

Making a representation: We cannot accept anonymous representations. You must provide your contact details but only your name and comments will be published on the website. Your personal data will be held securely and processed in line with our privacy notice www.cannockchasedc.gov.uk/privacynotices. Once the plan is submitted your comments will be shared with the Planning Inspectorate and an independent inspector will review representations. You have the right to withdraw your representation and your data will be destroyed. Data will only be held until adoption of the Cannock Chase Local Plan.

Part B: Representation Form

Please complete a separate **Part B Representation Form** (this part) for each representation that you would like to make. One **Part A Representation Form** must be enclosed with your **Part B Representation Form(s)**. We have also published a separate **Guidance Note** to explain the terms used and to assist in making effective representations.

Part B: Representation

Name and Organisation:	Jacob Bonehill, RPS
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Q1. To which document does this representation relate? (Please tick one box)

- Cannock Chase Local Plan 2018-2040
- Sustainability Appraisal of the Cannock Chase Local Plan 2018-2040
- Habitats Regulations Assessment of the Cannock Chase Local Plan 2018-2040

Q2. To which part of the document does this representation relate?

Para- graph:		Policy:	SO1.1	Site:		Policies Map:	
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Q3. Do you consider the Cannock Chase Local Plan is:

- A. Legally compliant Yes: No:
- B. Sound Yes: No:
- C. Compliant with the Duty to Co-operate Yes: No:
- (Please tick as appropriate).*

For office use	Part B reference	B0108A
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Cannock Chase Council:
Cannock Chase Local Plan
Representation Form



Q4. Please give details of why you consider the Cannock Chase Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

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POLICY SO1.1: PROTECTING, CONSERVING AND ENHANCING THE DISTINCTIVE LOCAL HISTORIC ENVIRONMENT

Draft Policy SO1.1 is broadly consistent with national policy, however, the first bullet point under the fourth paragraph to the policy states:

“(4th para) *Development proposals affecting, or likely to affect, any heritage asset or its setting will be accompanied by a Heritage Statement which will:*

- *Identify all heritage assets that could be affected and explain their historic, archaeological, artistic or architectural significance....”*

Paragraph 194 of the NPPF (September 2023) requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

It is unclear what the evidential basis is for the specific aspects in the draft policy highlighted above. The approach in national policy to the assessment of impact on heritage assets at the planning application stage is clearly one that is based on ‘proportionality’ and any potential impacts should focus on the ‘significance’ of the assets identified.

The draft criteria above seeks to treat all heritage assets in the same way, regardless of their importance or significance. This is not consistent with national policy and so is not soundly-based.

Furthermore, national planning policy also makes no reference to ‘*artistic or architectural*’ significance in terms of assessing the potential impact on designated or non-designated heritage assets.

The criteria should be reworded to reflect national policy.

Further advice on defining the heritage value of assets is set out in current guidance Conservation Principles, Policies and Guidance published by Historic England (2008), this states such values as evidential, historical, aesthetic and communal.

Q5. Please set out the modification(s) you consider necessary to make the Cannock Chase Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.

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helpful if you are able to put forward your suggested revised wording of any policy or text.
Please be as precise as possible.

The 4th bullet point should be modified to read:

“Identify all those designated heritage assets and non-designated heritage assets that ~~could~~ be are affected by the development proposal and explain their historic, archaeological, artistic or architectural significance....”

(Please continue on a separate sheet if necessary)

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No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

(Please tick one box)

Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

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Signature: [REDACTED]

Date: 18/3/24

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Name and Organisation:	Jacob Bonehill, RPS
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Q2. To which part of the document does this representation relate?

Para-graph:		Policy:	SO1.2	Site:	SE2	Policies Map:	
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**Cannock Chase Council:
Cannock Chase Local Plan
Representation Form**



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POLICY SO1.2: ENHANCING THE QUALITY OF THE BUILT ENVIRONMENT

The first criterion should be amended as follows:

“Development proposals will be designed to enhance the quality of the townscape and landscape, and will retain and enhance the distinct and separate character of each of the district’s settlements. “

Not all areas are separate. Policy text is not justified.

Policy SO1.2 seeks to ensure that all development has regard to the design principles that will deliver high quality places. In relation to design and access statements, the penultimate paragraph of the policy states that:

“The Design and Access Statement will set out how proposals will align with the relevant Local Design Guide and the requirements of other relevant Local Plan Policies...” and then lists seven specific policies as being ‘particularly’ relevant.

It must be assumed that all proposals will, as a matter of principle, need to align with the relevant policies of the development plan unless material considerations indicate otherwise, in accordance with section 38(6) of the Town and Country Planning Act 1990. Proposal should also take into account other guidance (both local and national in nature) where relevant to do so. The wording in this policy merely repeats what is already a requirement in law.

Similarly, the policy highlights seven policies as being particularly relevant, but these may not be relevant in all cases (and other policies not listed may nonetheless be of relevance). This creates potential for confusion and uncertainty in how proposals are prepared and in how they might be determined by decision-makers.

RPS contends this particular wording in Policy SO1.2 on D&A Statements is unnecessary and does not provide sufficient clarity of purpose for how this policy should be applied by applicants and decision-makers, and so it is inconsistent with national policy (paragraph 16 of the NPPF September 2023).

(Please continue on a separate sheet if necessary)

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RPS recommends the wording highlighted in this submission as stated in the first and penultimate paragraph of draft Policy SO1.2 should be deleted.

“Development proposals will be designed to enhance the quality of the townscape and landscape, and will retain and enhance the distinct ~~and separate~~ character of each of the district’s settlements.”

“The Design and Access Statement will set out how proposals will align with the relevant Local Design Guide and the requirements of other relevant Local Plan Policies...”

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Q2. To which part of the document does this representation relate?

Para- graph:		Policy:	SO4.2	Site:		Policies Map:	
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- B. Sound Yes: No:
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Cannock Chase Council: Cannock Chase Local Plan Representation Form



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Policy SO4.2: Provision for New Employment Sites

RPS is broadly supportive of the employment strategy and the approach to site allocations presented in Policy SO4.2. However, there are a number of soundness concerns in the Plan as it currently stands in respect of the draft policy which need to be addressed. In support of these concerns, on behalf of St Modwen Logistics Savills has undertaken an analysis of the Council's evidence used to inform the draft policy on employment need which is appended to this proforma. References are made to this supporting analysis as appropriate below.

Employment Need in Cannock Chase District

Comments on Council's evidence

Under the draft Policy SO4.2, the Council will make provision for 'up to 74 hectares of land for office, manufacturing and distribution employment development over the period 2018 to 2040'.

The process followed by the Council is settling on the 74 ha (Gross) employment land requirement figure is summarised in the Employment Topic Paper (ETP) (2023). The ETP illustrates the wide ranging nature of the various calculations of need based on different assessments covering different plan periods, prepared at different stages in the process, that have ultimately informed the final recommendation. The supporting evidence on employment need is set out in the *Cannock Chase Economic Development Needs Assessment : Update Report (2024)* prepared by Lichfields. Figure 4.3 / Table 4.19 of the EDNA 2024 present eight scenarios with needs ranging from 38 ha (net of churn / no losses in existing provision) up to 94 ha (inc. flexibility and loss replacement).

The Council has selected Scenario 1: ('Experian Baseline') as their preferred employment growth scenario, which advises a range between 47 to 74 ha employment need during 2018-40. The EDNA also assessed two other scenarios; Scenario 2: ('Regeneration-led') suggested a need for between 56 and 84 hectares, whilst Scenario 8 ('Long-Term Past Take-Up Rates') was for 69 to 94 hectares. The Council's reasoning on the choice for 74 ha (Gross) employment land need, rather than any alternative need figure, is set out in paragraph 5.1 of the Employment Topic Paper 2023. The final bullet point of the reasoning states:

"The Experian Baseline growth figure of 74.09Ha is the minimum figure that should be provided for as this is based on the latest economic growth forecasts. There is no justification in the EDNA to plan for a need below this figure." (RPS emphasis)

On this basis, the Council is seeking to set the land requirement at 'up to 74 ha'. The Council is therefore only planning to meet the minimum employment land needed in the district. This means there is no flexibility in the identified supply of land to account for a potential slow-down or delay in bringing forward the allocated sites (or other sources of supply). Setting the employment land requirement at effectively the bottom of the quantum required undermines the need for positively prepared plans that are 'aspirational but deliverable' in accordance with the soundness test (NPPF September 2023, paragraph 16 and 35).

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Furthermore, whilst the reasons given by the Council suggest the focus is on not setting targets below the need, the Council provides no justification for why a higher employment land requirement would be inappropriate in Cannock Chase district. Notably, the Sustainability Appraisal has not appraised the various employment growth scenarios as a basis to inform the selection of Scenario 1 (and rejection of the other scenarios) as the preferred growth option. This is a significant flaw in the Plan, given the relevance of the district's economic growth strategy (referred to below) to the delivery of the Plan. As an alternative, paragraph 4.5 of the EDNA highlights the 'Regeneration-led' scenario (Scenario 2) which:

"...factors in the economic aspirations set out in the SSLEP's SEP and the GBSLEP's SEP; and key infrastructure projects, notably the West Midlands Interchange and the M6/M54/M6 Toll link road."

Under 'Key Issues', the Plan (page 23) recognises the concentration of employment opportunities along the A5/M6 corridor, which is only likely to increase once the M6/M54/M6 link road is in operation. Similarly, the West Midlands Interchange (WMI) project will deliver significant economic benefits for the district, in terms of new jobs and investment. The WMI project represents growth that goes above and beyond the native employment demand emanating from within the district alone. The impact from WMI on the local economy in Cannock is self-evident through the assignment of 10 hectares from the WMI-based growth which is specifically accounted for in the district's employment land supply.

