

From: [REDACTED]
Sent: 31 August 2023 09:12
To: [REDACTED]
Cc: parish.council@cannockwood.org; [REDACTED]
Subject: RE: Cannock Wood Neighbourhood Plan - Examiner procedural letter and questions
Attachments: NDHA list August 2023.pdf; NDHA invitation.pdf; Examiner's Q&A August 2023.pdf;

Dear [REDACTED]

I have been asked to respond to your procedural letter and questions on behalf of Cannock Wood Parish Council. We are grateful for your explanation of the process of the Examination and are pleased to be able to send you responses to the questions at this earliest opportunity. For ease of reference the responses have been slotted in below the questions on the attached document, based on the Annex to your letter, and there are two further documents attached relating to your enquiries regarding policy CW3 Non-Designated Heritage Assets.

We would be happy to respond as swiftly as possible should any supplementary queries arise and hope that you have the benefit of fine weather on your choice of day to visit Cannock Wood.

Thank you for your work on our Neighbourhood Plan.

Best wishes

[REDACTED]

From: [REDACTED]
Sent: Monday, August 21, 2023 1:15 PM
To: [REDACTED]
Cc: parish.council@cannockwood.org; [REDACTED]
Subject: Cannock Wood Neighbourhood Plan - Examiner procedural letter and questions

Dear Councillor [REDACTED]

Please find attached the Examiner's procedural letter and some questions in respect of the Cannock Wood Neighbourhood Plan.

Best wishes

[REDACTED]

Tel: [REDACTED]

Web: [REDACTED]

[REDACTED]

ANNEX

From my initial reading of the Cannock Wood Parish Neighbourhood Plan, the supporting evidence and the representations that have been made to the Plan, I have the following questions for the Qualifying Body. I have requested the submission of responses by Monday 4 September 2023, although an earlier response would be appreciated if practicable. All of the points set out below flow from the requirement to satisfy the Basic Conditions.

Responses have been slotted in below each question. The questions have been shown in bold below for ease of reference.

1. Please confirm the dates of the Regulation 14 consultation period.

The Regulation 14 consultation began on 30th May 2022 with a stated closing date of 11th July 2022. In practice the consultation period was longer than that.

Start date

All the statutory consultees were provided with the necessary information on 16th May 2022 (or it was posted first class on that date to the few without a suitable available email address). A summary version was delivered by hand to every household between 16th May and 29th May 2022.

End date

No response had been received from Cannock Wood District Council (CCDC) by late in the week before 11th July 2022. The project manager of Cannock Wood Parish Council's Neighbourhood Plan Working Group telephoned Matthew Hardy of CCDC to try to find out when our Local Planning Authority expected to respond. It was evident that a response was not going to be forthcoming by the closing date, so a pragmatic suggestion was made to CCDC that the consultation would be held open for their response until the end of July 2022. The CCDC response was provided on 27th July 2022. Any other responses received up to 27th July 2022 would have been taken into account but, from memory, CCDC's was the only response received after 11th July 2022.

2. Policy CW1 – Housing Design: Are there some words missing at the beginning of the policy?

Yes. There is an omission as the heading on the purple background was unfortunately obscuring the following line of text:

'1. All residential proposals including extensions must:'

A correction will be required.

3. Policy CW1 3a – "appropriate housing type and tenure": Apart from small bungalows and starter homes, what other types and tenures of housing are considered appropriate to the area?

The Housing Needs Assessment suggests that dwelling mix should be 'focused on smaller and mid-sized homes' with the biggest need will be for 2- and 3-bedroom properties, with some but lesser need for 1- and 4-bedroom properties. It also suggests 'too many additional large homes should be avoided'.

The Housing Needs Assessment recommendation for Cannock Wood is that '75-80% of Affordable Housing should take the form of rented tenures such as social and affordable rent (preferably the former), with the remaining 20-25% as affordable routes to home ownership, allowing for some shared ownership or other tenures to widen choice'.

4. Policy CW3 – Non-designated heritage assets: Please direct me to the evidence that supports the designation of the identified assets including the selection criteria (I have been unable to find this in the quoted Historic Environmental Assessment).

Policy CW3 has relied on the generous advice of Historic England who have been both responsive and encouraging, as evidenced by their Reg 16 consultation response. In identifying assets to be included on the Cannock Wood list the criteria applied have been derived from those set out in [Neighbourhood Planning and the Historic Environment | Historic England](#) and other documents linked within from that Advice Note. Each property or site makes a positive contribution to local identity, distinctiveness and appearance.

