



MELTON LOCAL PLAN – PRE SUBMISSION DRAFT (NOVEMBER 2016)

For official use only

Respondent Ref:

Date Received:

Melton Borough Council proposes to submit the Melton Local Plan (MLP) to the Secretary of State of Communities and Local Government for independent examination. Before submitting the MLP, the Council is required to publish the document and invite the public to make representations on its 'soundness'. The MLP, once adopted will be the development plan for Melton Borough.

This form has two parts:

- Part A: Personal Details
- Parts B and C: Your representation(s).

When making representations, **please use a separate Part B form for each policy or paragraph you wish to comment on. Before completing the form you should read the accompanying Guide to Making Representations.** Please ensure that your representation relates to the correct test of soundness (details can be found in the Guide to Making Representations)

Completed forms should be returned to the address below no later than **Monday 19th December, 2016. Representations received after this deadline will not be accepted.**

Planning Policy Team
Regulatory Services
Melton Borough Council
Parkside, Station Approach
Melton Mowbray
Leicestershire
LE13 1GH

Alternatively, you can access this form on the Council's website <http://www.melton.gov.uk/localplan/site/index.php> and print it out or complete it electronically and e-mail your response to planningpolicy@melton.gov.uk

Representations can also be made via the Council's on-line consultation portal - <https://meltonboroughcouncil.citizenspace.com>

PART A: ABOUT YOU/YOUR ORGANISATION (If you are an agent, please complete the personal details of your client in 1 and complete agent's details in 2).

1. Personal Details

Full Name:

Organisation (if applicable)

Address:

Postcode:

Email:

Contact Number:

2. Agent's Details (If applicable)

Full Name & Company:

Colin Wilkinson
Planit-X Town and Country Planning Services Ltd

Organisation/Client Representations on Behalf Of

Earl of Rutland and Dr Fleming's Hospital Trust

Address:

21 New Road
Burton Lazars
Melton Mowbray
Leicestershire

Postcode:

LE14 2UU

Email:

Contact Number:

Number of Representations Enclosed:

6

Signature:

Date:

18-12-2016

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Respondent Ref:	Representation Ref:
Name/Organisation:	Earl of Rutland and Dr Fleming's Hospital Trust

PART B: YOUR REPRESENTATION (This section will need to be completed for each representation made. Please photocopy or download from the council's website Part B of the form as required.)

3. Which part of the Melton Local Plan: Pre-Submission Draft does your representation relate to? (Please enter the paragraph/policy number)

Paragraph: Policy: **SS2** Policies Map:

4. Do you consider that the Melton Local Plan: Pre-Submission Draft is? (Please tick the appropriate box)

- | | | |
|--------------------------------------|------------------------------|--|
| 1. Legally Compliant: | Yes ☐ | No ☒ |
| 2. Sound: | Yes ☐ | No ☒ |
| 3. Complies with Duty to Co-operate: | Yes ☐ | No ☒ |

*The considerations in relation to the Local Plan being "sound" are explained in paragraph 182 of the National Planning Policy Framework. If you have entered "No" in relation to 4(2), please go to question 5. In all other circumstances, please go to question 6

5. Do you consider that the Melton Local Plan: Pre-Submission Draft is unsound because it is not any of the following? (Please tick the appropriate box)

- | | | | |
|--|--|--|--|
| 1. Positively Prepared ☒ | 2. Justified ☒ | 3. Effective ☒ | 4. Consistent with National Policy ☒ |
|--|--|--|--|

6. Please give details of why you consider the Melton Local Plan: Pre-Submission Draft is not legally compliant or is unsound or fails to comply with the Duty to Co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Melton Local Plan: Pre-Submission Draft or its compliance with the Duty to Co-operate, please use this box to set out your comments. (Please continue onto a separate sheet if you require more space)