As stated in paragraph 6.132 of the Plan:

"The Local Plan will support the District Council's Economic Growth Strategy in providing opportunities for inward investment by new employers. In addition to the land at the West Midlands Interchange, this will widen the economic base and strengthen the resilience of the area." (RPS emphasis)

However, it is unclear whether the preferred scenario identified in the EDNA, using an Experian baseline model, has adequately captured the additional WMI-related employment growth. RPS accepts that a contribution to employment supply stemming from the WMI is appropriate. Following this logic, it is also appropriate to account for this in the overall employment needs of the district to ensure need and supply are balanced. Given that the regeneration scenario expressly references the benefits from the WMI it is considered to be a more appropriate figure for employment land need in Cannock Chase District. Put simply it is unjustified to account for employment delivery outside of Cannock Chase District at the WMI, if the anticipated economic benefits within Cannock Chase District are not accounted for.

Savills Evidence

The accompanying Office and Industrial & Logistics Needs Assessment – Addendum Update (see appendix I) prepared by Savills sets out further concerns regarding the methodology utilized in the *Cannock Chase Economic Development Needs Assessment: Update Report (2024)* prepared by Lichfields. These concerns are set out in sections 4 to 6 of the Savills report.

Briefly these concerns are:

- Limited regard is given to market signals concerning market demand and supply, nor the key growth drivers that are underpinning strong Industrial and Logistics demand.
- Savills consider the use of the labour supply and past completions method has led to an underestimation of future demand for Industrial and Logistics land in Cannock Chase District Council.
- Cannock Chase and the wider FEMA have both been supply constrained historically, with availability having been below the 8% equilibrium rate for much of the last decade. Current availability is at 3.4% and 5.9% respectively.

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- Over the last decade, average levels of net absorption (demand) have exceeded the average levels of net deliveries (supply) across Cannock Chase and the Wider FEMA which helps to explain the low availability rates.
- Another confirming factor of demand outstripping supply is the rental growth within Cannock Chase and the wider FEMA, which is roughly two times the rate of inflation. The Proposed Development will help to address the supply-constrained Industrial and Logistics market via a 3.5 fold increase compared to the existing provision within Watling Street Business Park.
- Cannock Chase has a disproportionately small Industrial and Logistics market. Cannock Chase has 127 sq.ft of Industrial and Logistics floorspace per working age resident (16-64 years). This is lower than the wider FEMA and West Midlands average at 142 sq.ft and 135 sq.ft respectively. Given the strength of the Industrial and Logistics market, this relative lack of supply is restricting Cannock Chase's participation in the sector's growth.
- Not only has the Industrial and Logistics sector been outperforming other commercial sectors in the UK for some time, it is also 'critical national infrastructure' that supports the functioning of our economy and the way we live our lives.
- The Industrial and Logistics sector enables the movement of goods across a multi-modal network of road, rail, air, and water routes. Most businesses draw on supply chains that rely upon these multiple modes of transport and on the transfer between freight nodes to warehouses, and then finally onto the end customer.
- Without these facilities, the delivery of our purchases would be much slower, more expensive, and we would have less choice.
- The Industrial and Logistics sector makes a significant contribution to the national economy and supports a diverse range of well-paid jobs.
- It is vital to support those sectors which are proving to be resilient (such as Industrial and Logistics) and are therefore well-placed to provide new employment opportunities to help mitigate job losses in other sectors and underpin the economic recovery.
- Based on Savills' demand methodology, over a 22-year plan period, Savills estimate the wider FEMA Industrial and Logistics demand to be 648 ha of land. Apportioning this figure down to Cannock Chase using an apportionment rate of 16% results in demand for 104 ha of land for I&L uses over the same time period.
- These demand estimates are considered conservative as they do not include an e-commerce uplift which would increase the demand figures further. Factoring in future e-commerce growth, Savills estimate the wider FEMA Industrial and Logistics demand to be 718 ha of land. Apportioning this figure down to Cannock Chase using an apportionment rate of 16% results in demand for 115 ha of land for Industrial and Logistics uses over the same time period.
- Savills demand estimates are more conservative than the estimates stated in their previous July 2021 report. This more recent report by Savills demand estimates are based on the latest 2013 to 2023 time period, which excludes the strong year of 2012 coming out of the Global Financial Crisis (GFC) and includes the year 2023 where there was negative net absorption given the macro-economic challenges. Savills also adopt a 40% plot ratio to be consistent with the EDNA Update Report (2024), however in reality Savills consider this to be too high and not reflective of modern Industrial and Logistics requirements.
- Savills' demand estimates which seek to build upon the Council's employment evidence are higher than the EDNA Update Report's (2024) estimate of between 37 and 63 ha (net), and between 55 and 80 ha (gross) of land for I&L uses in Cannock Chase over the same time period. Savills' demand estimates are also higher than the target of providing up to 74 ha of land for employment development during the period to 2040 that is stated in the Local Plan Regulation-19 (2023), and Employment Topic Paper (2023). This is because Savills' methodology goes one step further than the Council's employment evidence by considering market signals and taking into account of any demand lost due to historic supply constraints (i.e. suppressed demand). Savills consider this to provide a more accurate estimate of future 'market' demand.

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Conclusions

Identified above are a range of employment land requirements in excess of the Council's preferred figure of 74 ha. These range from 84 hectares, to 115 hectares, with a further option of 104 hectares. It is recognised by RPS that guidance in the PPG on estimating Employment Needs is relatively limited and as such there are a number of approaches followed by different consultancies that result in different requirements.

Taken together, the preference for a 74 hectare employment land target in draft Policy SO4.2 based on the baseline scenario (Experian) is not adequately justified on the available evidence, is not consistent with the district's wider economic strategy, is not positively prepared, and has not been properly tested through the sustainability appraisal. It is not soundly-based. These concerns are however capable of being addressed through modifications to the Local Plan.

As set out in our response on supply whatever figure is eventually considered to be correct we do consider that even with the highest requirement that the Local Plan has an adequate supply of employment land in the short to medium term. The introduction of a review mechanism as suggested in our comments on supply is an appropriate way to make the plan sound.

(Please continue on a separate sheet if necessary)

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Delete the reference to 'up to 74 hectares' from the second paragraph of draft Policy SO4.2 and replace with, 'XX hectares'.

Suggested employment land requirements include 84, 104 or 115 hectares.

(Please continue on a separate sheet if necessary)

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No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

(Please tick one box)

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Q2. To which part of the document does this representation relate?

Para-graph:		Policy:	SO4.2	Site:		Policies Map:	
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Policy SO4.2: Provision for New Employment Sites

RPS is broadly supportive of the employment strategy and the approach to site allocations presented in Policy SO4.2. However, there are a number of soundness concerns in the Plan as it currently stands in respect of the draft policy which need to be addressed. In support of these concerns, RPS has carried out its own analysis of the Council’s evidence used to inform the draft policy on employment need and land supply, which is appended to this proforma (see Appendix J). References are made to this supporting analysis as appropriate below.

Employment Land Supply in Cannock Chase District

Under this draft policy, the Council will make provision for ‘up to 74 hectares of land for office, manufacturing and distribution employment development over the period 2018 to 2040’.

RPS note the discrepancy with the 9th bullet point at paragraph 1.8 of the Regulation 19 Cannock Local Plan which states the target is up to 69 hectares of employment land which is repeated in paragraph 6.130 of the supporting text to this policy. It is assumed that this is in error given the references elsewhere in the plan and in the supporting evidence to 74 hectares.

Section 5 (Meeting employment land requirements) of the Employment Topic Paper (2023) provides a commentary on the various sources of supply that the Council relies on to meet the employment land requirement. The Employment Topic Paper states that the current supply totals 73.34 hectares; a shortfall of 0.66 hectares against the 74 hectare policy requirement.

There are however discrepancies between the figures quoted in the Employment Topic Paper (2023) and the Employment Land Availability Assessment (2023). In addition, RPS has reviewed the various sources of supply and the findings are appended to this proforma. The analysis (summarised in Table 4.1) has identified an overall supply of 72.241 hectares; a shortfall of 1.759 ha. This is lower than either the Council’s estimated supply in the Employment Topic Paper (2023) or the Employment Land Availability Assessment (2023). A summary table showing the main differences with the Council’s Employment Land Availability Assessment derived figure and the RPS analysis is presented below.

Stage	Supply element	Area (Ha) – Council Assessment	Area (Ha) – RPS Alternative Assessment
A	Completions	16.59	17.44
B	Under construction	3.43	3.43
C	Planning Permissions (across the district)	9.35 (4.75 on new site allocations)	9.35 (3.5 on readily available new site allocations, 0.56 on not readily available site allocations)
D	West Midlands Rail Interchange	10	10
E	New Site Allocations without planning permission	18.06	16.81

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F	Readily Available Employment Sites for Intensification	5.751	4.411
G	Not Readily Available Employment Sites for Intensification	9.87	10.8
H	Total	73.051 (0.949 outstanding need)	72.241 (1.759 outstanding need)

With the exception of the Former ATOS Origin Site (ELAA Ref. CE42) which was identified through the 2023 Development Capacity Study, the Council primarily rely upon the findings of the Existing Employment Sites Assessment 2019 to identify sites suitable for intensification. These sites make up 15.91 ha of the Employment Land Availability Assessment (2023) derived supply, with 9.87 ha identified as not readily available, while RPS consider there to be 10.8 ha of not readily available land identified for intensification.

RPS also consider a further 0.56 ha on Site E16 (ELAA Ref. NE1) - Land off Norton Green Lane, Norton Canes within the proposed allocated sites with Planning Permission to be not readily available as the Site is currently being used as a construction test/training site.

While RPS acknowledge that not readily available sites can become available over the plan period, we have concerns regarding the reliance on evidence from 2019.

As set out at paragraph 4.25 of the Site Selection Methodology July 2023 many sites identified in Policy SO4.3 rely upon the Existing Employment Areas Study undertaken by Lichfield's in 2019 and have not been assessed more recently.