The first two (the Methodist chapel and Nun's Well) are not domestic properties and have some reference made to them within Historic England's datasets. The remainder are private residences and we chose not to nominate potentially against the wishes of the owners. Instead owners of the oldest houses (based on mapping carried out over 100 years ago) were invited to opt in and, if they so wished, to fill in the attached form to support inclusion on the Cannock Wood list. The summary Reg 14 consultation document, delivered to every household, explained on page 8 regarding CW3 that 'Private houses can be included too if the character of the property makes a positive contribution to local identity, distinctiveness, and appearance. The owners of the older properties in the village have been invited to opt in if they would like their property to be included. If you haven't received an invitation and would like your property to be included on the Cannock Wood list, please contact cwnp@cannockwood.org or a Parish Councillor to ask for a form.'

An additional document is attached which provides description of the characters of the assets which make a positive contribution to local identity, distinctiveness, and appearance and appear on the Cannock Wood NDHA list.

Since submission of the Neighbourhood Plan, one further asset has come forward for potential inclusion on the Cannock Wood NDHA list: The Walled Garden at Beaudesert Park. The rationale for this has been included in italics on the attached document, after those assets listed in the body of the Neighbourhood Plan. The Parish Council next meets on 21st September 2023, and will be able to decide whether it approves of its inclusion on the parish's NDHA list.

5. Policy CW6 – Is there an error in the wording at the end of the second paragraph?

Yes. The words 'ancient woodland and any development boundary' should be deleted.

6. Policy CW7 – Is it contribution to the overall objectives identified under each of the AONB¹ Management Plan chapter headings (eg. Landscape Character and Planning) that is sought under this policy? Does the requirement apply to *all* development proposals?

Yes, to both questions.

The intention of the last section of the policy listing the AONB objectives was to assist by way of a checklist of points to be considered. It might be that this would sit equally well, if a little less prominently, in the Interpretation of CW7.

¹ Area of Outstanding Natural Beauty (AONB).

7. CW8: Does Paragraph 3 apply to all development proposals? Please comment on the representations of Cannock Chase Council regarding the proposed 20% minimum biodiversity net gain in the Green Belt.

Yes, paragraph 3 does apply to all development proposals.

The representations of CCDC regarding the proposed 20% minimum Biodiversity Net Gain (BNG) in the Green Belt parts of the Neighbourhood Plan are not accepted for the following reasons:

- The Environment Act 2021 (as likely to take effect within the next several months) requires a minimum 10% BNG. This is not a target as stated by CCDC, which would imply $\leq 10\%$; 10% is a required minimum, so BNG must be $\geq 10\%$.
- CCDC currently has only emerging policy on BNG as the next iteration of the Local Plan is still a work-in-progress. CCDC does not appear to have emerging policy for all developments, just for major ones, even though in their representation CCDC refer to a start date of April 2024 for minor sites (1-9 dwellings) [Emerging policy SO7.1 \(pages 111-112\)](#).
- A minimum 20% BNG in the exceptional circumstances of the Green Belt in Cannock Wood, the whole of which is in the AONB, is in conformity with the direction of travel of CCDC's emerging policy throughout Cannock Chase: 20% is more than 10%.
- It should be noted that the government announced in February 2023 [Government response and summary of responses - GOV.UK \(www.gov.uk\)](#) that it would use regulations to introduce a number of exemptions including householder applications and development impacting habitat of an area below a 'de minimis' threshold of 25 metres squared, or 5m for linear habitats such as hedgerows.
- The representation refers to 'evidence that considers 10% BNG is appropriate for the Cannock Chase District Council area'. However, when asked to point to the evidence the response given on behalf of CCDC the reply was as quoted below.

'There isn't a particular piece of the evidence base which justifies the 10% BNG target as such, as this is the Government's national standard. The Council have to balance all the requirements from development such as contributions to CIL/S106 which delivers necessary infrastructure and contributions to education and affordable housing and localised elements such as the Cannock Chase Special Area of Conservation (SAC) contribution payment and demonstrate that the majority of planned development will still be viable. The 2022 Viability Assessment does incorporate the 10% BNG along with other elements which impact viability so this is something you could look at on the website - Planning policy - evidence base - employment and economy [Evidence Base | Cannock Chase District Council \(cannockchasedc.gov.uk\)](#).'

Our observations arising from this are as follows:

- CCDC's repeated assertion that 10% is a target is concerning. The Environment Act 2021 provides for 10% as a required minimum i.e. $\geq 10\%$.
- It is inappropriate for the representation to say that none of the evidence to support the emerging policy indicates a need for a higher BNG requirement because that was not addressed in CCDC's Viability Assessment [CCDC Viability Assessment](#) and so has not been tested. The CCDC Viability Assessment only tests for 10% BNG. It does not refute the idea that a higher figure, whether that is 15%, 20% or more, could be viable. CCDC have no evidence to suggest that 20% is not viable and there is plenty of evidence of need in a series of national government documents as set out in Cannock Wood's Viability Assessment.

