

GUIDE TO MAKING REPRESENTATIONS

1. THE MELTON LOCAL PLAN

- 1.1 Melton Borough Council has published the Addendum of Focussed Changes to Pre-Submission draft Melton Local Plan to allow local people and others with an interest in the future growth and development of the area to have their say on the addendum of focused changes. The Melton Local Plan: Addendum of Focussed Changes includes main items of new information and analysis published or completed since the draft Local Plan was published in November 2016 and the significant changes arising out of it as suggested modifications. The Addendum brings together all the proposed changes alongside setting out some further changes that are consequential, as a result of the inter-related nature of several of the strands of the Local Plan, the written and map-based sections and the evidence base and reasoned justification.
- 1.2 The Council considers that the Addendum of Focussed Changes represents the most appropriate and sound strategy to guide development in the Borough up to 2036 and is the plan that it intends to submit to the Government.
- 1.3 This is the final opportunity for you to make comments (or representations) on the Addendum of Focussed Changes before it is submitted to the Government for an independent examination alongside the representations received on the Pre-Submission draft version of November 2016. Like the previous consultation, it is a statutory stage which means that there will be a formal six week period to make comments on the Addendum's "legal compliance", "compliance with the Duty to Co-operate" and "soundness". The Council has put together this guide to help you through the process of make comments on the Draft Local Plan.
- 1.4 Once the consultation period is over, your comments will be submitted to the Government for independent public examination, alongside the Pre-Submission Draft Local Plan and other supporting documentation.
- 1.5 The independent examination will consider whether the Local Plan is **legally compliant** (i.e. it has been prepared in accordance with the relevant legislation/regulations), that it is **compliant with Duty to Co-operate** and that it is **sound**. Therefore, any representations received at this stage must address these issues. Further details on these issues are set out in this guide but, as a general rule:
 - If you are seeking to make a representation on the way in which the Council has prepared the Local Plan, then this is likely to relate to **legal compliance or compliance with the Duty to Co-operate**;
 - If it is the actual content which you want to make a representation on, this is likely to relate to **soundness**.
- 1.6 Your comments need to be received by the Council in writing (either electronically or on paper) or via our on-line consultation portal no later than the end of **Wednesday 23rd August 2017**. Any representations that are received after this deadline will not be accepted. Also, we will not be able to accept any representations which are either anonymous or illegible.
- 1.7 It is strongly recommended that you use the formal representation form provided by the Council to make your representation(s). This will ensure that your representation(s) relates to the issues of legal compliance and/or soundness and/or meeting the Duty to Co-operate.
- 1.8 Forms can be downloaded via the Melton Local Plan page at www.meltonplan.co.uk and e-mailed or posted to the Planning Policy team. Paper copies are available at Parkside office together with the places listed overleaf. They can also be posted or e-mailed out upon request. All representations should be returned to:

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

E-mail: planningpolicy@melton.gov.uk

Tel: 01664 502502

Copies of the representation form can be obtained from the website as well as various deposit locations within the borough. Please contact the planning policy team for more information.

2. FILLING IN THE REPRESENTATION FORM

Part A: Contact Information

- 2.1 You must complete all your contact details. This will be used to identify who has made the representation(s). For the purposes of clarity and to ensure that the representation is processed as valid it is important that this section is completed in full. The first column (question 1) relates to representations from individuals and the second column (question 2) should only be completed if an agent or consultant is being used.

Part B: Formal Representation

- 2.2 This is where you need to make your comments on the legal compliance, the soundness of the Local Plan or compliance with the Duty to Co-operate. It is important that you use a separate Part B sheet for each individual representation you want to make. Please keep your comments clear and concise.
- 2.3 Please include your name/organisation at the top of each 'Part B' form that you use.
- 2.4 In question 3 please state which Focused Change (FC) your representation relates to. If you wish to comment on more than one policy area, then please complete a separate part B sheet for each comment made.
- 2.5 In questions 4 to 7 please provide your comments and state whether they relate to legal compliance, duty to co-operate or soundness and your reasons for this. There is a space provided to propose alternative wording to the change sought in light of your comments. If you wish to comment on the legal compliance, compliance with Duty to Co-operate and soundness of a policy, please complete a separate Part B sheet for each comment made.

