



Representation Form

Consultation on Schedule of Main Modifications Part 1, August 2024

Closing date for submitting representations: 11:59pm, Wednesday, 2nd October 2024

Part A

Section 1: Contact information

	Respondent details	Agent details (where applicable)
Title:	Mr	
First Name:	Ben	
Last Name:	Colson	
Organisation (where relevant):	n/a	
Address:	[REDACTED]	
Postcode:		
Telephone:		
Email:		

Please fill in a separate form for each site and/ or policy

Section 2: Representations

Which Main Modification are you responding on?

Main Modification (MM) ref	Local Plan Paragraph ref	Local Plan Policy ref (if applicable)	Policy title (as applicable)
MM10		LP05	Section 106 and CIL fundng

To which test of soundness does your representation relate?

The Local Plan 2021-2040 is currently under examination by Planning Inspectors, appointed by the Secretary of State). The Inspectors will assess the proposed Main Modifications against the soundness tests. Please indicate whether you consider the proposed Main Modification about which you are responding is:

	[Please tick appropriate box]	YES	NO
Legally compliant?		Yes	
Complies with the Duty to cooperate?		Yes	
Positively prepared (i.e. seeks to meet the area’s objectively assessed needs)?			No
Justified (an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence)?		Yes	
Effective (i.e. deliverable over the plan period)?			No
Consistent with national policy (National Planning Policy Framework: National Planning Policy Framework (publishing.service.gov.uk))?		Yes	

Summary of Comments:

Please give details of why you consider the proposed Main Modification that you are commenting on is sound (“Yes”) or unsound (“No”), with reference to the tests above. Please be as precise as possible.

- 1 The policy is sound as far as it goes. There are two types of Section 106 funding, one for developer capital contributions, the other for ongoing revenue ones. It is to the latter that I express concerns.
- 2 Funding of revenue funding for facilities such as bus services over a predetermined period of time, especially in equal instalments, takes no account of (a) gradual build up of use and customer payments and (b) the impact of slower build rates than had been envisaged. Build rates have halved in recent years so that the provision of such services will inevitably be below cost recovery calculations when the agreement was reached. Got wrong, as at the Knights Hill development, this combination ensures that there will be insufficient use in early years so that the facility will be withdrawn after the three year funding.
- 3 Both Section 106 and CIL funding agreements with developers therefore must be written such that they have flexibility for annual (or more frequent) review to align with what is actually happening on the ground.
- 4 The Local Plan should make clear that the Borough will require annual reviews with developers to profile their funding in a more nuanced way to meet actual circumstances

rather than the theoretical ones maybe applicable some years before at the time the agreement was struck.

(Continue on a separate sheet if necessary.)

Please note you should cover succinctly all the information, evidence and supporting information necessary to support/justify your comments.

Section 4: Data Protection

The Main Modifications consultations form the final stage(s) of the plan-making process for the Local Plan 2021-2040. Do you wish to be notified further about the Local Plan, at either of the following stages?

Publication of Inspector's Report (anticipated January 2025)?

Yes

No

Adoption of Local Plan (anticipated February 2025)?

Yes

No

In complying with the General Data Protection Regulation (UK GDPR) and Data Protection Act 2018, King’s Lynn and West Norfolk Borough Council confirms that it will process personal data gathered from this form only for the purposes relating to the consultation. It is intended to publish responses to this consultation on the Borough Council’s website. However, it should be noted that all personal information (except for names and organisation name, where appropriate) will not be published.

When you give consent for us to process data, you have the right to withdraw that consent at any time. If you wish to withdraw your consent, you must notify us at lpr@west-norfolk.gov.uk or 01553 616200.

Section 5: Signature and Date of Representation

Please sign and date below:	
Signature: (electronic signatures are acceptable)	Ben Colson
Date:	21 September 2024

Please note the following:

To be considered, your representation will need to be received by 11:59pm on Wednesday, 2nd October 2024.

The Main Modifications are being consulted upon in two parts. The Part 1 consultation covers all aspects of the Local Plan except Gypsies, Travellers and Travelling Showpeople, which will be subject to a separate Main Modifications (Part 2) consultation during autumn 2024.