

# Decision Statement Regarding Cannock Wood Neighbourhood Plan Proceeding to Referendum (18.10.23)



(Regulation 18- The Neighbourhood Planning (General) Regulations 2012, as amended)

## 1. Summary

1.1 Following an Independent Examination, Cannock Chase District Council has recommended that Cannock Wood Neighbourhood Plan proceeds to referendum subject to the modifications set out in Table 1 below.<sup>1</sup> This Decision Statement confirms that the Cannock Wood Neighbourhood Plan, as revised according to the modifications set out below, complies with the legal requirements and Basic Conditions set out in the Localism Act 2011, with the provision made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004, and such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended). The Plan can therefore proceed to referendum.

## 2. Background

- 2.1 Cannock Wood Parish Council applied to Cannock Chase Council for the land within the Parish boundary to be designated as a Neighbourhood Area on 16.05.19. The application for the Neighbourhood Area designation was for the whole of the Cannock Wood Parish only. The District Council was therefore required to designate the Neighbourhood Area as requested (in accordance with the Neighbourhood Planning Regulations (2012, as amended) Regulation 5A). On the 6<sup>th</sup> June 2019, Cannock Chase Council (via delegated authority) resolved to designate the Cannock Wood Parish as the Cannock Wood Neighbourhood Area.
- 2.2 The principal stages of consultation included a detailed survey via a paper booklet delivered to every house and online. Results were published at the end of 2021. Draft objectives were drawn up and consulted upon in February 2022 followed by a drop-in event at the Village Hall. Consultation on informal draft policy took place in March 2022. Formal consultation under Regulation 14 was undertaken between 30 May 2023 and 11 July 2023.
- 2.3 The Cannock Wood Neighbourhood Plan was submitted by the Parish Council to Cannock Chase District Council in October 2022 for assessment by an independent examiner. The Plan (and associated documents) was published for consultation by Cannock Chase District Council for 6 weeks between 3<sup>rd</sup> July and 14<sup>th</sup> August 2023 (the Local Authority publicity consultation period- Regulation 16). Mr Andrew Freeman BSc (Hons) DipTP DipEM FRTPi was appointed as the Independent

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<sup>1</sup> Decision authorised under delegated authority as per approved scheme of delegation for neighbourhood planning (Cabinet Report 14.12.17)

Examiner for the Cannock Wood Neighbourhood Plan and all comments received to the Local Authority publicity consultation period were passed on for his consideration.

- 2.4 The Examiners Report was received on the 19th September 2023. The Examiner has concluded that subject to modifications the Cannock Wood Neighbourhood Plan meets the Basic Conditions. It has also met all of the relevant legal requirements. On this basis it should therefore proceed to Referendum.
- 2.5 Schedule 4B (12) of the Parish and Country Planning Act 1990, as amended by the Localism Act 2011, requires that a local authority must consider each of the recommendations made in the Examiner's report and decide what action to take in the response to each recommendation. If the authority is satisfied that, subject to the modifications being made, the draft Neighbourhood Plan meets the legal requirements and basic conditions as set out in legislation, then the plan can proceed to referendum.

### 3. Cannock Wood Neighbourhood Plan Examiner’s recommended modifications and Local Authority’s response

- 3.1 The District Council considered the Examiner’s report and the recommendations/modifications contained within. Table 1 (below) sets out the Examiner’s recommendations (in the order they appear in the Examiner’s report) and Cannock Chase District Council’s consideration of these recommendations.
- 3.2 Table 2 sets out additional modifications recommended by Cannock Chase District Council with the reasons for these recommendations. These are limited to minor, non-substantial changes.
- 3.3 The reasons set out below have in some cases been paraphrased from the examiner’s report to provide a more concise report. This document should be read in conjunction with the Examiner’s Final report. This is available via:  
<https://www.cannockchasedc.gov.uk/residents/planning/planning-policy/neighbourhood-planning>

**Table 1**

Section in Examined Document	Examiner’s Recommendation	Examiner’s Reason	Local Authority’s Decision & Reason
PM1 Pages 24 and 25 Policy CW1: Housing Design	<p>At the commencement of Policy CW1, insert “1. All residential proposals including extensions must.”.</p> <p>Amend the end of Paragraph 1.a so that it reads “the Character Assessment (See Appendix 1 and Policy CW2: Local Character, below)”.</p> <p>Amend the wording of Paragraph 1.d so that it reads “Avoid reducing the gaps between the settlement boundary (See Figure 1) and clusters of buildings outside the boundary.”</p> <p>In Paragraph 1.f, replace the first sentence with “Consider the extent to which external</p>	<p>1 - Sentence is missing</p> <p>1.a - Reference to appendix for clarity</p> <p>1.d - Reference to figure 1 for clarity</p> <p>1.f - The provision could be read as telling applicants to make provision for external lighting (rather than questioning whether lighting is necessary). For clarity, the paragraph should be re-worded and specific reference added to the Cannock Chase AONB document</p>	<p>Agree to all proposed modifications to the policy and supporting text. The Inspector provides clear reasoning in his report for all proposed amendments, most are for clarity but some are necessary improvements to the existing text or to ensure the policy is able to be implemented.</p>