Legal Compliance

- 2.6 The Inspector will check whether the Melton Local Plan meets the legal requirements set out under section 20(5)(a) and the Duty to Co-operate under section 20(5)(c) of the Planning and Compulsory Purchase Act 2004 (referred to as the 2004 Act in this guidance note), before moving on to the test of soundness. You need to consider the following issues before making a representation on the issue of legal compliance.
- Has the Local Plan been prepared in accordance with the Local Development Scheme (LDS)? Does the DPD's listing and description in the LDS match the document? Have the timescales set out in the LDS been met (Section 19(1) of the 2004 Act)? The LDS is available for inspection via the Council's website or at Parkside, Melton Mowbray.
 - Is the Local Plan compliant with the Statement of Community Involvement (SCI)? Has the Local Planning Authority (LPA) carried out consultation which is consistent with the SCI (Section 19(3) of the 2004 Act)? The SCI is available for inspection via the Council's website or at Parkside, Melton Mowbray.
 - Has the Local Plan been subject to Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA)? Has the Council provided a final report of the findings of the appraisal / assessment (Section 19(5) of the 2004 Act)? The SA and HRA Reports are available for inspection via the Council's website or at Parkside, Melton Mowbray.
 - Does the Local Plan comply with Regulations 18, 19 and 20 of the Town and Country Planning (Local Planning) (England) Regulations 2012? Specifically, has the Council published the prescribed documents and made them available at their principal offices and on their website? Has the Council placed local advertisements? Has the Council notified the relevant bodies?

- The Local Plan must have regard to any Sustainable Community Strategy (SCS) for its area. The SCS is usually prepared by the Local Strategic Partnership which is representative of a range of interests in the LPA's area.

Duty to Co-operate

2.7 You should consider the following before making a representation on compliance with the duty to co-operate:

- The duty to co-operate came into force on 15 November 2011 and any plan submitted for examination on or after this date will be examined for compliance. THE Council has to provide evidence of how they have complied with any requirements arising from the duty.
- The 2004 Act (as amended) establishes that non-compliance with the duty to cooperate cannot be rectified after the submission of the Plan. Therefore the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the Plan.

Soundness

2.8 Soundness means that the Planning Inspector has to be satisfied that the Melton Local Plan is positively prepared, justified, effective and consistent with National Planning Policy. These are known as the "tests of soundness". If you wish to make a comment on more than one of the four tests of soundness in relation to a specific policy, please complete a separate Part B sheet for each matter of soundness. You need to consider the following issues before making a representation on the issue of soundness.

Positively Prepared

- The Melton Local Plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements and is consistent with achieving sustainable development.

Justified

- The Melton Local Plan should provide the most appropriate strategy, when considered against reasonable alternative, and be based on a proportionate, adequate, up-to-date and relevant evidence base, including:
 - Research – the choices made in the Melton Local Plan are backed up by facts.
 - Evidence of participation of the local community and others with a stake in the local area in the preparation of the Melton Local Plan.
 - Whether the Melton Local Plan provides the most appropriate strategy when considered against other reasonable alternatives. These alternatives should be realistic and have been subject to sustainability appraisal.
 - The Melton Local Plan should show how the policies and proposals it contains ensure that social, environmental, economic objectives will be achieved.

Effective

- The Melton Local Plan should be deliverable over the plan period and be based on effective joint working on cross-boundary strategic priorities. This would include:
 - Robust infrastructure delivery planning
 - Having no regulatory or national planning barriers to delivery
 - Delivery partners who are signed up to development and infrastructure improvements – who will deliver what it proposes and when the Plan proposes it
 - Coherence with the strategies of neighbouring authorities
 - Flexibility to adapt to changing circumstances and effective monitoring to inform this.

Consistent with National Policy

- The Melton Local Plan should enable the delivery of sustainable development in accordance with the National Planning Policy Framework (NPPF). Where there is a departure, the Council must provide clear reasons to justify its approach. Alternatively, you may consider that the Council should include a policy (or policies) which depart from

national policy to meet a clearly identified and fully justified local need. In such a scenario, you should explain what the local circumstances are to justify this different policy approach and support your statement with clear and robust evidence.

- 2.9 If you wish to make a representation seeking a change to the Addendum of Focussed Changes you should make it clear in what way the Focussed Change is not sound, having regard to the four tests set out above. You should support your recommendations by evidence to why the Local Plan should be changed, including your suggested wording to amend the Local Plan to make it sound.
- 2.10 If you think that the Melton Local Plan is not sound because it does not include a policy where it should do, please consider the following steps:
1. Is the issue of your concern already covered sufficiently by National Planning Policy? If so, it does not need to be included.
 2. Is your concern covered by any other policies and/or other documents. If so, there may be no need for repetition.
 3. If the policy is not covered elsewhere, in what way is the Melton Local Plan unsound without the policy?
 4. If the Melton Local Plan is unsound without the policy, what should the policy say?

Supporting the Melton Local Plan

- 2.11 If you support a policy (or policies) in the Melton Local Plan, you should express your support so that the Planning Inspector establishes a balanced view when considering the Plan, expressing why the policy (or policies) is sound.

Requests to participate in the Public Examination

- 2.12 Please state within **questions 11 and 12** of the form whether you wish to present your representation(s) to the Planning Inspector during the independent examination, and why. The examination will involve a series of Hearing Sessions in public which will be chaired by the Inspector and it is here that individuals will be invited to verbally contribute to the discussion and debate on the legal compliance and soundness of the Melton Local Plan and present their representation to the Inspector.
- 2.13 However, it is important to note that the Inspector will not necessarily wish for all representations to be heard verbally. It is likely that the majority of representations will be considered using the written representations submitted at the submission draft stage, which carry equal weight to those heard in person by the Planning Inspector.
- 2.14 Also, please note that it is the Planning Inspector who will decide on who is invited to speak at the independent examination, not the Council, and he/she will decide the topics to be covered at each hearing session. These are based on the issues raised by the written representations received on the Pre-Submission Draft Local Plan.