Paragraph 1.12. of the Procedure Guide for Local Plan Examinations states:

“Evidence base documents, especially those relating to development needs and land availability, that date from two or more years before the submission date may be at risk of having been overtaken by events, particularly as they may rely on data that is even older. As a minimum, any such documents should be updated as necessary to incorporate the most recent available information” (Emphasis added)

Given the combined impact of the Covid-19 Pandemic and Brexit it is reasonable to question the reliance upon the Existing Employment Areas Study as it was prepared in 2019. **RPS strongly recommend that this document is updated before the submission of the Cannock Chase District Local Plan.**

Furthermore, RPS has raised soundness concerns regarding the Council's preference for a 74 hectare land requirement (set out in separate submissions to draft Policy SO4.2). However as set out in those submissions RPS consider that whichever need and supply figures are ultimately considered to be justified that **while the plan is not currently considered sound**, not least because of deficiencies identified above regarding the Council's figures on supply and evidence for this supply meaning that the plan is **unjustified**, that **it is capable of being made sound**.

Suggested Employment Land Review Mechanism

As referenced above the Council have identified employment land as 'readily available' or 'not readily available'. RPS consider the 'readily available' supply based on our assessment and including completions of 60.881 ha to be sufficient in the short to medium term to meet the employment development needs of Cannock Chase District, even if a higher level of need is agreed to be justified than the 74 hectares currently proposed.

Clearly however there are questions around the achievability of the overall requirement over the lifetime of the plan. RPS recommend that to make the plan sound it is necessary to introduce some form of review mechanism in relation to maintaining an adequate supply of 'readily available' employment land.

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RPS suggest that such a mechanism could trigger a plan review if at any point the Council were unable to demonstrate a supply of 'readily available' employment land equivalent to at least 5 years supply. Given the provisions set out in the Levelling Up and Regeneration Act 2023 which allow, subject to secondary legislation being brought forwards, for Local Plans to be prepared over 30 months this would provide for annual monitoring to identify a shortfall and for the preparation of a new Local Plan, before the supply would be exhausted based on annual take up rates.

(Please continue on a separate sheet if necessary)

Q5. Please set out the modification(s) you consider necessary to make the Cannock Chase Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.

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Introduce a new policy on employment land monitoring and plan review along following lines:

Should there be a failure in any monitoring year to maintain a supply of XXXha of readily available employment land the Council will undertake a full or partial review of the Plan in order to address the reasons for this,

Update the Existing Employment Areas Study to ensure that the position on land supply is sufficient.

Review the assumptions on land supply set out in the Employment Land Availability Assessment.

(Please continue on a separate sheet if necessary)

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Q6. If your representation is seeking a modification to the Regulation 19: Pre-Submission Draft of the Cannock Chase Local Plan, do you consider it necessary to participate in examination hearing session(s)?

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

- No, I do not wish to participate in hearing session(s)
 Yes, I wish to participate in hearing session(s)

(Please tick one box)

Cannock Chase Council:
Cannock Chase Local Plan
Representation Form



Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To properly represent our client and be able to respond verbally to issues raised at the hearings.

(Please continue on a separate sheet if necessary)

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Signature:		Date:	18/3/24
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Cannock Chase Council: Cannock Chase Local Plan Representation Form



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Part B: Representation Form

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Part B: Representation

Name and Organisation:	Jacob Bonehill, RPS
------------------------	---------------------

Q1. To which document does this representation relate? (Please tick one box)

- Cannock Chase Local Plan 2018-2040
- Sustainability Appraisal of the Cannock Chase Local Plan 2018-2040
- Habitats Regulations Assessment of the Cannock Chase Local Plan 2018-2040

Q2. To which part of the document does this representation relate?

Para-graph:		Policy:	SO4.2	Site:		Policies Map:	
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Q3. Do you consider the Cannock Chase Local Plan is:

- A. Legally compliant Yes: No:
- B. Sound Yes: No:
- C. Compliant with the Duty to Co-operate Yes: No:
(Please tick as appropriate).

For office use	Part B reference	B0108E
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Cannock Chase Council:
Cannock Chase Local Plan
Representation Form



Q4. Please give details of why you consider the Cannock Chase Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Cannock Chase Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy SO4.2: PROVISION FOR NEW EMPLOYMENT SITES

The last paragraph of the draft policy states:

“Proposals for new employment development involving distribution (B8) uses and large numbers of HGV movements will be directed to areas with good access to the parts of the Strategic Road Network where impacts upon air quality can be avoided and mitigated.” (RPS emphasis)

Paragraph 32 of the NPPF (Sept 2023 version) states that:

“Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered).” (RPS emphasis)

Paragraph 85 of the NPPF also states:

“Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads...”

In the context of employment-related development beyond defined settlements in the district, the requirement for ‘impacts’ on air quality to be avoided or mitigated goes beyond the scope of national policy, given the recognition that the significance or severity of the impact must first be established and not simply shown to exist. Similarly, the use of the term without qualification of severity contradicts draft Policy SO4.3 (last sentence) which more appropriately supports employment development that ‘..does not cause unacceptable environmental and highways impact.’

RPS contends the wording above is not consistent with national policy or effective and so is not soundly-based. The draft policy should be modified accordingly.

(Please continue on a separate sheet if necessary)

Q5. Please set out the modification(s) you consider necessary to make the Cannock Chase Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.

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Cannock Chase Council:
Cannock Chase Local Plan
Representation Form



The last paragraph of the draft policy should be modified as follows:

“Proposals for new employment development involving distribution (B8) uses and large numbers of HGV movements will be directed to areas with good access to the parts of the Strategic Road Network where unacceptable or significant impacts upon air quality can be avoided and mitigated.”

(Please continue on a separate sheet if necessary)

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Q6. If your representation is seeking a modification to the Regulation 19: Pre-Submission Draft of the Cannock Chase Local Plan, do you consider it necessary to participate in examination hearing session(s)?

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

(Please tick one box)

Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To properly represent our client and be able to respond verbally to issues raised at the hearings.

(Please continue on a separate sheet if necessary)

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Signature:		Date:	18/3/24
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Part B: Representation Form

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Part B: Representation

Name and Organisation:	Jacob Bonehill, RPS
------------------------	---------------------

Q1. To which document does this representation relate? (Please tick one box)

- Cannock Chase Local Plan 2018-2040
- Sustainability Appraisal of the Cannock Chase Local Plan 2018-2040
- Habitats Regulations Assessment of the Cannock Chase Local Plan 2018-2040

Q2. To which part of the document does this representation relate?

Para- graph:		Policy:	SO4.3	Site:		Policies Map:	
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Q3. Do you consider the Cannock Chase Local Plan is:

- A. Legally compliant Yes: No:
 - B. Sound Yes: No:
 - C. Compliant with the Duty to Co-operate Yes: No:
- (Please tick as appropriate).*

For office use	Part B reference	B0108F
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**Cannock Chase Council:
Cannock Chase Local Plan
Representation Form**



Q4. Please give details of why you consider the Cannock Chase Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Cannock Chase Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

POLICY SO4.3: INTENSIFICATION OF EXISTING EMPLOYMENT SITES

The draft policy includes a schedule of sites identified for ‘further intensification’ for employment purposes, totalling 15.91 hectares. However, in line with submissions made to draft Policy SE2, the element of intensification planned for Watling Street Business Park has not been properly accounted for in the Plan. While our preference is, as set out in our submissions regarding Policy SE2, that the existing business park should be included in the proposed allocation, an alternative option would be to include it within the list of existing employment areas identified for intensification.

While it is acknowledged that the redevelopment of the existing business park does not increase the quantum of employment land supply in terms of net developable area, the redevelopment is anticipated to provide circa 7,000sqm net additional employment floorspace. In addition, this floorspace will be replacing existing those units that are at the end of their economic life with modern high quality units as set out in the accompanying vision document.

The policy as drafted does not adequately reflect the situation on the ground in terms of the emerging masterplan for the site, and so could cause unnecessary confusion at the planning application stage. The draft policy is ambiguous and not clearly written, and so is not soundly-based. The policy wording needs to be modified to address these concerns.

(Please continue on a separate sheet if necessary)

Q5. Please set out the modification(s) you consider necessary to make the Cannock Chase Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.

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Insert a new line into the site table under draft Policy SO4.3, to read:	
“Watling Street Business Park, Watling Street, Cannock;	0.00
<i>(Please continue on a separate sheet if necessary)</i>	

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Cannock Chase Council:
Cannock Chase Local Plan
Representation Form



Q6. If your representation is seeking a modification to the Regulation 19: Pre-Submission Draft of the Cannock Chase Local Plan, do you consider it necessary to participate in examination hearing session(s)?

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No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

(Please tick one box)

Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To properly represent our client and be able to respond verbally to issues raised at the hearings.

(Please continue on a separate sheet if necessary)

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Signature: [REDACTED]

Date: 18/3/24

**Cannock Chase Council:
Cannock Chase Local Plan
Representation Form**



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Part B: Representation

Name and Organisation:	Jacob Bonehill, RPS
------------------------	---------------------

Q1. To which document does this representation relate? (Please tick one box)

- Cannock Chase Local Plan 2018-2040
- Sustainability Appraisal of the Cannock Chase Local Plan 2018-2040
- Habitats Regulations Assessment of the Cannock Chase Local Plan 2018-2040

Q2. To which part of the document does this representation relate?

