

MINERALS - PROCEDURAL AND CONFORMITY MATTERS

Key Issue:

Whether the DPD has been prepared in accordance with the relevant legal requirements. (PPS 12, Para 4.50)

1. *Has the DPD been prepared in accordance with the local development scheme?*

Yes, the DPD has been prepared in accordance with the latest version of the Local Development Scheme dated (MIN 9). It has been agreed with the Inspector that the hearing will be held at the beginning of March, rather than in January as stated in the scheme. Section 3 of Topic Note LCCM3 provides further information.

2. *Has the council had regard to:*

national policies and advice contained in guidance issued by the Secretary of State;

Yes the relevant national plans and programmes that have been considered during the formulation of the Core Strategy and Development Control Policies, (which includes the national policies and advice issued by the Secretary of State) is presented at Appendix A (pages 69 to 70) of the Sustainability Appraisal and Strategic Environmental Assessment (MIN 2).

the RSS for the region;

Yes, the Core Strategy has regard to the Regional Spatial Strategy for the East Midlands.

the RSS for any region adjoining Leicestershire;

Yes, the Core Strategy has regard to the Regional Spatial Strategy for the West Midlands.

the community strategies of the county and city councils;

The community strategy of the County Council has been taken into consideration, but not that of Leicester City Council as the City lies outside the framework area. Further information regarding compliance with community strategies is provided in Topic Note LCCM3 at Section 5.

the community strategies of the other councils within Leicestershire;

Yes, the community strategies of the District Councils within Leicestershire have been taken into consideration. Further information regarding compliance with community strategies is provided in Topic Note LCCM3 at Section 5.

any other local development document that has been adopted by the county or city; and

No other local development document has been adopted by the County or City Councils.

the resources likely to be available to the county and city for implementing the proposals?

Existing staffing levels in the planning policy team and the necessary budget support will be maintained to provide the resources necessary to take the Core Strategy and Development Control DPD to adoption and to gather evidence, prepare and take the proposed Site Allocations DPD to adoption. Resources will also be maintained to undertake annual monitoring and review of the DPDs.

The main means of implementation will be through development control. The existing County Council resources necessary for this implementation are considered to be adequate and are proposed to be maintained.

3. *Does the DPD comply with the statement of community involvement?*

Yes, the DPD has been prepared in accordance with the Statement of Community Involvement for Leicestershire (MIN 5). Further information regarding the compliance with the Statements of Community Involvement is provided in Topic Note LCCM3 at Section 4.

4. *Has the council carried out an appraisal of the sustainability of the proposals and prepared a report on the findings of the appraisal?*

A sustainability appraisal has been undertaken and a report prepared (MIN 2). The SA has been updated at each stage of the preparation of the Core Strategy.

5. *Is the DPD in general conformity with the RSS?*

The DPD is in general conformity with the RSS for the East Midlands which has been confirmed by EMRA (MCD 25).

6. *In so far as the DPD contains policies that are intended to be superseded by other policies, is that fact stated in the DPD and are the superseded policies identified?*

Reference is made to the Framework replacing the existing Leicestershire, Leicester and Rutland Minerals Local Plan (MLP) 1995 in Para 1.1, but the Council accepts that specific reference should be made to the policies in the adopted Minerals Local Plan that are to be replaced by the DPD - see response to question 4 in the Council's response to Minerals – Introductory, Background and Key Diagram Points (LCC M6)

7. *Prior to preparing and submitting the DPD to the Secretary of State, did the council consult each of the "specific consultation bodies" to the extent that the council thought that the proposed subject matter of the DPD affected the body?*

The following specific consultation bodies were consulted

EMRA
District and Borough Councils in Leicestershire
Adjoining County, District, and Parish Councils
West Midlands Regional Assembly
The Coal Authority
The Environment Agency
English Heritage

Natural England
GOEM
Network Rail
The Highways Agency
Leicestershire Partnership NHS Trust
Anglian Water
Severn Trent Water
British Telecom
Central Networks
Energis Communications
National Grid Company
Powergen

8. *Prior to preparing and submitting the DPD to the Secretary of State, did the council consult such of the "general consultation bodies" as the council considered appropriate?*

A wide range of consultees were given the opportunity to comment on the evolving framework documents. A full list of the consultees is provided at Appendix 1 of the Consultation Statement (MIN 3). Included in the list of general consultation bodies were

Age Concern
Strategic Partnerships/tenants associations and community associations,
Leicester and Leicestershire Racial Equality Council,
Leicestershire Asian Business Association,
The Gypsy Council,
Leicester Council of Faiths,
Leicester Disabled People's Access,
Leicestershire Business Voice,
Department of Trade and Industry,
Leicestershire Chamber of Commerce
County Land and Business Association.