3. GENERAL ADVICE

- 3.1 Below are some key principles which will be of benefit as you complete the representation form or make representations on-line.
- Make clear why you feel the Focussed Change does or does not meet the legal compliance check and/or the tests of soundness.
 - Be clear and to the point.
 - Back up your points with clear evidence to justify your comments.
 - Note that after this stage, further submissions will only be at the request of the Planning Inspector.
 - If you are part of a group with a common view, you should submit a single representation outlining the group's concerns, rather than submitting a large number of individual comments which simply repeat the same point. It is the issues that you raise which are of value to the Inspector, not the number of people making the representations.

- In the case of group responses, make clear how many people your group is representing and how it has been authorised.

4. WHAT HAPPENS NEXT

- 4.1 At the end of the consultation, the valid representations which have been received will be passed to a Planning Inspector who will consider them through the independent examination process alongside the submitted Local Plan and other supporting documents. The examination takes place in public. As such local residents and others may attend the hearing sessions to listen.
- 4.2 Details of the appointed Inspector, together with details of the examination such as the timetable and issues for discussion will be made available on the council website – www.MeltonPlan.co.uk. The Inspector is responsible for the conduct of the examination process including identifying the issues that will be debated at the hearings sessions.
- 4.3 A Programme Officer will be appointed to assist the Inspector in managing the examination process. They are independent of the Planning Policy team. They will be responsible for the arrangements of the examination process including handling documents, organising site inspections (where appropriate) and dealing with all correspondence. They report directly to the Inspector and will be the main point of contact during the examination. Their details will be made available on the council's website – www.MeltonPlan.co.uk
- 4.4 The ability to speak at the examination is limited to those individuals who have submitted representations on the Draft Local Plan and will be at the discretion of the Planning Inspector. Any representations which were submitted in previous rounds of consultation that took place before Nov-December 2016 cannot be considered. Should you have similar concerns to previous drafts of the Plan these will have to be re-submitted as part of the consultation on the Pre-Submission Draft Melton Local Plan.

5. FURTHER INFORMATION

- 5.1 We understand that the planning system can appear technical and confusing. This guide has been provided to help you through the process of making a representation as simply as possible but if you require further assistance in completing the representation form, making a representation on-line or with understanding any part of this guidance note, please contact the Planning Policy Team on 01664 502502 or planningpolicy@melton.gov.uk and we will be happy to help.
- 5.2 As part of the consultation there will be a number of events taking place. These will provide an opportunity to get advice on how to complete the representation form or make representations on-line. For further details on these consultation events, please visit the Melton Local Plan webpage at www.MeltonPlan.co.uk or contact us on 01664 502502
- 5.3 The National Planning Policy Framework, which provides the national level of planning policy that the Melton Local Plan should be consistent with, but not repeat, can be found Department for Communities & Local Government (DCLG) website www.gov.uk/government/publications/national-planning-policy-framework--2

6 OTHER ISSUES

- 6.1 The Addendum of Focussed Changes and supporting documents can be viewed and downloaded from the Local Plan webpage www.meltonplan.co.uk or at the Council's Parkside Offices during normal opening hours.
- 6.2 Copies of the plan will also be available to view at additional locations around the Borough and a number of public consultation events will be arranged where Planning Officers will be available to discuss the plan. For full details of these locations and events please visit our website www.meltonplan.co.uk; email: planningpolicy@melton.gov.uk or by telephone 01664 502502 and ask to speak to a member of the Local Plan team. Paper copies of the Local Plan and supporting documentation can be purchased from the Council at print cost.
- 6.3 It is recommended that where possible representations on the Addendum of Focussed Changes are made electronically via the Council's on-line consultation portal - <https://meltonboroughcouncil.citizenspace.com> - or via email. Written representations should be emailed to planningpolicy@melton.gov.uk or posted to the Planning Policy Team, Regulatory Services, Melton Borough Council, Parkside, Station Approach, Melton Mowbray, Leicestershire, LE13 1GH.

- 6.4 If you wish to submit documentation in support of your representation, the Council would appreciate receiving this in an electronic format in order to allow it to be uploaded to the Council's website.
- 6.5 Please note that all valid representations received will be made public although contact details (such as address, email and telephone numbers) will be hidden. We cannot accept anonymous responses nor will responses which are for whatever reasons illegible.
- 6.6 As part of making representations you can request to be notified when:
- the Local Plan has been submitted for independent examination; and/or
 - the Inspector's Report from the independent examination is published; and/or
 - when the Melton Local Plan is adopted by the Council.

Representations received after 23rd August 2017 will not be accepted.