Para-graph:		Policy:	SO4.4	Site:		Policies Map:	
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Q3. Do you consider the Cannock Chase Local Plan is:

- A. Legally compliant Yes: No:
 - B. Sound Yes: No:
 - C. Compliant with the Duty to Co-operate Yes: No:
- (Please tick as appropriate).*

For office use	Part B reference	B0108G
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Cannock Chase Council:
Cannock Chase Local Plan
Representation Form



Q4. Please give details of why you consider the Cannock Chase Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

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POLICY SO4.4: SUSTAINABLE TOURISM AND THE RURAL ECONOMY

The last paragraph (first bullet point) of the draft policy states:

“Development proposals should demonstrate that:

- *There are no adverse impacts on designated environmental assets (as defined in Policy SO7.1: Protecting, Conserving and Enhancing Biodiversity and Geodiversity, and Policy SO7.3: Special Areas of Conservation...”* (RPS emphasis)

Paragraph 32 of the NPPF (Sept 2023 version) states that:

“Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered).” (RPS emphasis)

In addition, paragraph 180a of the NPPF states:

“...if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;” (RPS emphasis)

In the context of new development and the relationship to designated environmental assets, the requirement for proposals to demonstrate ‘no adverse impacts’ on such assets is overly prescriptive and restrictive goes beyond the scope of national policy, given the recognition that significant harm must first be established. RPS contends the wording in the draft policy is not consistent with national policy and so is not soundly-based. The draft policy should be modified accordingly.

(Please continue on a separate sheet if necessary)

Q5. Please set out the modification(s) you consider necessary to make the Cannock Chase Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.

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The draft wording should be modified as follows:

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Cannock Chase Local Plan
Representation Form**



Development proposals should demonstrate that:

- There are no adverse significant impacts on designated environmental assets (as defined in Policy SO7.1: Protecting, Conserving and Enhancing Biodiversity and Geodiversity, and Policy SO7.3: Special Areas of Conservation...)” (RPS emphasis)

(Please continue on a separate sheet if necessary)

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No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

(Please tick one box)

Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

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(Please continue on a separate sheet if necessary)

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Signature: [REDACTED]

Date: 12/3/24

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Part B: Representation

Name and Organisation:	Jacob Bonehill, RPS
------------------------	---------------------

Q1. To which document does this representation relate? (Please tick one box)

- Cannock Chase Local Plan 2018-2040
- Sustainability Appraisal of the Cannock Chase Local Plan 2018-2040
- Habitats Regulations Assessment of the Cannock Chase Local Plan 2018-2040

Q2. To which part of the document does this representation relate?

Para-graph:		Policy:	SO5.1	Site:		Policies Map:	
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Q3. Do you consider the Cannock Chase Local Plan is:

- A. Legally compliant Yes: No:
 - B. Sound Yes: No:
 - C. Compliant with the Duty to Co-operate Yes: No:
- (Please tick as appropriate).*

For office use	Part B reference	B0108H
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Cannock Chase Council:
Cannock Chase Local Plan
Representation Form



Q4. Please give details of why you consider the Cannock Chase Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

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POLICY SO5.1: ACCESSIBLE DEVELOPMENT

This policy seeks to guide significant development to locations which are (or can be made) sustainable. The policy has clear overlap with other policies in the CCLP19 dealing with transport-related matters.

Bullet points 8 to 11 of the draft policy cross-refer to six other policies that also address transport and transport-related issues. The inclusion of such references merely duplicates policy elsewhere and so are repetitive in nature and add nothing to the application of the draft policy or the CCLP19 as a whole. This is contrary to paragraph 16(f) of the NPPF where plans should avoid unnecessary duplication of policies.

Furthermore, the draft policy would require all major development proposals to meet certain accessibility requirements that will clearly be less relevant to certain sites. This approach is inconsistent with paragraph 110a of the NPPF September 2023 which recognises that sustainable transport opportunities are related to the type of development and its location. Furthermore, Department for Transport Circular 01/2022 also recognises that certain employment sectors are reliant on access to the SRN.

Based on this, RPS contend the draft policy not consistent with national policy and so is not soundly-based.

(Please continue on a separate sheet if necessary)

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RPS recommends that bullet points 8 to 11 of the draft Policy SO5.1 be deleted.

RPS would also recommend that the first sentence of the first paragraph of the draft policy is modified as follows:

"All ~~m~~Major development proposals will be in locations that can provide convenient access for all sections of the community to work, shopping, health, education, cultural, leisure, green space and other facilities, where relevant to the type of development and its location, recognising that certain employment sectors such as logistics and manufacturing rely upon convenient access to the Strategic Road Network."

(Please continue on a separate sheet if necessary)

Cannock Chase Council:
Cannock Chase Local Plan
Representation Form



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No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

(Please tick one box)

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Signature: [REDACTED]

Date: 12/3/24

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Part B: Representation

Name and Organisation:	Jacob Bonehill, RPS
------------------------	---------------------

Q1. To which document does this representation relate? (Please tick one box)

- Cannock Chase Local Plan 2018-2040
- Sustainability Appraisal of the Cannock Chase Local Plan 2018-2040
- Habitats Regulations Assessment of the Cannock Chase Local Plan 2018-2040

Q2. To which part of the document does this representation relate?

Para-graph:		Policy:	SO5.3	Site:		Policies Map:	
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Q3. Do you consider the Cannock Chase Local Plan is:

- A. Legally compliant Yes: No:
 - B. Sound Yes: No:
 - C. Compliant with the Duty to Co-operate Yes: No:
- (Please tick as appropriate).*

For office use	Part B reference	B0108I
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Cannock Chase Council:
Cannock Chase Local Plan
Representation Form



Q4. Please give details of why you consider the Cannock Chase Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Cannock Chase Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

POLICY SO5.3: LOW AND ZERO CARBON TRANSPORT

The wording of the first bullet point is imprecise and so does not comply with paragraph 16 d) of the NPPF (September 2023) which requires Plans to contain policies that are clearly written and ambiguous.

Insufficient evidence has been provided to justify the second bullet point. Part S of the building regulations covers the provision of EV charging infrastructure for new residential and non-residential buildings; buildings undergoing a material change of use to dwellings; residential and non-residential buildings undergoing major renovation; and mixed-use buildings that are either new, or undergoing major renovation.

Q5. Please set out the modification(s) you consider necessary to make the Cannock Chase Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.

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Delete first and second bullet points of draft Policy SO5.3.

(Please continue on a separate sheet if necessary)

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Q6. If your representation is seeking a modification to the Regulation 19: Pre-Submission Draft of the Cannock Chase Local Plan, do you consider it necessary to participate in examination hearing session(s)?

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

No, I do not wish to participate in hearing session(s)

Cannock Chase Council:
Cannock Chase Local Plan
Representation Form



Yes, I wish to participate in hearing session(s)

(Please tick one box)

Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

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(Please continue on a separate sheet if necessary)

Please note: *The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

Signature:	
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Date:	18/3/24
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Cannock Chase Council:
Cannock Chase Local Plan
Representation Form



Q4. Please give details of why you consider the Cannock Chase Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Cannock Chase Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

POLICY SO5.4: MAINTAINING AND IMPROVING THE TRANSPORT SYSTEM

The second paragraph (second bullet point) of the draft policy states:

“Development proposals will...

- *Contribute towards transport infrastructure improvements that are necessary to mitigate the demonstrable impacts of the development upon the strategic and local highway network, public transport services, and cycle and footpath links within and beyond the site....”* (RPS emphasis)

Paragraph 32 of the NPPF (September 2023 version) states that:

“Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered).” (RPS emphasis)

In addition, paragraph 111 of the NPPF states:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.” (RPS emphasis)

In the context of new development and the relationship to transport, the requirement for proposals to mitigate ‘demonstrable’ impacts seeks to set a lower benchmark and thus goes beyond the scope of national policy, given the recognition that unacceptable and / or severe impacts must first be established. Similarly, the draft policy contradicts the approach under separate policies dealing with transport issues (Policy SO5.1) which refers to the ‘unacceptable impact on the highway network’. RPS contends the wording in the draft policy is not consistent with national policy, is not effective due the evident contradiction highlighted here, and so is not soundly-based. The draft policy should be modified accordingly.

(Please continue on a separate sheet if necessary)

Q5. Please set out the modification(s) you consider necessary to make the Cannock Chase Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.

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The draft policy should be modified as follows:

Cannock Chase Council:
Cannock Chase Local Plan
Representation Form



“Development proposals will...

Contribute towards transport infrastructure improvements that are necessary to mitigate the demonstrable unacceptable impacts of the development upon the strategic and local highway network, public transport services, and cycle and footpath links within and beyond the site...”

(Please continue on a separate sheet if necessary)

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Q6. If your representation is seeking a modification to the Regulation 19: Pre-Submission Draft of the Cannock Chase Local Plan, do you consider it necessary to participate in examination hearing session(s)?

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

- No, I do not wish to participate in hearing session(s)
 Yes, I wish to participate in hearing session(s)

(Please tick one box)

Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To properly represent our client and be able to respond verbally to issues raised at the hearings.

(Please continue on a separate sheet if necessary)

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Signature:		Date:	18/3/24
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Part B: Representation Form

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Part B: Representation

Name and Organisation:	Jacob Bonehill, RPS
------------------------	---------------------

Q1. To which document does this representation relate? (Please tick one box)

- Cannock Chase Local Plan 2018-2040
- Sustainability Appraisal of the Cannock Chase Local Plan 2018-2040
- Habitats Regulations Assessment of the Cannock Chase Local Plan 2018-2040

Q2. To which part of the document does this representation relate?