Housing Provision

The National Planning Policy Framework is clear that the Local Plan should be based on adequate, up to date and relevant evidence (para 158) in terms of housing this is a Strategic Housing Market Assessment (para 159). The Local Plan should be based on a strategy which seeks to meet objectively assessed needs for market and affordable housing (OAHN) (para 182) based on evidence (para 47) with emphasis on joint working on cross boundary issues especially when housing needs cannot be wholly met within individual Local Planning Authority (LPA) areas (para 178 – 181). The 2014 SHMA is out of date which means that there is no clear evidence on an up to date OAHN, where housing needs will be met, if unmet needs arise or the role of individual LPAs in meeting any unmet needs. As the Melton Local Plan is based on these uncertainties it must be unsound because it cannot be positively prepared, justified, effective or consistent with national policy. Whilst there are benefits for development management purposes of having an adopted Plan these benefits should not outweigh the requirements for a sound Plan based on up to date evidence.

It is unfortunate that the Leicester & Leicestershire HMA authorities seem unable to co-ordinate the production of supporting evidence and Local Plan preparation in a timely manner. The up to date Housing & Employment Needs Assessment (HEDNA) remains unpublished even though it is believed that this work has been completed. As a commissioning authority of the new HENDA the Council must know the OAHN figures set out in the yet to be published report and whether the figure for Melton is above or below the proposed housing requirement of 6,125 dwellings for the period 2011-2036 set out in Policy SS2.

Memorandum of Understanding

All the Leicester and Leicestershire authorities have signed up to a Memorandum of Understanding which endorses figures for OAN covering 2011 to 2028 to correspond with the period covered by the Core Strategy. These are derived from the annual figures for 2011 to 2031 set out in the 2014 SHMA. Based on Strategic Housing Land Availability Assessments (SHLAAs), the Memorandum of Understanding also confirms that each authority considers that it can meet the upper figure for identified needs within its own area to 2028. However, the Memorandum of Understanding does not extend to 2036, the plan period for the Melton Local Plan. There is no evidence that housing needs to 2036 can be wholly met within individual Local Planning Authority (LPA) areas and therefore if unmet needs do arise whether Melton Borough should play a role in meeting those unmet needs.

Windfall

The Local Plan should identify a supply of specific, deliverable/developable sites to meet the full, objectively assessed needs for market and affordable housing. Instead, the Local Plan relies on the delivery of windfall sites throughout the plan period to help meet objectively assessed needs even though there is no compelling evidence that such sites have consistently become available in the local area nor will continue to provide a reliable source of supply. It is important to note that the National Planning Policy Framework definition of 'windfall' states 'they normally comprise previously-developed sites that have unexpectedly become available'. The 'windfall' sites allowed for by the Draft Melton Local Plan are essentially greenfield sites.

7. Please set out what change(s) you consider necessary to make the Melton Local Plan: Pre-Submission Draft legally compliant or sound, having regard to the test you have identified at 5 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this change will make the Melton Local Plan: Pre-Submission Draft legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Please continue onto a separate sheet if you require more space)

The housing land requirements calculations on which Policy SS2 is based should be modified to reflect the up to date Housing and Employment Needs Assessment (HEDNA) being prepared by the Leicester and Leicestershire HMA authorities and an updated Memorandum of Understanding between the Leicester and Leicestershire authorities.

There should be no allowance for windfall sites. Instead a supply of specific, deliverable/developable sites to meet the full, objectively assessed needs should be identified.

Please note: Your representation should cover succinctly all the information, evidence necessary and supporting information necessary to support/justify the representation and suggested change, as there will not normally be a subsequent opportunity to make further representations based on this original representation.

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8. Can your representation seeking a change be considered by written representations or do you consider it necessary to participate at the oral part of the examination? (Please tick the appropriate box)

Written Representations

☐

Participate at the Oral Examination

☒

9. If you wish to speak at the examination, please outline why you consider this to be necessary:

The Earl of Rutland and Dr Fleming's Hospital Trust is a charity that provides and maintains accommodation for poor, former employees or tenants of the Belvoir Estate and their widows or widowers. It also provides housing for widows and widowers of Bottesford. Land in the Trust's ownership is recycled into the provision of genuinely 'affordable' housing for local people. The Trust also acts as the main promoter of the largest housing allocation outside of Melton Mowbray: Bottesford MBC/057/13 (BOT4).