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	<p>lighting is needed as part of the siting and design of development.”</p> <p>In Paragraph 1.f, replace the final sentence with “See also the Design Code and the Cannock Chase AONB publication A Good Lighting Guide (Appendix 1).”</p> <p>At the end of Paragraph 1.g, add “providing that there is no material harm to the character or appearance of the area or the host property”.</p> <p>Replace Paragraph 2.j with the following: “Create or maintain an active frontage that faces outward onto the street and avoids presenting a blank elevation to the street.”</p> <p>Replace Paragraph 3.a with the following: “Provide housing of a type and tenure appropriate to the needs of the population (See interpretation below and Housing Needs Assessment (Appendix 1)).”</p> <p>In the text following Policy CW1, under the heading “Interpretation”, replace the paragraph commencing “According to the Housing Needs Assessment” with the following: “In terms of housing type and tenure, there is a need for small bungalows and starter homes. Two-bed homes are to be preferred over one-bed homes. Three-bed</p>	<p>1.g - The Inspector considers additional wording necessary to ensure that measures do not materially affect the character or appearance of the area or the host property.</p> <p>2.j - For clarity - an amendment to the wording is necessary to make clear that the active frontage should face the street.</p> <p>3.a - For clarity - to provide more specific advice</p> <p>3.b and 3.d - The Inspector considers the original requirements could be unnecessary and disproportionate. Alternative wording is suggested.</p> <p>3.e - The requirement is not able to be implemented but reference could be made in the supporting text.</p>	

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	<p>homes are still a popular option. There is some demand for large homes but numbers should be restricted. Greater detail can be found in the Housing Needs Assessment (Appendix 1).</p> <p>About 75-80% of affordable housing should take the form of rented tenures such as social and affordable rent (preferably the former) with the remaining percentage being provided as affordable routes to home ownership.”</p> <p>Re-number the sub-paragraphs under Paragraph 3 to avoid repetition.</p> <p>Replace the second Paragraph 3.b with the following: “Create attractive green spaces through landscaping, planting and the arrangement of buildings.”</p> <p>Replace the final sentence of Paragraph 3.d with the following: “Unless proved to be an inappropriate strategy, proposals shall avoid the discharge of surface water into the public sewerage network, in line with the surface water hierarchy.”</p> <p>Delete Paragraph 3.e. Consider reflecting this requirement in the supporting text as an objective.</p>		
PM2 Page 27	In the opening sentence of Policy CW2, change “protect and enhance” to “protect or	There is no evidence to suggest that both protection <i>and</i> enhancement	Agree to modification. This would align with government guidance on

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CW2: Local Character	enhance”.	are necessary	the historic environment.
PM3 Page 31 CW3: Non-designated Heritage Assets	Under the “evidence” heading following Policy CW3, replace the reference to the Historic Environment Assessment with “Various sources including advice from Historic England”.	The source of the evidence should be corrected	Agree to modification for clarity.
PM4 Page 32 CW4: Historic Environment	In the second paragraph of Policy CW4, after “shall be accompanied” insert “as appropriate”.	To reflect circumstances where the submission of a heritage statement would not be justified, for example, if there were no negative effects at all.	Agree to modification. In line with local validation requirement.
PM5 Page 34 CW5: Views and Vistas	<p>In Policy CW5, delete the following sentence: “The list is not exhaustive and the policy applies to any views and vistas that might be affected by development proposals and these should be considered when determining planning applications.”</p> <p>In Table 2 and Figure 5, delete reference to Views and Vistas Nos. 7, 8 and 9.</p> <p>In Figure 5, and for View and Vista 2, reduce the length of the arrow pointing towards School Lane such that it does not extend beyond the boundary of the designated area.</p>	The Neighbourhood Plan can only include policies that relate to land within the designated area in accordance with Section 38A(2) of the Planning and Compulsory Purchase Act 2004	Agree to modification. In line with legislation.
PM6 Page 38 CW6: Protect and Enhance Landscape Heritage	<p>In the first paragraph of Policy CW6, delete the word “Scheduled” before “Ancient Monuments”.</p> <p>At the end of the second paragraph, delete the words “ancient woodland and any</p>	To align with national terminology and to correct the text	Agree to modification. Provides clarity.