Para- graph:		Policy:	SO7.1	Site:		Policies Map:	
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Q3. Do you consider the Cannock Chase Local Plan is:

- A. Legally compliant Yes: No:
- B. Sound Yes: No:
- C. Compliant with the Duty to Co-operate Yes: No:
- (Please tick as appropriate).*

For office use	Part B reference	B0108K
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Cannock Chase Council:
Cannock Chase Local Plan
Representation Form



Q4. Please give details of why you consider the Cannock Chase Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

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POLICY SO7.1: PROTECTING, CONSERVING AND ENHANCING BIODIVERSITY AND GEODIVERSITY

The penultimate paragraph of the draft policy states:

“Development likely to have an adverse effect on locally designated sites (Sites of Biological Interest, Local Nature Reserves and Local Geological Sites), their features or their function as part of the ecological network, will only be supported where the benefits of the development clearly outweigh the loss, and the coherence of the ecological network is maintained. Where significant harm cannot be avoided, the mitigation hierarchy should be followed.” (RPS emphasis)

In addition, the last paragraph of the draft policy states:

“All development proposals will seek to preserve, restore and re-create priority habitats, ecological networks and the protection and recovery of priority species, taking into account the hierarchy of legal protection and whether the mitigation hierarchy has been followed. Where adverse impacts are likely, development will only be supported where the need for and benefits of the development clearly outweigh these impacts. In such cases, appropriate mitigation or compensation measures will be required.” (RPS emphasis)

Paragraph 32 of the NPPF (September 2023 version) states that:

“Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered).” (RPS emphasis)

In addition, paragraph 180a of the NPPF states, in relation to ‘biodiversity’:

“...if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;” (RPS emphasis)

Paragraph 180a provides the broad policy framework applicable to determining planning applications which could potentially affect the biodiversity of the district. This would include locally-designated sites and habitats referred to in the penultimate and last paragraphs of the draft policy quoted above. The NPPF advises here that permission should be refused in cases where the ‘significant harm’ identified cannot to be suitably avoided, mitigated or compensated.

Through the draft criteria, the Council is seeking to establish a lower threshold than allowed in national policy, based on applying ‘adverse’ impacts only and where the benefits of the development must outweigh the loss or the impacts. In line with national policy, the ‘adverse effects’ test is applicable to land designated as Sites of Special Scientific Interest (NPPF, paragraph 180b) and ‘habitat sites’ (defined under regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites) and which could include those

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sites that should be afforded to same protection as habitats sites, identified in paragraph 187 of the NPPF.

However, through the draft criteria highlighted above, the Council is seeking to apply the 'adverse' test and 'benefits' test to all sites and features with any biodiversity value, not simply those biodiversity sites specifically identified in national policy. This would represent, in effect, a 'blanket' policy that seeks to apply the same test to all biodiversity sites. This is contrary to national policy (NPPF paragraph 174a) which advises the level of protection applied to sites should be '*commensurate with their statutory status or identified quality in the development plan*'.

The use of a blanket approach to protecting biodiversity through the draft criteria highlighted above is not consistent with national policy and is not justified on any evidence base. The approach is not soundly-based, and the draft wording should be modified accordingly.

(Please continue on a separate sheet if necessary)

Q5. Please set out the modification(s) you consider necessary to make the Cannock Chase Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.

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The draft criteria should be modified as follows:

The penultimate paragraph of the draft policy states:

"Development likely to have an significant adverse effect on locally designated sites (Sites of Biological Interest, Local Nature Reserves and Local Geological Sites), their features or their function as part of the ecological network, will only be supported where the benefits of the development clearly outweigh the loss, and the coherence of the ecological network is maintained. Where significant harm cannot be avoided, the mitigation hierarchy should be followed."

And as follows:

"All development proposals will seek to preserve, restore and re-create priority habitats, ecological networks and the protection and recovery of priority species, taking into account the hierarchy of legal protection and whether the mitigation hierarchy has been followed. Where significant adverse impacts are likely, development will only be supported where the need for and benefits of the development clearly outweigh these impacts. In such cases, appropriate mitigation or compensation measures will be required."

(Please continue on a separate sheet if necessary)

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Cannock Chase Council:
Cannock Chase Local Plan
Representation Form



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Q6. If your representation is seeking a modification to the Regulation 19: Pre-Submission Draft of the Cannock Chase Local Plan, do you consider it necessary to participate in examination hearing session(s)?

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

- No, I do not wish to participate in hearing session(s)
 Yes, I wish to participate in hearing session(s)

(Please tick one box)

Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To properly represent our client and be able to respond verbally to issues raised at the hearings.

(Please continue on a separate sheet if necessary)

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Signature:		Date:	12/3/24
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Part B: Representation Form

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Part B: Representation

Name and Organisation:	Jacob Bonehill, RPS
------------------------	---------------------

Q1. To which document does this representation relate? (Please tick one box)

- Cannock Chase Local Plan 2018-2040
- Sustainability Appraisal of the Cannock Chase Local Plan 2018-2040
- Habitats Regulations Assessment of the Cannock Chase Local Plan 2018-2040

Q2. To which part of the document does this representation relate?

Para- graph:		Policy:	SO7.2	Site:		Policies Map:	
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Q3. Do you consider the Cannock Chase Local Plan is:

- A. Legally compliant Yes: No:
- B. Sound Yes: No:
- C. Compliant with the Duty to Co-operate Yes: No:
- (Please tick as appropriate).*

For office use	Part B reference	B0108L
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Q4. Please give details of why you consider the Cannock Chase Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Cannock Chase Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy SO7.2 Biodiversity Net Gain

While we are broadly supportive of much of this policy we do have some concerns with the current drafting. Specifically, the reference in the second paragraph to Neighbourhood Plans:

“Where a policy in a made Neighbourhood Plan has set a higher target, this will be applied within the applicable neighbourhood area.”

Firstly, it is a matter of both legislation and national policy that where a policy exists in a made Neighbourhood Plan, assuming that plan is considered up to date, that it forms part of the development plan for that area and such this statement is not necessary. Therefore, this statement is inefficient and unsound.

Secondly PPG Paragraph: 006 Reference ID: 74-006-20240214 states that:

““Plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified. To justify such policies they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development. Consideration will also need to be given to how the policy will be implemented.”

Noting that no evidence has been prepared to justify a high target for Biodiversity Net Gain within any particular Neighbourhood Plan area it is considered that there is no justification for reference to such a higher target. As such this wording is also considered to be unjustified and therefore unsound as drafted.

Q5. Please set out the modification(s) you consider necessary to make the Cannock Chase Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.

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Delete the following from the second paragraph:

“Where a policy in a made Neighbourhood Plan has set a higher target, this will be applied within the applicable neighbourhood area.”

(Please continue on a separate sheet if necessary)

Cannock Chase Council:
Cannock Chase Local Plan
Representation Form



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No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

(Please tick one box)

Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To properly represent our client and be able to respond verbally to issues raised at the hearings.

(Please continue on a separate sheet if necessary)

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Signature: [REDACTED]

Date: 18/3/24

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Part B: Representation

Name and Organisation:	Jacob Bonehill, RPS
------------------------	---------------------

Q1. To which document does this representation relate? (Please tick one box)

- Cannock Chase Local Plan 2018-2040
- Sustainability Appraisal of the Cannock Chase Local Plan 2018-2040
- Habitats Regulations Assessment of the Cannock Chase Local Plan 2018-2040

Q2. To which part of the document does this representation relate?

Para- graph:		Policy:	SO7.7	Site:		Policies Map:	
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Q3. Do you consider the Cannock Chase Local Plan is:

- A. Legally compliant Yes: No:
- B. Sound Yes: No:
- C. Compliant with the Duty to Co-operate Yes: No:
- (Please tick as appropriate).*

For office use	Part B reference	B0108M
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**Cannock Chase Council:
Cannock Chase Local Plan
Representation Form**



Q4. Please give details of why you consider the Cannock Chase Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Cannock Chase Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy SO7.7 Amendments to the Green Belt

This policy identifies those sites that are proposed for release from the Green Belt in the District to assist in meeting housing and employment need up to 2040. One of these sites identified for release is *Watling Street Business Park Extension, A5 (SE2)*. RPS welcomes amendments proposed to the Green Belt as part of the Plan.

RPS also note that the proposed policies map includes the removal from the Green Belt of the existing Watling Street Business Park which is welcomed.

However as set out below we have a number of concerns regarding the wording of the policy as it currently drafted.

Evidence

RPS have undertaken the appended Site Specific Green Belt Assessment for Watling Street (See Appendix O). This goes beyond the assessment undertaken by LUC in 2021, which has informed the Green Belt Topic Paper referred to in paragraph 6.331.

While RPS support the proposal to release the Watling Street Business Park site (existing business park and extension land) SE2 from the Green Belt, it is considered that the Council's evidence (2021 LUC Green Belt Assessment) on this point is limited as it only considered both the expansion land and the existing business park as part of a much larger 'outer area' as set out in the appended RPS Site Specific Green Belt Assessment.

Exceptional Circumstances

It is considered that there are Exceptional Circumstances to support the release of both the existing business park and expansion land from the Green Belt for development, including for employment development.

Briefly these include:

- Significant demand for employment floorspace
- A shortfall in the supply of employment land over the plan period without Green Belt release.
- Lack of alternative sources of supply.
- A wide range of economic benefits as set out in the accompanying Industrial and Logistics report prepared by Savills (Appendix H).
- Improved accessibility and environmental enhancement to the Green Belt arising from compensatory improvements to the remaining Green Belt.

Level of Harm

The RPS Site Specific Green Belt Assessment finds that the release of the Business Park land and Expansion Land would result in very low harm to the Green Belt, and there are considered to

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be exceptional circumstances to support Green Belt release as summarised above. On this basis not referring to the release of the existing business park site from the Green Belt is considered to be **ineffective** as it would be **inconsistent** with the proposed policies map, and **unjustified** as it would be contrary to the evidence prepared by RPS, for which no contrary evidence has been provided.

Despite being shown as no longer in the Green Belt on the proposed policies map, it is not apparent from the wording of policy SO7.7 that the existing business park at Watling Street is proposed for removal from the Green Belt by the Council. We recommend that policy SO7.7 be amended to make this point clear.

Green Belt Mitigation

The final paragraph of the policy states that:

“In all cases, appropriate mitigation will be made to compensate for the loss of Green Belt land...”
(RPS emphasis)

The draft policy then lists the six ‘mitigations’ that are required as part of the proposals for development on these sites. RPS objects on soundness grounds to this draft stipulation concerning mitigation, for the following reasons.