Please note: The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

PART C: WHO YOU REPRESENT

To help us collate the responses to this consultation, we would be grateful if you could tell us which category best describes who you are representing (Please tick the appropriate box)

Melton Borough Resident

☐

Planning Agent/Planning Consultant

☐

Developer

☐

Utility/Service Provider

☐

Government Organisation

☐

Amenity Group

☐

Other Organisation

☐

Residents Group

☐

Business

☐

Town/Parish Council

☐

Other (Please state)

Do you want to have further involvement in the Melton Local Plan? (Please tick the appropriate boxes)

If you wish to be notified at the address/e-mail provided in Part A when the Melton Local Plan is submitted to the Secretary of State for Communities & Local Government

☒

If you wish to be notified at the address/e-mail provided in Part A when the Inspector's Report is available to view

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If you wish to be notified at the address/e-mail provided in Part A when the Melton Local Plan is adopted

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If you/your organisation wish to be included in future consultations on the Melton Local Plan

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If you/your organisation **do not** wish to be included in future consultations on the Melton Local Plan

☐

Thank you for taking the time to submit representations on the Melton Local Plan: Pre Submission Draft (November 2016). It should be noted that representations cannot be treated as confidential.

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Respondent Ref:	Representation Ref:
Name/Organisation:	Earl of Rutland and Dr Fleming's Hospital Trust

PART B: YOUR REPRESENTATION (This section will need to be completed for each representation made. Please photocopy or download from the council's website Part B of the form as required.)

3. Which part of the Melton Local Plan: Pre-Submission Draft does your representation relate to? (Please enter the paragraph/policy number)

Paragraph: Policy: **SS3** Policies Map:

4. Do you consider that the Melton Local Plan: Pre-Submission Draft is? (Please tick the appropriate box)

- | | | | | |
|--------------------------------------|-----|--------------------------|----|-------------------------------------|
| 1. Legally Compliant: | Yes | ☐ | No | ☒ |
| 2. Sound: | Yes | ☐ | No | ☒ |
| 3. Complies with Duty to Co-operate: | Yes | ☐ | No | ☒ |

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- | | | | | | | | |
|------------------------|-------------------------------------|--------------|-------------------------------------|--------------|-------------------------------------|------------------------------------|-------------------------------------|
| 5. Positively Prepared | ☒ | 6. Justified | ☒ | 7. Effective | ☒ | 8. Consistent with National Policy | ☒ |
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However, if the Council is to retain this policy the arbitrary limits of ten dwellings (in the case of Melton Mowbray and Service Centres), five dwellings in 'Rural Hubs' and three dwellings in 'Rural Settlements' should be removed for the following reasons:

1. Small development of five dwellings or less are unlikely to help enhance services and facilities in rural settlements. This is in part because smaller developments are exempt from affordable housing and developer contribution requirements;
2. Smaller developments are less likely to provide for the housing mix needed;
3. Smaller development on large sites will lead to inefficient use of land;
4. There is no effective control over the cumulative impact of small-scale development on services and facilities, traffic etc.; and
5. The policy may discourage the redevelopment of brownfield sites by making them uneconomic to develop.

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The arbitrary limits of ten dwellings (in the case of Melton Mowbray and Service Centres), five dwellings in 'Rural Hubs' and three dwellings in 'Rural Settlements' should be removed.

