICATIONS OF SECTION 112 OF LOCALISM ACT 2011**

Section 112 of the Localism Act 2011, which came into force on 15 January 2012, makes key changes to sections 20 – 23 of the Planning and Compulsory Purchase Act 2004 ('2004 Act') in respect of the treatment by the Inspector of modifications to submitted development plan documents.

The amended section 20(7) of the 2004 Act indicates that the modifications Inspectors can make must be requested by the local planning authority and are limited to the rectification of issues of legal compliance and/or soundness. The amended section 23(3) differentiates between "main modifications", which have to be recommended by the Inspector, and "additional modifications" which do not materially affect the policies of the plan and which can now be made by the local planning authority on adoption without the need to be examined.

The main effect of these changes in relation to the Selby Core Strategy Examination is that where the Core Strategy needs modifications to make it sound, I will not be able to recommend these 'main modifications' unless the Council makes a specific request under new section 20(7C).

You will need to advise me of how you wish me to proceed in the light of the 'main modifications' that are being proposed, including those currently being consulted upon following the suspension of the Examination. In order for me to make modifications to the Core Strategy you will need to notify me formally whether you are requesting modifications under section 20(7C). In the absence of a request, you will appreciate there appears some likelihood that my report will be confined to identifying any soundness or legal compliance failures and recommending non-adoption of the Core Strategy.

As considerable work has already been done on these proposed modifications, I hope I will be able to proceed as has been envisaged and ensure that you have a Core Strategy capable of adoption, particularly given the effort the Council has put into the Examination process to date.

I would appreciate an indication of your preferred approach at your earliest convenience.

Martin Pike

Inspector

31 January 2012