- The CCDC Viability Assessment is based on a series of typologies of development sites and locations across the district council area, but none relate to minor developments of fewer than 10 housing units. Due to both national and local policies, major developments would be inappropriate in the Green Belt parts of Cannock Wood. None of the typologies is a suitable representation of Cannock Wood's Green Belt.
- To the extent that the CCDC Viability Assessment has any relevance to the Green Belt parts of Cannock Wood, it establishes from 'robust financial modelling' that, in some parts of Cannock Chase District, development is expected to be viable. Viability is still evident even with higher levels of affordable housing and there is 'potential to increase CIL above the current rate should the Council have the appetite to do so'. The map at Figure 10.1 of the CCDC Viability Assessment is aligned with ward boundaries and shows Cannock Wood Neighbourhood Plan Area shaded in blue, along with Hednesford and other communities in between; the blue shading denotes an area where development is found to be viable even with such additional costs.

It should be noted that the Cannock Wood Viability Assessment demonstrates that there is only a small marginal increase in costs associated with achieving an extra 10% BNG. The main cost is in achieving the mandatory first 10%; doubling BNG from that only increases costs by 19% of the relatively small cost of the mandatory minimum BNG. Furthermore, the financial cost of implementing BNG can actually lead to enhanced values and increased viability.
- The representation refers to concerns 'about the implementation of this policy in terms of the higher 20% target for the Green Belt areas, which is above the 10% tested as part of the evidence in the emerging Local Plan for the District and the practicalities of how any off-site Biodiversity Net Gain will be delivered on the 4 mapped areas highlighted with BNG potential, if it cannot be implemented on an application site.'
 - It is no more difficult to implement and monitor 20% BNG than it is 10% BNG.
 - Delivery on a development site should present very little difficulty in the Green Belt areas of Cannock Wood. If that is not possible, then delivery will have to be through the national mechanism, introduced by the Environment Act 2021, of statutory biodiversity credits.
 - It may be that none of the landowners of the four mapped areas highlighted as having BNG potential decide to register their land for off-site biodiversity gain, in which case there would be no alternative but for a developer to acquire statutory biodiversity credits elsewhere. It behoves CCDC to get up to speed in registering sites locally where such credits may be invested in habitat creation projects.
 - Input on the practicalities of achieving BNG was sought from Staffordshire Wildlife Trust (SWT) once CCDC's Reg. 16 response was available. The following response, received by email on 29th August 2023 from Kate Dewey (SWT's Senior Planning Officer), may provide some reassurance to CCDC:

'Experience so far dealing with application sites that use a biodiversity metric, particularly in the Staffordshire Moorlands, we find the majority of developments achieve over 10% quite easily within the red line boundary, and if not, on land in the same ownership (blue line). The few sites that have needed off-site compensation are in urban areas with little space. So we are confident that rural applications within the green belt should be able to provide 20% without issue, and if any residual units are required it would be a small number.'

8. CW8 4. – “Detailed advice and evidence will be sought to inform the design of any buffer zone”: Is this intended to be an instruction to applicants?

Yes.

9. CW12: Please comment on the representations of Cannock Chase Council regarding Community Assets.

The first paragraph of the CCDC representation would seem to be an explanation of ‘Assets of Community Value’, requiring no action other than being noted.

The second paragraph of the CCDC representation acknowledges that the comments of CCDC on the Regulation 14 consultation were acted upon in preparing the submission version, and the wording was reordered as suggested.

The final paragraph suggests that ‘some assets may already be protected via other policy routes’. However, even where the same site may be relevant to other policies, each policy is different in what it aims to achieve, and its justification and interpretation. Other policies are not the same as CW12.

The CCDC representation on this matter seems to contain some misapprehensions.

- It should be noted that whilst the Scheduled Monument citation for the ‘moated settlement’ does refer to Nun’s Well, it does not make any reference to the site now known as Nunswell Park, which is not within the ambit of the Scheduled Monument listing at all.
- CCDC has agreed to the Parish Council’s nomination of Nunswell Park as an Asset of Community Value, adding it to the register on 26/5/2023.
- CCDC has agreed to the Parish Council’s nomination of The Park Gate Inn as an Asset of Community Value, adding it to the register on 11/3/2022.
- An application to nominate The Rag Inn as an Asset of Community Value was refused on 10/6/2022. Unfortunately, the narrative provided as part of the nomination did not make it sufficiently clear that the restaurant and wet trade is the main core business, rather than the operation of a few letting rooms. A renewed application cannot be made before June 2027.
- Neither of the pubs have been included as Non-designated Heritage Assets on the Cannock Wood Parish Council list.