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Participate at the Oral Examination

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Town/Parish Council

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Other (Please state)

Charity

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Paragraph: Policy: **SS6** Policies Map:

4. Do you consider that the Melton Local Plan: Pre-Submission Draft is? (Please tick the appropriate box)

1. Legally Compliant: Yes ☐ No ☐

2. Sound: Yes ☐ No ☒

3. Complies with Duty to Co-operate: Yes ☐ No ☒

**The considerations in relation to the Local Plan being "sound" are explained in paragraph 182 of the National Planning Policy Framework. If you have entered "No" in relation to 4(2), please go to question 5. In all other circumstances, please go to question 6*

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6. Positively Prepared ☒ 7. Justified ☒ 8. Effective ☒ 9. Consistent with National Policy ☒

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Policy SS6 of the Melton Local Plan (Publication version) identifies long-term development options at several locations, including Six Hills. The Policy pre-determines the outcome of a future review of the Melton Local Plan by highlighting future development locations that:

1. Have not been subject to the same level of scrutiny or Sustainability Appraisal as the sites allocated in the Melton Local Plan;
2. Undermine the vision, objectives and strategy which underpin the Local Plan i.e. most development located within or adjoining Melton Mowbray;
3. Undermines the delivery of strategic infrastructure e.g. the Melton Mowbray distributor road;
4. Prejudices the preparation of the Leicester and Leicestershire Strategic Growth Plan;
5. Are unnecessary as the Plan already identifies 'reserve' sites;
6. Are incapable of contributing to the five-year housing land supply.

7. Please set out what change(s) you consider necessary to make the Melton Local Plan: Pre-Submission Draft legally compliant or sound, having regard to the test you have identified at 5 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this change will make the Melton Local Plan: Pre-Submission Draft legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Please continue onto a separate sheet if you require more space)

Policy SS6 of the Melton Local Plan (Publication version) should be deleted.

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Town/Parish Council

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Other (Please state)

charity

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If you wish to be notified at the address/e-mail provided in Part A when the Inspector's Report is available to view

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If you/your organisation wish to be included in future consultations on the Melton Local Plan

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Name/Organisation:	Earl of Rutland and Dr Fleming's Hospital Trust

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3. Which part of the Melton Local Plan: Pre-Submission Draft does your representation relate to? *(Please enter the paragraph/policy number)*

Paragraph: Policy: Policies Map:

4. Do you consider that the Melton Local Plan: Pre-Submission Draft is? *(Please tick the appropriate box)*

- | | | | | |
|--------------------------------------|-----|--------------------------|----|-------------------------------------|
| 1. Legally Compliant: | Yes | ☐ | No | ☐ |
| 2. Sound: | Yes | ☐ | No | ☒ |
| 3. Complies with Duty to Co-operate: | Yes | ☐ | No | ☐ |

**The considerations in relation to the Local Plan being "sound" are explained in paragraph 182 of the National Planning Policy Framework. If you have entered "No" in relation to 4(2), please go to question 5. In all other circumstances, please go to question 6*

5. Do you consider that the Melton Local Plan: Pre-Submission Draft is unsound because it is not any of the following? *(Please tick the appropriate box)*

- | | | | | | |
|-------------------------|-------------------------------------|---------------|-------------------------------------|---------------|-------------------------------------|
| 10. Positively Prepared | ☒ | 11. Justified | ☒ | 12. Effective | ☒ |
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The referencing within Policy C1a is very confusing by using different site and map references.

The Earl of Rutland and Dr Fleming's Hospital Trust is the principal promoter and part-owner of site reference MBC/057/13 (BOT4) which is allocated for housing development in Policy C1 (A) for 150 dwellings.

However, the allocation only includes a part of the land and the site being promoted. The larger site was included in the Emerging Options Consultation but modified in the Pre-Submission version of the Local Plan following Historic England comments:

'The proposed site MBC/057/13/MBC/181/15 appears to be on an area of extant ridge and furrow earthworks. It is directly adjacent to Bottesford Conservation Area and supports the experience of the medieval and later settlement in its agrarian landscape context. Impact upon the setting of Listed Buildings including the Grade I Listed Church of St Mary must also be taken into account together with the Scheduled Monument to the south, the site of a medieval village, earthworks and moat at Easthorpe. At present important sequential views appear to remain from the church over the ford into the proposed allocation site.'

Our initial recommendation is that the size of the allocation is reduced deleting the two closest fields immediately to the west of Bottesford together with the two smaller fields below to the north of Riverside Close in order to retain both the remaining area of ridge and furrow and the sequential views as one walks to the Church which contribute to its setting. We would likely object to the inclusion of the eastern part of this allocation in the plan. It is again disappointing that this is not reflected within the Sustainability Appraisal Site Assessments.'

