

**Representation Form**

Consultation on Schedule of Main Modifications Part 1, August 2024

Closing date for submitting representations: **11:59pm, Wednesday, 2<sup>nd</sup> October 2024**

**Part A**

**Section 1: Contact information**

	<b>Respondent details</b>	<b>Agent details (where applicable)</b>
<b>Title:</b>	Mr	Mr
<b>First Name:</b>	M	Andrew
<b>Last Name:</b>	Reeve	Hodgson
<b>Organisation (where relevant):</b>		Pegasus Group
<b>Address:</b>	c/o Agent	
<b>Postcode:</b>	c/o Agent	
<b>Telephone:</b>	c/o Agent	
<b>Email:</b>	c/o Agent	

**Part B**

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

**Section 2: Representations**

Which Main Modification are you responding on?

<b>Main Modification (MM) ref</b>	<b>Local Plan Paragraph ref</b>	<b>Local Plan Policy ref (if applicable)</b>	<b>Policy title (as applicable)</b>
MM6			New Policy – Windfall Development and its supporting text

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?			
Complies with the Duty to cooperate?			
Positively prepared (i.e. seeks to meet the area’s objectively assessed needs)?			
Justified (an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence)?		x	
Effective (i.e. deliverable over the plan period)?			
Consistent with national policy (National Planning Policy Framework: <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/432484/nppf-2019.pdf">National Planning Policy Framework (publishing.service.gov.uk)</a> )?		x	

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.

The acknowledgement of the crucial contribution which Windfall sites can have on the delivery of housing is welcomed, as is the confirmation that this includes sites which may not be within the defined settlement boundary. Whilst the need to focus the majority of windfall development within existing settlements is understood and supported in principle, it is considered that flexibility is essential to ensure that appropriate sites are not discounted merely as a result of being outside the defined settlement boundary.

Whilst the modification is thoroughly supported, it is our view that the wording should be amended further to ensure that logical and sustainable development sites are not unintentionally excluded as a result of the arbitrarily drawn settlement boundaries.

The way in which the historic settlement boundaries were drawn around key villages across Kings Lynn & West Norfolk means that there are several locations where the continuous built form of the village is now outside of the settlement boundary. This includes buildings to the immediate east of the G47.1 allocation, which includes amongst other buildings, a residential bungalow which has been excluded from the settlement despite clearly comprising part of the village's existing built form. It cannot be argued that new dwellings adjacent to the bungalow (but not adjacent to the settlement boundary) would be unsustainable or poorly related to the village and so this exclusion is puzzling. In effect, two identical developments, both adjacent to the existing

extent of the built form of the village, one south of 49 School Road and one south of 1 Marea Meadows would arbitrarily be treated differently in this location. No justification is given for the seemingly arbitrary boundary which brings into question the soundness of the settlement boundaries and the policies which control development across the district.

The simplest remedy to the above is to amend "...some development outside, but adjoining the development boundaries" and replace with "...some development outside, but in close proximity to the development boundaries". The amended wording would ensure that logical sites which are otherwise well related to the settlement are not unnecessarily excluded, whilst also better reflecting the wording and intention of Criterion B (a) which states that proposals for new residential development outside of development boundaries will be supported providing that they comply with relevant policies including the following criteria:

"(a) It respects or enhances the character of the adjoining settlement and countryside, and can be readily assimilated into the existing fabric of the adjoining built up area."

The ability to be assimilated into the existing fabric of the adjoining built up area is considered a far more effective and flexible way to determine the appropriateness of a development proposal than a historic and arbitrary policy boundary. It is considered that amending the wording would sufficiently guard against any potential conflict between these two extracts.

Nevertheless, it is clear that at points the boundary is so illogical that minor amendments are likely to be essential unless further justification can be provided. This includes the bungalow at 49 School Road immediately north of Marea Farm. It is considered that the boundary should be amended to include this dwelling as a minimum, but that it would be most logical to include all of the built form further along School Road to the south as these clearly comprise part of the built form of the village.

Furthermore, it is unclear as to whether the settlement boundary is proposed to be updated to include all allocated sites. Sites proposed for allocation such as G47.1 in Heacham are currently shown as outside the settlement boundary, with no confirmation as to when the boundaries will be amended to include the anticipated development. This would mean that until such time as the Local Plan is reviewed or the settlement boundary is amended, dwellings built within the allocation and clearly comprising part of the built form of the village would nonetheless be entirely outside the settlement boundary. This appears nonsensical and would preclude further windfall development adjacent to the allocation from coming forward, artificially sterilising a portion of the land surrounding the village which otherwise benefit from support in the windfall policy. The effect of the sterilisation of what are sustainable and appropriate sites would be to artificially reduce the number of dwellings which can come forward under the windfall policy, potentially jeopardising the Council's ability to meet their objective housing need over the long run, and impacting upon the robustness of the anticipated delivery in villages.

To conclude, the principle of the windfall policy is broadly supported, however further minor amendments should be made as follows:

1. Wording added by MM6 should be amended to be consistent with later wording and to include land which is not necessarily adjacent to the settlement boundary unless the Council can justify the proposed wording which arbitrarily sterilises land due to the illogical settlement boundary.
2. The settlement boundary should reflect the obvious physical built form of the village and should not exclude individual plots or buildings where this is not strongly justified.

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?

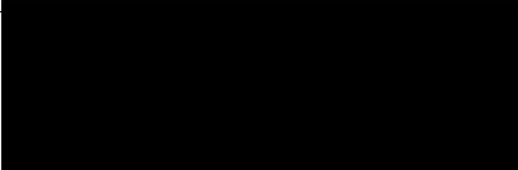
Publication of Inspector’s Report (anticipated January 2025)?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Adoption of Local Plan (anticipated February 2025)?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

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](mailto: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)	 Andrew Hodgson (Pegasus Group)
Date:	01/10/2024

Please note the following:

- To be considered, your representation will need to be received by **11:59pm on Wednesday, 2<sup>nd</sup> 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.