Firstly, national policy does not refer to ‘mitigation’ as a remedy for addressing the loss of Green Belt land. Instead, it refers to ‘*offsetting through compensatory improvements*’ (NPPF September 2023, paragraph 142). The full wording in the NPPF states:

“They [LPAs] should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.” (RPS emphasis)

In order to be consistent with national policy, the draft policy should at the very least use the same language when addressing matters specifically referred to in national policy. The current wording as drafted is ambiguous and does not align with the NPPF and so is not soundly-based.

Secondly, the draft policy states the mitigations ‘*will*’ be made in ‘*all*’ cases. As written, the draft policy is seeking to apply the six measures as ‘*mandatory*’ to all development sites regardless of the local context or particular circumstances and considerations relating to development sites where compensatory measures may be appropriate. The wording is overly restrictive and prescriptive and offers no flexibility in how individual proposals can suitably implement compensatory improvements appropriate to specific sites and adjacent locations. The wording in the NPPF is not prescriptive or mandatory, but is framed as guidance for plan-makers. Similarly, the draft wording provides a ‘shopping list’ of potential solutions, but the policy does not direct any of these to specific site allocations in the Plan.

On this basis, the draft wording is inconsistent with national policy and so is not soundly-based.

Previously developed land

We note that paragraph 142 of the NPPF (Sept 2023) includes the following sentence:

“Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed...”

While, we consider it very unlikely given our views expressed in relation to both the supply and demand for employment land set out in relation to Policy SO4.2 we note that this would apply to

Cannock Chase Council:
Cannock Chase Local Plan
Representation Form



the existing business park, and should be taken into consideration should further sources of supply be identified, or the employment land requirement for the plan be reduced.

Q5. Please set out the modification(s) you consider necessary to make the Cannock Chase Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.

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Should our representations on Policy SE2 be supported and the existing business park incorporated into policy SE2 then the word 'extension' should be deleted from the reference to SE2 in this policy.

Alternatively, a new bullet point should be added at the end of the first set of bullet points:

- Existing Employment Site Watling Street Business Park, Watling Street, Cannock;

The last paragraph should be modified as follows:

"In all cases, appropriate ~~mitigation~~ improvements will should be made to compensate for the loss of Green Belt land. This ~~would~~ may include as appropriate (but is not exhaustive)

- New or enhanced green infrastructure;
- Woodland planting;
- Landscape and visual enhancements (beyond those needed to mitigate the immediate impacts of the proposal);
- Improvements to biodiversity, habitat connectivity and natural capital;
- New or enhanced walking and cycle routes; and or
- Improved access to new, enhanced or existing recreational and playing field provision."

(Please continue on a separate sheet if necessary)

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Q6. If your representation is seeking a modification to the Regulation 19: Pre-Submission Draft of the Cannock Chase Local Plan, do you consider it necessary to participate in examination hearing session(s)?

Cannock Chase Council:
Cannock Chase Local Plan
Representation Form



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- No, I do not wish to participate in hearing session(s)
 Yes, I wish to participate in hearing session(s)
(Please tick one box)

Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

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Signature:		Date:	18/3/24
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Part B: Representation

Name and Organisation:	Jacob Bonehill, RPS
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Q1. To which document does this representation relate? (Please tick one box)

- Cannock Chase Local Plan 2018-2040
- Sustainability Appraisal of the Cannock Chase Local Plan 2018-2040
- Habitats Regulations Assessment of the Cannock Chase Local Plan 2018-2040

Q2. To which part of the document does this representation relate?

Para- graph:		Policy:	SO8.2	Site:		Policies Map:	
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Q3. Do you consider the Cannock Chase Local Plan is:

- A. Legally compliant Yes: No:
- B. Sound Yes: No:
- C. Compliant with the Duty to Co-operate Yes: No:
(Please tick as appropriate).

For office use	Part B reference	B0108N
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Cannock Chase Council:
Cannock Chase Local Plan
Representation Form



Q4. Please give details of why you consider the Cannock Chase Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Cannock Chase Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

POLICY SO8.2: ACHIEVING NET ZERO CARBON DEVELOPMENT

"All development proposals should strive to achieve the highest level of building performance and lower carbon emissions" (RPS emphasis)

The draft wording seeks to encourage development that can deliver higher performance standards and lower emissions. However, the term highest level is imprecise and should be removed. Suggest the wording should align with the latest building regulations in place at the time a planning application is determined.

In addition the next paragraph of the draft policy states:

"All major development proposals will deliver, in priority order:

- *Zero carbon emission development...etc " (RPS emphasis)*

This element of the draft policy is clearly much more prescriptive in nature, but in practical terms it would contradict the preceding criteria. It is also inconsistent with national policy which does not require or mandate the delivery of zero carbon development as a matter of principle, and so is not soundly-based. National policy encourages the '*transition to a low carbon future*' (NPPF September 2023, para 152).

Requiring Zero Carbon developments and the cascade approach of the policy with a specific local evidence base is inconsistent with national policy. The policy needs to be modified to make it sound.

(Please continue on a separate sheet if necessary)

Q5. Please set out the modification(s) you consider necessary to make the Cannock Chase Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.

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The policy should be modified .

"All development proposals should strive to achieve the ~~highest level of~~ standards set out in the latest building regulations on building performance standards for cooling, ventilation and energy use and ~~achieve~~ seek the lowest carbon emissions that can practically and viably be achieved.

All major development proposals ~~will~~ should seek to deliver, where practicable and viable, in priority order:

- Zero carbon emission development;

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- Low carbon emission development with on-site mitigation to achieve net-zero carbon emissions;
- Low carbon emission development with off-site mitigation which is within Cannock District to achieve net-zero carbon emissions;
- Low carbon emission development with compensatory contributions to an appropriate carbon offsetting fund to achieve net-zero carbon emissions.”

(Please continue on a separate sheet if necessary)

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No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

(Please tick one box)

Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To properly represent our client and be able to respond verbally to issues raised at the hearings.

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Signature:		Date:	18/3/24
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Cannock Chase Council: Cannock Chase Local Plan Representation Form



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Part B: Representation Form

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Part B: Representation

Name and Organisation:	Jacob Bonehill, RPS
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Q1. To which document does this representation relate? (Please tick one box)

- Cannock Chase Local Plan 2018-2040
- Sustainability Appraisal of the Cannock Chase Local Plan 2018-2040
- Habitats Regulations Assessment of the Cannock Chase Local Plan 2018-2040

Q2. To which part of the document does this representation relate?

Para-graph:		Policy:	SO8.3	Site:		Policies Map:	
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Q3. Do you consider the Cannock Chase Local Plan is:

- A. Legally compliant Yes: No:
- B. Sound Yes: No:
- C. Compliant with the Duty to Co-operate Yes: No:
- (Please tick as appropriate).*

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Q4. Please give details of why you consider the Cannock Chase Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

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POLICY SO8.3: SUSTAINABLE DESIGN

This draft policy is related to draft Policy SO8.2 and seeks to establish various design standards in the development plan (Housing Quality Mark, or equivalent; and BREEAM).

The 3rd paragraph of the draft policy states:

“All major development proposals must incorporate sustainable design. Applicants will be required to provide a Sustainability Statement (as part of the Design and Access Statement) to set out how the design will...

- *Incorporate, and/or link to, low and zero carbon energy and heat systems; (3rd bullet) (RPS emphasis)*

In contrast, Paragraph 9 of the NPPF (September 2023) makes clear:

“...Planning policies and decisions should play an active role in guiding development towards sustainable solutions...” (RPS emphasis)

And goes on to state at Paragraph 126:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve...” (RPS emphasis)

In this context, RPS wishes to raise an objection to this draft wording which is similar to points raised in respect to the objections to draft Policy SO8.2. The Council is seeking to apply an overtly prescriptive approach to the detailed design of development that goes beyond the scope of national policy and which has not been justified in the local circumstances. RPS contend this draft wording is not soundly-based. The draft wording needs to be modified to make it sound.

(Please continue on a separate sheet if necessary)

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helpful if you are able to put forward your suggested revised wording of any policy or text.
Please be as precise as possible.

The policy wording should be modified as follows:

~~“All major development proposals must should incorporate sustainable design. Applicants will be required to should provide a Sustainability Statement (as part of the Design and Access Statement) to set out how the design will...~~

Meet the ~~requirements~~ criteria in of Policy SO8.2: ‘Achieving Net Zero Carbon Development’”

(Please continue on a separate sheet if necessary)

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Yes, I wish to participate in hearing session(s)

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(Please continue on a separate sheet if necessary)

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Date:	18/3/24
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Part B: Representation

Name and Organisation:	Jacob Bonehill, RPS
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Q1. To which document does this representation relate? (Please tick one box)

- Cannock Chase Local Plan 2018-2040
- Sustainability Appraisal of the Cannock Chase Local Plan 2018-2040
- Habitats Regulations Assessment of the Cannock Chase Local Plan 2018-2040

Q2. To which part of the document does this representation relate?

Para- graph:		Policy:	SO8.4	Site:		Policies Map:	
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Q3. Do you consider the Cannock Chase Local Plan is:

- A. Legally compliant Yes: No:
 - B. Sound Yes: No:
 - C. Compliant with the Duty to Co-operate Yes: No:
- (Please tick as appropriate).*

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Q4. Please give details of why you consider the Cannock Chase Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Cannock Chase Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy SO8.4 Managing Flood Risk

The requirements of this policy are noted and are considered to be generally reasonable. However, we have concerns regarding the evidence base supporting this policy. In particular the Strategic Flood Risk Assessment (SFRA) has only been undertaken at Level 1. This was undertaken in 2019 and so predates more recent amendments to both the Planning Practice Guidance and the National Planning Policy Framework.

There is no specific reference to the proposed Watling Street Expansion (Site SE2) in the Level 1 SFRA, and furthermore the policy references in the SFRA are outdated, particularly with regards to climate change.

It appears that no level 2 SFRA has been undertaken, and it is therefore assumed that no Sequential Test has been undertaken to support the emerging Local Plan.

On this basis it is considered that the emerging Local Plan is **unjustified** and therefore **unsound**, as the key strategic allocations have not been sequentially tested, which contrary to the requirements of paragraph 162 of the NPPF (Sep 2023) which states:

“The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.”