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	development boundary".		
PM7 Page 45 CW7: Protecting, Conserving and Enhancing the Cannock Chase Area of Outstanding Natural Beauty (AONB)	In Policy CW7, delete "following objectives of the AONB Management Plan (2019-2024 and subsequent plans):  a. Landscape character".  Replace with: "overall objectives that are set out in the following sections of the Cannock Chase AONB Management Plan 2019-2024:  Landscape Character and Planning".	The policy refers to contributing to various "objectives" in the AONB Management Plan. However, it is incorrect to call the listed matters "objectives". Rather they are chapter headings within the Management Plan under which overall objectives are identified.	Agree to modification. Provides correction.
PM8 Page 47 CW8: Protect And Enhance the Biodiversity and Geodiversity of the Parish including Tree And Hedgerow Coverage	At the beginning of the second paragraph of Policy CW8, insert "As appropriate,".  Replace the final sentence in the fourth paragraph with the following: "The design of any buffer area shall be informed by detailed advice and evidence".	Described as necessary amendments	Agree to modification. Provides clarity and detail.
PM9 Page 53 CW9: Tranquillity and Light Pollution	Replace the final sentence of Policy CW9 with the following: "Further guidance is to be found in the Design Code and in the report <a href="#">Light Pollution and Dark Skies in the Cannock Chase AONB - A Good Lighting Guide</a> (Appendix 1)."	For clarity, specific reference should be made to this document.	Agree to modification. Provides clarity.
PM10 Page 58 CW11: Highway Safety	At the start of the first paragraph of Policy CW11, replace "Development" with "As appropriate, development".	To require a positive demonstration in all cases would be unnecessary and disproportionate.	Agree to modification. In line with policy on highways.

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	Delete Paragraph 7.	Traffic signs come under the remit of the highway authority and are regulated outside the planning system. Attempts to make them subject to development management policies would be inappropriate.	
PM11 Pages 60 and 62 CW12: Community Assets	<p>Change the title of Policy CW12 to "Community Facilities".</p> <p>At the start of the policy, replace "Community assets" with "Facilities".</p> <p>Change all other uses of the word "asset" or "assets" to "facility" or "facilities" (except in line 4).</p> <p>Change "any others subsequently added" to "any others on".</p> <p>Change the title of Figure 9 to "Community Facilities".</p>	To avoid any ambiguity, the policy and the accompanying figure should be amended such that they refer to "community facilities" irrespective of whether they are also listed as Assets of Community Value.	Agree to modification. For clarity.
PM12 Page 63 CW13: Public Realm and Open Space	<p>Replace the final sentence of Policy CW13 with the following: "The policy also covers maintaining, cleaning and attending to the appearance, safety and condition of the public realm should planning permission be required".</p> <p>From the first sentence, delete ",which include maintenance, cleaning, appearance,</p>	The original text referred to matters that would not normally require planning permission.	Agree to modification. To align with legislation.



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	safety and condition”.		
PM13 Page 64 CW14: Village Boundary	In line 4 of Policy CW14, after “Green Belt will have to”, insert “be regarded as ‘not inappropriate’ or”.	To accord with the NPPF	Agree to modification. To align with the NPPF.

**Table 2**

<b>Section in Examined Document</b>	<b>Cannock Chase District Council Recommendation</b>	<b>Cannock Chase District Council Decision &amp; Reason</b>
Foreward, Page 4	Improve quality of map	For clarity
List of Policies Page 5	Correct spelling of tranquillity (CW9)	Typo
CW6, Page 41	Improve quality of map	For clarity



## **Information on Publication of a Decision Statement for the Cannock Wood Neighbourhood Plan**

**18<sup>th</sup> October 2023**

1. Cannock Chase District Council has published its 'decision statement' in response to the Examiners report for the Cannock Wood Neighbourhood Plan (received 19<sup>th</sup> September 2023).
2. The 'decision statement' sets out the Council's decisions on the Examiners recommendations and the reasons for those decisions. It concludes that the Cannock Wood Neighbourhood Plan (as modified) meets the basic conditions, and other relevant legal requirements, and can therefore proceed to referendum. Further details on the referendum will be made available separately in due course.
3. The 'decision statement' and the Examiners report are available to view on the Cannock Chase Council website [www.cannockchasedc.gov.uk/planningpolicy](http://www.cannockchasedc.gov.uk/planningpolicy) or hard copies are available to view at the following locations during normal opening hours:
  - Cannock Chase Council Civic Centre offices, Beecroft Road, Cannock, WS11 1BG
  - Burntwood Library, Sankeys Corner, Bridge Cross Road, Burntwood. WS7 2BX