In response, cgms have been appointed to undertake an archaeological desk-based assessment draws together the available archaeological, historic, topographic and land-use information to clarify the heritage significance and archaeological potential of land proposed for development at Rectory Farm, Bottesford, Leicestershire. The assessment (which has been submitted alongside this representation) concludes:

'Historic England has raised concern regarding the potential impact of the loss of the ridge and furrow upon the scheduled shifted Medieval village at Easthorpe. In line with current guidance, the assessment has considered the contribution of the ridge and furrow to the significance of the Scheduled Monument. Following desk-based research and a site visit, it is concluded that the ridge and furrow makes no contribution to its significance. The loss of the ridge and furrow would therefore have no impact upon the Scheduled Monument. The heritage interest in the site could be adequately safe-guarded by a planning condition allowing for a phased programme of archaeological works.'

Cgms have also undertaken a built heritage assessment (which has been submitted alongside this representation) which concludes:

'It is considered that the development of the study site is likely to cause minor harm to the character and appearance of the Bottesford Conservation Area and to its setting through the loss of the agricultural surroundings that contribute to the understanding of the significance of the Conservation Area. By association, less than substantial harm will also be caused to the significance of Devon Farm, a non-designated heritage asset. A negligible degree of harm is also possible to the setting of the Grade I listed church to the east of the study site and there may also be a small amount of harm to the non-designated dismantled railway, which will depend of the treatment of this area of the site in the overall masterplan. The low level of harm identified to the heritage assets both directly and indirectly is likely to be reduced or possibly removed in the case of the direct impact to the Conservation Area as a result of a well-informed masterplan. Any degree of harm that cannot be successfully mitigated is likely to be satisfactorily outweighed by the extensive public benefits of the development.'

The compelling conclusions of this evidence is that the land to the east of the site allocated in Policy C1a reference MBC/057/13 (BOT4) should be included within the allocation.

It should also be noted that land immediately to the west of the site in the ownership of Railway Paths Ltd, including the area known locally as the 'railway triangle' should also be included within the allocation. Railway Paths Ltd are a specialist organisation which owns and manages a portfolio of former railway land to provide routes, roads and paths suitable for cycling, walking, horseriding and wheel-chair use. It also manages the properties held by its sister charity Sustrans. The inclusion of this land will contribute to the extension of the national cycle network and the sustainability of this housing allocation.

7. Please set out what change(s) you consider necessary to make the Melton Local Plan: Pre-Submission Draft legally compliant or sound, having regard to the test you have identified at 5 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this change will make the Melton Local Plan: Pre-Submission Draft legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Please continue onto a separate sheet if you require more space)

Policy C1a and Appendix 2 be modified by extending site reference MBC/057/13 (BOT4) to provide for 250 dwellings as shown on the attached plan.

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Other (Please state)

charity

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If you wish to be notified at the address/e-mail provided in Part A when the Inspector's Report is available to view

☐

If you wish to be notified at the address/e-mail provided in Part A when the Melton Local Plan is adopted

☐

If you/your organisation wish to be included in future consultations on the Melton Local Plan

☐

If you/your organisation **do not** wish to be included in future consultations on the Melton Local Plan

☐

Thank you for taking the time to submit representations on the Melton Local Plan: Pre Submission Draft (November 2016). It should be noted that representations cannot be treated as confidential.

For official use only	
Respondent Ref:	Representation Ref:
Name/Organisation:	Earl of Rutland and Dr Fleming's Hospital Trust

PART B: YOUR REPRESENTATION (This section will need to be completed for each representation made. Please photocopy or download from the council's website Part B of the form as required.)