To assist in addressing this gap in evidence a sequential approach to assessment has been undertaken by PJA and is appended to these representations (see appendix N) which considers the proposed development of the existing and Watling Street Business Park and the proposed expansion land (proposed for allocation under policy SE2).

This assessment finds that the site is located in flood zone 1 which is an appropriate location for less vulnerable development.

It also finds that the proportion of the site at risk of surface water flooding is low, particularly when consideration is given to the areas where built development is proposed. The site is not identified as being at risk to reservoir flooding. While the majority of the site excluding the south western corner is at a high topographical level to the canal and so is not at risk in the event of a breach of the canal to the west.

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(Please continue on a separate sheet if necessary)

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A level 2 Strategic Flood Risk Assessment should be undertaken. This should include the sequential testing of the proposed strategic allocations.

(Please continue on a separate sheet if necessary)

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No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

(Please tick one box)

Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

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Signature:	[REDACTED]
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Date:	18.03.24
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POLICY SO8.5: AVOIDING AIR, WATER, NOISE OR LIGHT POLLUTION AND SOIL CONTAMINATION

The first paragraph of the draft policy states:

“Development proposals which will cause unacceptable on-site or off-site risk or harm to human health or the natural environment (either individually or cumulatively) will not be permitted.” (RPS emphasis)

All major development proposals will:

- *Set out how any air, water, noise, light pollution or soil contamination that may arise from the development will be avoided (or, if it is not possible to avoid, set out how it will be mitigated);*
- *Set out in an Air Quality Assessment (where relevant) how they will avoid any adverse impacts on an Air Quality Management Area. If it is not possible to avoid adverse impacts, the proposals will set out how the impacts on the Air Quality Management Area will be mitigated through the implementation of measures contained within air quality action plans and transport plans, and through green infrastructure provision and enhancements, or building layout and design which will help to minimise harmful air quality impacts. “ (RPS emphasis)*

Paragraph 32 of the NPPF (September 2023 version) states that:

“Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered).” (RPS emphasis)

Paragraph 174 of the NPPF September 2023 states:

“Planning policies and decisions should contribute to and enhance the natural and local environment by:

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality...” (RPS emphasis)

In addition, paragraph 186 states:

“Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement...Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.” (RPS emphasis)

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National policy makes clear that 'significant adverse impacts' of development should be avoided, mitigated or, as a last resort, compensated. Furthermore, new development should not contribute to 'unacceptable' levels of pollution and should, where possible, help to improve air and water quality as part of development proposals.

However, the Council (through draft Policy SO8.5) is seeking to avoid 'any' level of pollution, or seeks its mitigation where it cannot be avoided. This is plainly contrary to the provisions in paragraph 180 of the NPPF, where new development should avoid 'unacceptable levels of pollution'.

Similarly, national policy advises that the presence of Air quality Management Areas (AQMAs) should be 'taken into account' in plan-making and decision-making, and opportunities to improve air quality or mitigate impacts 'should be identified'. However, the draft policy seeks to avoid 'any adverse impact' on AQMAs from new development. Again, this plainly contradicts national policy on how AQMAs should be accounted for in future proposals, and also goes beyond the provisions in paragraph 180.

Furthermore, the Council has provided no evidential basis for going beyond national policy in regards to how AQMAs are addressed through the draft policy or at the planning application stage. The draft wording in Policy SO8.5 is not consistent with national policy and is not justified. The draft wording should be modified accordingly.

(Please continue on a separate sheet if necessary)

Q5. Please set out the modification(s) you consider necessary to make the Cannock Chase Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.

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The draft criteria in Policy SO8.5 should be modified as follows:

"Set out how ~~any unacceptable levels of~~ air, water, noise, light pollution or soil contamination that may arise from the development will be avoided (or, if it is not possible to avoid, set out how it will be mitigated);

Set out in an Air Quality Assessment (where relevant) how they will avoid ~~any adverse unacceptable~~ impacts on an Air Quality Management Area. If it is not possible to avoid ~~adverse unacceptable~~ impacts, the proposals will set out how the impacts on the Air Quality Management Area will be mitigated through the implementation of measures contained within air quality action plans and transport plans, and through green infrastructure provision and enhancements, or building layout and design which will help to minimise harmful air quality impacts".

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Cannock Chase Council:
Cannock Chase Local Plan
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No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

(Please tick one box)

Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

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Signature: [REDACTED]

Date: 12/3/24

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Q4. Please give details of why you consider the Cannock Chase Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

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POLICY SO8.7: SAFEGUARDING MINERAL RESERVES

This draft policy would safeguard the extraction and working of minerals of local and national importance that exist in the District. Nonetheless, as stated in the supporting text (paragraph 6.388) planning applications for the extraction and working of mineral are determined by Staffordshire County Council who the higher tier authority with responsibility for this function.

Underpinning the decision-making process concerning planning applications that might impact on mineral safeguarding areas or minerals consultation areas, the relevant development plan is the Staffordshire Minerals Local Plan (SMLP). Policy 3 of the SMLP (Safeguarding Minerals of Local and National Importance and Important Infrastructure) defines criteria for the assessment of planning applications for non-mineral related development within Mineral Safeguarding Areas.

Consequently, RPS does not consider it necessary, as a matter principle, to include a separate policy that essentially duplicates a policy in another plan. The policy should be deleted on this basis.

If draft Policy SO.7 is to be retained in the CCLP19 and taken forward to adoption, then it should properly reflect and be consistent with this higher order policy. Policy 3 (3.2 and 3.3) of the SMLP includes exemptions from the normal application of the policy criteria (set out in Appendix 6 of the SMLP). Appendix 6 provides supporting information to Policy 3 and defines 13 specific exemption criteria with regards mineral safeguarding.

Exemption Criteria 3 under Appendix 6 of SMLP refers to:

“Applications that are in accordance with the development plan where the assessment of site options took account of potential mineral sterilisation;”

The application of this criteria is clearly relevant to those sites that have previously been assessed prior to their allocation for non-mineral development in a development plan, for example for employment development and found to be suitable for allocation, notably Watling Street Business Park Extension (under draft Policy SE2).

However, no such reference is made to this exemption (or any other exemption) in draft Policy SO8.7 but which are defined under Policy 3 of the SMLP. As drafted, Policy SO8.7 is not soundly-based as it contradicts an existing adopted policy that deals with non-mineral development within mineral safeguarding areas.

Furthermore, Policy 3 (3.3) also includes specific criteria which enables the decision-maker to approve non-mineral development within a mineral safeguarding area where it has been demonstrated that the material planning benefits of the non-mineral development would outweigh the material planning benefits of the underlying or adjacent mineral (3.3b) or it is not practicable or environmentally acceptable in the foreseeable future to extract the mineral (3.3c).

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Again, these two important and relevant considerations have not been referenced in draft Policy SO8.7. As drafted, Policy SO8.7 is not soundly-based as it contradicts an existing adopted policy that deals with non-mineral development within mineral safeguarding areas.

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RPS would recommend that draft Policy SO.7 is deleted.

If the policy is retained, RPS recommends that reference to the exemptions defined under Appendix 6 to Policy 3 of the Staffordshire Minerals Local Plan and the two criteria in Policy 3 referred to above be added to draft Policy SO8.7, to ensure adequate consistency between different planning frameworks covering the same topic.

(Please continue on a separate sheet if necessary)

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Signature:	
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Date:	18/3/24
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Part B: Representation

Name and Organisation:	Jacob Bonehill, RPS
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Q1. To which document does this representation relate? (Please tick one box)

- Cannock Chase Local Plan 2018-2040
- Sustainability Appraisal of the Cannock Chase Local Plan 2018-2040
- Habitats Regulations Assessment of the Cannock Chase Local Plan 2018-2040

Q2. To which part of the document does this representation relate?

Para- graph:		Policy:	SE2	Site:	SE2	Policies Map:	SE2
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Q3. Do you consider the Cannock Chase Local Plan is:

- A. Legally compliant Yes: No:
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- C. Compliant with the Duty to Co-operate Yes: No:
- (Please tick as appropriate).*

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Q4. Please give details of why you consider the Cannock Chase Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

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Policy SE2: Watling Street Business Park Extension

The following response raises a number of soundness concerns relating to the draft policy wording and supporting text. The submission is accompanied by a number of technical reports to support the suitability and deliverability of the policy, which are listed at the bottom and which are also appended to this submission. The response follows the structure and order of the policy and supporting wording as set out in the Regulation 19 Plan. In addition, there may be other minor, 'consequential' modifications that are included in the suggested modifications (Q5 below). Due to their significance, these modifications may not be specifically referred to under the matters of soundness set out in this question but which nonetheless are intended to aid the reading of the policy.

RPS would welcome further engagement with the Council on the matters raised in this submission, with a view to preparing a Statement of Common Ground which then would be submitted as part of the examination process. As the start of that process these representations also set out areas of agreement where St Modwen are supportive of the proposed policy as worded.

Site Area

As set out below it is considered that the site area is comprise of the existing business park, the expansion land and the existing pond to the east. The overall site area for this is around 15.5 ha.

Net Developable Area

The net developable area quoted is incorrect. The expansion land has a gross area of 8.99 ha and a net developable area of 7.36 ha. As the existing employment park is already developed it does not make any direct contribution to the net developable area, but as set out in Appendix A its redevelopment will provide a further circa 7,000 sqm of high quality industrial and logistics space, replacing the existing units on site that have reached the end of their economic life and do not provide the energy efficiency / sustainability measures that proposed Government legislation could require.

Description of Site and Site Boundary

The Description of the Site in the introductory text before the main policy wording states:

"The proposed allocation comprises 50,000sqm of industrial and logistics floorspace (Use Classes E(g)(iii), B2 and B8. This will comprise redevelopment of the existing site (with the retention of two existing employment units on the existing employment site)."

