

Phil Larter
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Community Services Department
Leicestershire County Council
County Hall
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12 November 2008

Dear Phil

**Submission of *Leicestershire Minerals Development Framework Core Strategy and Development Control Policies* document
&
Leicestershire and Leicester Waste Development Framework Core Strategy and Development Control Policies document**

I refer to your letter of 13 October to my colleague Bryn Walters referring to the fact that the Inspector has asked for a statement as to whether in our opinion the above documents are in general conformity with the Draft East Midlands Regional Plan (Draft RSS) as proposed to be changed by the Secretary of State's (SoS) Proposed Changes. Bryn has passed your letter to me to reply to you as I deal with conformity matters at the Regional Assembly.

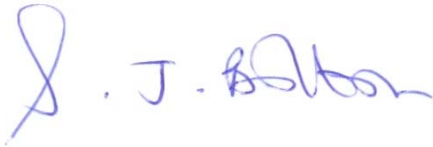
My understanding, based on the contents of section 24 of the 2004 Act and PPS11 and 12, is that:

- for the purposes of section 24 the relevant RSS is existing adopted RSS8 at present
- there is nothing in section 24 or the guidance which specifically requires an Regional Planning Body to have regard to an emerging RSS
- legally the opinion of conformity at regulation 29 stage is only with adopted RSS and there is no requirement for the Regional Assembly to give an opinion for an adopted Development Plan Document (DPD) with emerging RSS. If there is a conflict with an adopted DPD and adopted RSS, then legally it is the most recently adopted document that takes precedent.
- In our recent opinions on the conformity of DPD's with the RSS, the East Midlands Regional Assembly has referred to adopted RSS8. However, we have also made factual reference to the contents of the published Draft Regional Plan September 2006 and the SoS Proposed Changes as material considerations.

However, in terms of the Inspector's request, our opinion is that, at the current stage in the preparation of the Draft RSS, the above Minerals and Waste documents would be in general conformity with the SoS Proposed Changes if these Proposed Changes are included in the Draft RSS when it is finally adopted.

I hope this assists but if you have any further questions in relation to conformity matters, please do not hesitate to contact me on 01664 502540 or by e mail at steve.bolton@emra.gov.uk; or on Regional minerals and waste planning Bryn on 01664 502542, e mail bryn.walters@emra.gov.uk.

Yours sincerely



Steve Bolton
Policy Adviser (Planning Conformity and Best Practice)