10. Please comment on the representations of Cannock Chase Council regarding the Cannock Wood Design Code.

The NPPF defines a Design Code as follows: *‘A set of illustrated design requirements that provide specific, detailed parameters for the physical development of a site or area. The graphic and written components of the code should build upon a design vision, such as a masterplan or other design and development framework for a site or area.’*

We feel that the Cannock Wood Design Code fits this definition because it:

- is illustrated, with photos and diagrams
- provides specific detailed parameters for the physical development of an area i.e. the Neighbourhood Plan area and
- has written components which build upon a design and development framework as set out by the Vision, Objectives and policies in the Neighbourhood Plan for the area.

Invitation to include your property on the Cannock Wood list of Non-Designated Heritage Assets

There may be many buildings and sites in a local planning authority's area that make a positive contribution to its local character and sense of place because of their heritage value¹. Although such heritage assets may not be nationally designated as 'Listed Buildings', Historic England explains that they may be offered some level of protection by the local planning authority identifying them on a formally adopted list of local heritage assets.

There are national planning policies that apply to heritage assets regardless of whether or not they are locally listed. However, Historic England state that 'local listing provides a sound, consistent and accountable means of identifying local heritage assets'.

Local listing does not affect the requirements for planning permission. Conservation of heritage assets is a material consideration when local planning authorities such as Cannock Chase District Council are determining the outcome of planning applications. The requirement is that *'in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required, having regard to the scale of any harm or loss and the significance of the heritage asset'*.

Around half of all local planning authorities have already produced lists of locally important buildings and sites. Creating a Local List has been on the agenda for Cannock Chase District Council (CCDC) since 2014. The council's website explains that for buildings on that future Local List *'their special architectural or historic character would be taken into account in considering any planning applications that could affect them or their surroundings, with a presumption against their demolition. A key feature of the process of preparing a local list would be consultation with local people and parish councils inviting suggestions of locally significant and distinctive buildings and structures in their area. Cannock Chase Council does not presently have a Local List, but it is another tool available to the Council in the future protection of local historic buildings that can be utilised as resources permit.'*

In the meantime, Hednesford Town Council have already created their own list of non-designated heritage assets in their adopted Neighbourhood Plan and other Neighbourhood Areas have also been looking at creating their own lists of buildings with historic interest. CCDC say that 'in future Cannock Chase District Council could potentially use these lists as useful sources of information for candidate buildings to be considered for a formal Local List'.

The development of a Neighbourhood Plan provides the opportunity to recognise those buildings and sites which make positive contribution to the local character and sense of place because of their heritage value for Cannock Wood. One of the draft Neighbourhood Plan policies is to set up a list of Non-Designated Heritage Assets of buildings and sites which have heritage significance for Cannock Wood. The character of your property makes a positive contribution to local identity, distinctiveness, and appearance. This contribution is important to the wider community and makes your property worthy of being included on the Cannock Wood list.

THE CHOICE OF WHETHER TO GO AHEAD IS ENTIRELY YOURS – THIS IS JUST AN INVITATION TO OPT IN.

¹ [Local Heritage Listing: Identifying and Conserving Local Heritage \(historicengland.org.uk\)](https://www.historicengland.org.uk)

If you would like your property to be included on the Cannock Wood list of Non-Designated Heritage Assets, please would you complete the attached form and return it through the letterbox at The Bungalow, Buds Road (next to Dickinsons) or by email to cwnp@cannockwood.org by 11th July, 2022.

You can also use the form below to provide additional information about the building's history and significance. This is not a requirement for the Cannock Wood list, but would be needed in future should Cannock Chase District Council proceed with setting up their formal Local List.

