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Dear Sirs,

## Letter of the 12.06.2020 and view on conformity with RSS.

Having considered your letter of the 12.06.2020, I write to express my concerns about the continuation of the EiP process.

I refer specifically to your finding that the Plan proposals for the inner and outer boundary are in conformity with the RSS policy. I consider that your conclusion can only emanate from an interpretation of the RSS policy which errs in law.

The conclusion cannot be based on a planning judgment, it must (even though you have not as yet set out your *intelligible and adequate reasons for resolving this principal important controversial issue*) be based on a misconceived interpretation of the RSS policy. That means that at present I can take no action but it is inevitable I will otherwise have to mount a Section 288 challenge when (and if) the Plan is adopted. My immediate concern is for the continuation of a doomed process that will incur significant cost to the LPA. The Inspectorate and the participants.

This matter came into focus with the Supreme Court judgment earlier this year in *Samuel Smith Old Brewery (Tadcaster) and others v North Yorkshire County Council* [2020] UKSC 3. And which I believe has not been brought to your attention. This decision highlighted the role of historic material and the aims of policy in their interpretation. As you will be aware those issues were the very focus of my submissions. I have lodged with the Programme Officer a Note of my Concerns which covers some 35 pages of text. I invite you to read this and then to review your findings on these two issues. I consider this Note sets out how the error in law comes about.

I appreciate there are other equally key issues raised in the Phase 1 hearings upon which you have yet to pronounce. However, if that does not result in you considering the Plan unsound, I anticipate challenges related to the failure to consider alternative strategies for resolving the boundaries in under Sec. 39 (2) and (5) and the Duty to Cooperate as well as the Plan being based on an appropriate evidence base when submitted.

Yours sincerely

George E Wright MA MRTPI