9. *Prior to preparing and submitting the DPD to the Secretary of State, did the council:*

make copies of the pre-submission proposals document and a statement of the proposals matters available for inspection during normal office hours at its principal offices and at such other places within its area that it considered appropriate;

Pre-submission proposals documents and a statement of the proposals matters were available for inspection at the County Council Offices:

between 17th June 2005 and 14th July 2005 for Issues and Options
between 25th August 2006 and 6th October 2006 for Preferred Options
between 19th October 2007 and 30th November 2007 for a further consultation on the preferred options.

publish on its website the pre-submission proposals documents; the proposals matters; and a statement of the fact that the pre-submission proposals documents were available for inspection and the places and times at which they could be inspected;

At each stage the pre-submission proposals documents were advertised on the County Council website. Information on the website included the availability of the documents and location that they could be inspected.

send to the DPD bodies the council's proposals for a DPD; such supporting documents as were relevant to the body to which the documents were being sent; notice of the proposals matters; and a statement of the fact that the pre-submission proposals documents were available for inspection and the places and times at which they could be inspected; and

Yes.

give notice by local advertisement of the proposals matters and the fact that the pre-submission proposals documents were available for inspection and the places and times at which they could be inspected?

Local advertisements were published for each stage. A copy of the advertisements can be made available on request.

10. *Prior to preparing and submitting the DPD to the Secretary of State, did the council consider any "duly made" representations?*

Duly made representations were considered. A summary of the responses, the Council's response to the comments and any changes made to the documentation are provided in the consultation statement provided as MIN 3 (Appendices 10, 11, 15 and 16).

11. *Has the council sent to the Secretary of State (in addition to the DPD):*

the sustainability appraisal report;

Yes.

its statement of community involvement (if adopted);

Yes.

a statement setting out which of the specific and general consultation bodies were consulted at the pre-submission consultation stage; how those bodies, and any other persons whom the council consulted, were consulted; a summary of the main issues raised in those consultations; and how those main issues have been addressed in the DPD;

Yes provided in the report presented as MIN 3.

a statement setting out the number of "duly made" representations; a summary of the main issues raised in those representations; and how those main issues have been addressed in the DPD; and

Yes provided in the report presented as MIN 3.

such supporting documents as the council considers relevant to the preparation of the DPD?

The supporting documents and evidence used when producing the DPD have been provided to the Secretary of State.

12. *Has the council:*

made copies of the DPD documents and a statement of the DPD matters available for inspection during normal office hours at the places at which the pre-submission proposals documents were made available;

Yes, the DPD documents and a statement of the DPD matters were made available for inspection at the County Council and service shops and libraries.

published on its website the DPD documents; the DPD matters; and a statement of the fact that the DPD documents are available for inspection and of the places and times at which they can be inspected;

The DPD documents and matters and the location and availability of the documents were published on the County Council website.

sent to the DPD bodies copies of the DPD; the sustainability appraisal report; the pre-submission consultation statement; such of the supporting documents that were sent to the Secretary of State as are relevant to that body; notice of the DPD matters; and a statement of the fact that the DPD documents are available for inspection and of the places and times at which they can be inspected;

Notice that the submission DPD, SA, consultation statement and supporting documents was available for comment was provided to the DPD bodies. Hard copies were not sent to the DPD bodies unless requested.

given notice by local advertisement of the DPD matters; and the fact that the DPD documents are available for inspection and of the places and times at which they can be inspected; and

Local advertisements were placed in local newspapers for the submission and previous consultation stages of the DPD, copies of the advertisements can be provided on request.

given notice to those persons who requested to be notified of the submission of the DPD to the Secretary of State that it has been so submitted?

Yes.

13. *On the same day that the council submitted the DPD to the Secretary of State, did the council request the opinion in writing of the RPB as to the general conformity of the DPD with the RSS?*

On the 18 June a letter was sent to EMRA to request the opinion as to whether the DPD was in general conformity with the RSS (MIN 19).

The Regional Plan (RSS) was the subject of a hearing by an Inspector in 2007 and in July 2008 the proposed changes by the Secretary of State to the plan were published. At this time a second request was sent to EMRA to confirm that the DPDs were in general conformity with the proposed changes to the plan. Confirmation was received by EMRA that it was in general conformity with the changes on 12 November 2008. (MCD 25)

14. *Has the council:*

made a copy of the "duly made" representations available at the places at which the pre-submission proposals documents were made available;

Yes.

published the representations of its website; and

Yes.

sent to the Secretary of State a statement of the total number of representations made; copies of the representations; and a summary of the main issues raised in the representations?

Yes, this was sent to GOEM on 20th August 2008.

15. *At least 6 weeks before the opening of this pre-hearing meeting, did the council:*

publish on its website the time and place at which the examination is being held together with the name of the appointed Inspector;

The date, time and place of the examination together with the name of the appointed Inspector have been published on our website.

notify all persons who made "duly made" representations of those matters (unless they withdrew their representation); and

Yes

give notice by local advertisement of those matters?

Yes