3. Which part of the Melton Local Plan: Pre-Submission Draft does your representation relate to? (Please enter the paragraph/policy number)

Paragraph: Policy: Policies Map:

4. Do you consider that the Melton Local Plan: Pre-Submission Draft is? (Please tick the appropriate box)

1. Legally Compliant: Yes ☐ No ☐
2. Sound: Yes ☐ No ☒
3. Complies with Duty to Co-operate: Yes ☐ No ☐

*The considerations in relation to the Local Plan being "sound" are explained in paragraph 182 of the National Planning Policy Framework. If you have entered "No" in relation to 4(2), please go to question 5. In all other circumstances, please go to question 6

5. Do you consider that the Melton Local Plan: Pre-Submission Draft is unsound because it is not any of the following? (Please tick the appropriate box)

13. Positively Prepared ☐ 14. Justified ☒ 15. Effective ☒ 16. Consistent with National Policy ☒

6. Please give details of why you consider the Melton Local Plan: Pre-Submission Draft is not legally compliant or is unsound or fails to comply with the Duty to Co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Melton Local Plan: Pre-Submission Draft or its compliance with the Duty to Co-operate, please use this box to set out your comments. (Please continue onto a separate sheet if you require more space)

The Council's emerging Local Plan sets a target of 37% affordable housing on new development across the Borough.

The results of the Council's own viability analysis demonstrate that only the highest value areas in the Borough can support this level of affordable housing provision.

7. Please set out what change(s) you consider necessary to make the Melton Local Plan: Pre-Submission Draft legally compliant or sound, having regard to the test you have identified at 5 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this change will make the Melton Local Plan: Pre-Submission Draft legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Please continue onto a separate sheet if you require more space)

Policy C4 be modified to identify a differential affordable housing target that reflects the diversity of development viability across Melton.

Please note: Your representation should cover succinctly all the information, evidence necessary and supporting information necessary to support/justify the representation and suggested change, as there will not normally be a subsequent opportunity to make further representations based on this original representation.

After this stage, further submissions will only be at the request of the Inspector based on the matters and issues they identify at the examination.

8. Can your representation seeking a change be considered by written representations or do you consider it necessary to participate at the oral part of the examination? (Please tick the appropriate box)

Written Representations ☐

Participate at the Oral Examination ☒

9. If you wish to speak at the examination, please outline why you consider this to be necessary:

The Earl of Rutland and Dr Fleming's Hospital Trust is a charity that provides and maintains accommodation for poor, former employees or tenants of the Belvoir Estate and their widows or widowers. It also provides housing for widows and widowers of Bottesford. Land in the Trust's ownership is recycled into the provision of genuinely 'affordable' housing for local people. The Trust also acts as the main promoter of the largest housing allocation outside of Melton Mowbray: Bottesford MBC/057/13 (BOT4).

Please note: The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

PART C: WHO YOU REPRESENT

To help us collate the responses to this consultation, we would be grateful if you could tell us which category best describes who you are representing (Please tick the appropriate box)

Melton Borough Resident	☐	Planning Agent/Planning Consultant	☐
Developer	☐	Utility/Service Provider	☐
Government Organisation	☐	Amenity Group	☐
Other Organisation	☐	Residents Group	☐
Business	☐	Town/Parish Council	☐
Other (Please state)	charity		

Do you want to have further involvement in the Melton Local Plan? (Please tick the appropriate boxes)

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If you wish to be notified at the address/e-mail provided in Part A when the Inspector's Report is available to view	☒
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Supplementary planning documents add further detail to the policies in the Local Plan- they must not set out policy. Supplementary planning documents should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development.

7. Please set out what change(s) you consider necessary to make the Melton Local Plan: Pre-Submission Draft legally compliant or sound, having regard to the test you have identified at 5 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this change will make the Melton Local Plan: Pre-Submission Draft legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Please continue onto a separate sheet if you require more space)

Paragraph 5.8.14 be modified to make clear that an affordable housing and housing mix supplementary planning document will only be used to add further detail to the policies in the Local Plan to help applicants make successful applications and will not be used to add unnecessarily to the financial burdens on development.

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If you/your organisation wish to be included in future consultations on the Melton Local Plan	☒
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