Full address of building to be included on the Cannock Wood list of Non-Designated Heritage Assets:	
Name of person(s) nominating the building for inclusion on the Cannock Wood list of Non-Designated Heritage Assets	
<p>The character of this property makes a positive contribution to local identity, distinctiveness, and appearance. <i>Statement of significance - why building/feature is noteworthy (in not more than 200 words).</i> <i>If relevant mention why it is</i></p> <ol style="list-style-type: none"><i>1. a reminder of the social, economic, cultural or military history of the district including archaeological interest or a link to a local figure;</i><i>2. of architectural or landscape interest including innovative design, decoration, craftsmanship or plan form.</i>	
<p><i>If your property is not visible from the public road (Chestall Park or Beaudesert Park) please would you provide a photo of the property.</i></p>	

Non-Designated Heritage Assets

Listed at Appendix 2 (table 4) in the Neighbourhood Plan

Ref	Asset	Grid Reference	Nature of asset
1	Cannock Wood Methodist Church, Chapel Lane	SK 04188 12357	Place of worship
2	Nun's Well, Court Bank Farm	SK 04149 11798	Historical and natural feature within the landscape
3	The Cottage, Slang Lane	SK 04538 12007	Private house
4	Broome Cottage, 6 Cumberledge Hill	SK 04581 12169	Private house
5	1 Chestall Cottages, Beaudesert Park	SK 05073 12671	Private house
6	4 Chestall Cottages, Beaudesert Park	SK 05051 12690	Private house
7	The Granary, Chestall Park	SK 05118 12795	Private house

1. Cannock Wood Methodist Church

Cannock Wood Methodist Church was built in 1834 as a Wesleyan chapel and has white rendered walls and round arched windows. The building is halfway up Chapel Lane, surrounded by fields, and although it is small, it is prominent in the landscape. Historic England reference Monument Number 1500959.

2. Nun's Well

Nun's Well is a spring rising in a chamber cut from rock with a sixteenth century Tudor style brickwork arch. It is at the base of the Mercia Mudstone Group and is said to be a chalybeate well due to the high levels of iron oxides colouring the water. Early in the 17th century, chalybeate water was said to have health-giving properties, but the water from Nun's Well is not for drinking. The citation for the 'Moated site and bloomery in Courtbanks Covert' (Ancient Monument listing 1003750) states that 'situated close by is a rock-cut well known as Nun's Well which may be medieval in date'.

3. The Cottage, Slang Lane

The cottage was built in 1814, with a small extension in 1990. It is likely to be very typical of the small cottages which once dotted the landscape. Very many of these old buildings have been demolished and replaced with more modern looking house which adds to the significance of this one. As the owner says, 'when they're gone, they're gone'.

4. Broome Cottage, Cumberledge Hill

Broome Cottage is one of the oldest properties in the village, built approximately 1800. It is a typical small 2-up, 2-down cottage (at least from the front) surrounded by almost 1 acre of ground. Beneath the pond at the front used to be the well that served the property. Standing back from the road, it is noticeable and may remind people of what the village would have looked like years ago.

5. 4 Chestall Cottages, Beaudesert Park

The row of cottages, numbers 1 – 4, known as Chestall Cottages, plus the yard walls and Ash House, were all built around the 1820s within Beaudesert Park, the home of the 1st Marquis of Anglesey of Battle of Waterloo fame and under his instruction. Many features of the original cottage still exist.

6. 1 Chestall Cottages, Beaudesert Park

As for 4 Chestall Cottages. Numbers 1 and 4 are the two ends of the row, and each cottage has a distinctive long, narrow garden, which is particularly visible for 1 Chestall Cottages being along the roadside.

7. The Granary, Chestall Park

Built in the grounds of Chestall House, The Granary was the original grain store to the estate. It is one of the largest and most imposing of a range of former agricultural buildings which were sympathetically converted to residential use in the late 1990s.

Further asset to be considered for inclusion

Ref	Asset	Grid Reference	Nature of asset
8	<i>The Walled Garden, Beaudesert Park</i>	<i>SK 04149 11798</i>	<i>Historic structure</i>

8. The Walled Garden, Beaudesert Park

Beaudesert Park is an area of historic parkland, within which are the ruins of Beaudesert Hall, a walled kitchen garden, remains of a stable block, an icehouse, ponds and cascades. The country estate was owned by generations of the Paget family (later known also as the Marquises of Anglesey) between 1546 and the 1930s. The parkland is located partly in the parish of Cannock Wood, and partly in Longdon parish.

The Walled Garden itself was built in 1911 to replace an earlier Walled Garden in the Park which was considered inconvenient because it was too far away from Beaudesert Hall. It supplied the 6th Marquis of Anglesey's household with all of their vegetable needs. Flowers for cutting were also grown as the lady of the house insisted there were fresh flowers in every room of the house every day. Much of its original architecture still remains, including bothies and wrought iron structures.

During the Second World War, everything was ploughed up and potatoes grown there to feed the village, and also to feed the pigs, which also fed the villagers.

Beaudesert Trust own and manage Beaudesert Park and the Walled Garden is now used for various outdoor activities and educational experiences provided at the Beaudesert Activity Centre for young people.