However, the existing business park is not included within the Site Boundary. Furthermore, as worded this section could be interpreted as implying either that 50,000sqm will be achieved on the Site Boundary as currently proposed, or that it will be achieved through the redevelopment of the existing site. This is unclear, and **unjustified** given that as shown in the accompanying vision document (Appendix A) that just over 50,000 sqm is only achievable with the partial redevelopment of the existing business park and the additional expansion land. We suggest that the site boundary should be amended to reflect the red line boundary shown on Appendix B.

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It is recommended that this introductory text is also amended to address this point. In addition, as set out below in relation to the first paragraph of the policy wording the imposition of an up to or, as in this case, a specific figure for the floorspace is **not justified**, and this introductory text should be amended as a consequential change.

We also consider the reference to the retention of the two existing employment units to be unjustified. While for the purposes of the current emerging proposals it has been assumed that these units will be retained this is due to some of the existing tenancies being on long leases. Should the tenants leave earlier than currently envisaged the redevelopment of these units could be included as part of the wider scheme. I. As such seeking their retention would be **inefficient, unjustified and therefore unsound**.

Given the above we proposed amending the description of development as follows:

“The proposed allocation comprises around 50,000sqm of industrial and logistics floorspace (Use Classes E(g)(iii), B2 and B8. This will ~~comprise~~ include redevelopment of the existing site (with the retention of two existing employment units on the existing employment site) and new development on land within the wider allocation. Should the retained units become available their redevelopment will be supported over and above the around 50,000sqm floorspace.”

We also note the references in the second paragraph in this section to BNG and various sustainability standards. While St Modwen are broadly supportive of these requirements, we suggest that in relation to the wording should be amended as follows to ensure clarity:

“The proposed site will provide a minimum of 10% Biodiversity Net Gain through a mix of on and off site provision. In regards to Sustainability, a minimum of 20% of car parking spaces will be for EV Charging, with all units meeting the EPC A rating, with associated PV charging points and SuDS.”

First paragraph – quantum of development

The first paragraph of the draft policy states:

“Land to the south of the existing Watling Street Business Park, shown as SE2 on the Policies Map, is allocated for employment floorspace up to 50,000sqm.” (RPS emphasis)

Both the supporting text to the policy (Reg 19 Plan, page 189) and the Employment Topic Paper (December 2023) acknowledge that site SE2 is a strategic employment allocation. This is also confirmed in the notation for the site as shown on the draft policies map. Furthermore, evidence submitted by RPS in separate representations to draft Policy SO4.2 indicates a shortfall in employment land provision to meet the employment requirement over the plan period.

On this basis, and given the strategic importance of the site to meeting the future employment needs of the district, RPS objects to the cap on new employment floorspace (up to 50,000 sqm) proposed under this policy. No clear evidence is provided to demonstrate that such a limit is justified on this site. Information submitted based on the emerging illustrative masterplan set out in the promotional document appended to this submission (Appendix A) shows that the overall indicative layout, including the land within the existing business park, is capable of delivering slightly more than 50,000 sqm of additional floorspace.

As a consequence, the reference to ‘up to 50,000’ is not justified and runs a counter to the wider economic objectives of the Plan and does not reflect the ongoing shortfall in employment land provision in the district. It is not soundly-based. The wording should be amended as follows:

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“Land to the south of the ~~The~~ existing Watling Street Business Park and land to the south, shown as SE2 on the Policies Map, is allocated for employment floorspace of ~~up to~~ around 50,000sqm. Should the retained units become available their redevelopment will be supported over and above the around 50,000sqm floorspace.”

Second paragraph – sustainability

St Modwen have a strong track record of delivering sustainable development and are supportive of this section of the policy. The scheme has been designed to meet St. Modwen’s ‘Swan Standard’ and Energy Code which set out St. Modwen Logistics’ design guidelines for all of their developments to ensure they’re delivering the most high-quality and sustainable schemes.

A significant part of the proposed development works is to demolish some of the poorest performing (with respect to carbon emission) building stock on the estate and replace with new high-quality and sustainable buildings.

The proposed development will seek to achieve BREEAM ‘Excellent’. The new buildings will not only comply with but exceed the minimum energy efficiency requirements set out in Part L2A of the Building Regulations.

St. Modwen Logistics propose to significantly reduce energy usage and associated carbon emissions by adopting a ‘fabric first’ approach. This means going beyond the limiting values set out in Approved Document L 2021 Conservation of fuel and power in new buildings other than dwellings by using building materials to improve thermal insulation, to increase the air-tightness of the building and to maximise use of natural light and beneficial solar gains.

A Sustainability Report is appended to these submissions that provides further detail (Appendix C)

Third Paragraph – Vehicular Access

St Modwen are not supportive of the proposed wording. It is considered that at this stage the restriction to a specific access solution is overly restrictive and **unjustified**. It is considered that it has been demonstrated that a suitable access can be provided, but the specific form that the access takes should be considered when more detail is available as part of a future planning application and following engagement with National Highways. See Appendix D for further information. Accordingly, it is suggested that the wording should be amended as follows:

“Vehicular access will be via the existing access onto the A5. ~~The existing access will however be amended to only allow entry and exit from the westbound carriageway of the A5.~~”

Fourth paragraph

The requirements of this section are broadly supported. As set out in relation to the earlier description of development we do however suggest the following amendment for clarity:

“Vehicle parking will be provided as an integral part of the scheme, with provision for a minimum of 20% of the car parking spaces for electric vehicle charging and generous planting to limit impact on visual amenity and ameliorate impact on climate change.”

Fifth paragraph

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The requirements of this paragraph are supported. As set out on pages 26 and 27 of the vision document a package of potential sustainable transport measures have been identified including:

- Providing a potential access to the canal towpath to the west of the site;
- Potential improvements to the canal towpath surfacing (subject to discussions with the Canal and Rivers Trust);
- New footways and a pedestrian crossing on the B4154 in Norton Canes;
- Potential direct access from the site to the service station; and
- Potential improvements to Public Rights of Way in the surrounding area (new gates, stiles, improved surfacing etc).

Sixth paragraph

The requirements of this section are supported. Using the latest DEFRA Metric calculator a minimum net gain in excess of 10% for biodiversity can be achieved on site with the emerging scheme layout.

Furthermore, an updated Ecological Assessment is submitted alongside these representations (Appendix E), and surveys will be updated as appropriate in advance of any planning application.

Seventh paragraph

The 7th paragraph of the draft policy states:

“In accordance with national planning guidance, the impact of removing land from the Green Belt should be offset compensatory improvements to the environmental quality and accessibility of the remaining Green Belt land.”

In order to facilitate the development ascribed to the policy, the land must first be released from the Green Belt. For the expansion land this has been resolved through draft Policy SO7.7 (Green Belt). RPS welcomes and supports this. RPS also notes that the proposed policies map indicates that both the expansion land and existing Business Park are to be removed from the Green Belt.

Nonetheless, the development of site SE2 is inherently linked to the redevelopment of land within the boundary of Watling Street Business Park (a brownfield site). Adopted Local Plan Policy CP8 supports proposals for redevelopment of employment sites located within the existing Green Belt, including Watling Street Business Park. However, draft Policy SO4.3 does not include such provisions and it is assumed that the adopted policy will be superseded. The two land parcels (existing business park and extension land) are intended to come forward together through a single, comprehensive development proposal. To leave part of the total land area within Green Belt, and part outside it, is illogical and would result in an inconsistent policy framework that could ultimately delay progress in bring forward the site. For the reasons above, the Plan is not soundly-based (not effective) unless a modification is made. In this context, RPS recommends that the existing business park should be released from the Green Belt. RPS notes that the policies map indicates that this is the case and has also recommended an amendment to policy SO7.7 accordingly.

Furthermore, consequential to the proposed modification to incorporate the existing pond into the site allocation boundary (set out below) is the need to remove the pond from the Green Belt. As detailed below, incorporating the pond into the site allocation will enable the delivery of part of the SUDs strategy required under the policy. The Green Belt Assessment appended to this submission demonstrates that the release of the pond would not comprise the wider purpose of the Green Belt in this part of the district. These are clearly site-specific exceptional circumstances that justify releasing of the pond from the Green Belt. The Reg 19 Plan as drafted does not propose this release. For the reasons above, the Plan is not soundly-based (not effective) unless this modification is made. On this basis, RPS recommends that

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the area of Green Belt that encompasses the existing pond is released through the main modifications process.

8th paragraph

The importance of a landscaping strategy is recognised. A Landscape Appraisal of the site has been prepared by FPCR and is appended to this submission (Appendix F).

With regards to drainage the second sentence of the 8th paragraph states:

“The development will incorporate new or enhanced attenuation ponds and SuDS features to provide suitable drainage systems on the site, subject to the findings of a site-specific flood risk assessment.” (RPS emphasis)

The draft criteria would require ‘*new or enhanced attenuation ponds and SuDS features*’ to be provided as part of the drainage strategy in order to achieve a policy-compliant development on the site. However, as currently drawn, the draft allocation boundary shown on the policies map and the concept diagram under the draft policy currently excludes the existing pond which lies to the east of the existing business park and the proposed allocation site. Whilst the reasons for excluding the pond are understood from an employment development perspective, it is difficult to see how new or enhancement of existing SuDS features can be implemented without incorporating the existing pond. As currently drafted, the draft policy is not effective and so is not soundly-based.

Based on the above, RPS is broadly supportive of the proposed allocation boundary, but contends that this modification to incorporate the existing pond (and remove it from the Green Belt) is required to ensure the policy can be complied with on adoption of the Plan in order to make the policy effective.

9th Paragraph

We are broadly supportive of this section of the policy. Appended to these representations is an ‘Information for Habitats Regulation Assessment’ prepared in 2023 as well as a covering letter providing an update following further work undertaken since then (see Appendices G and H) to assist the Council with meeting their obligations under the Habitats Regulations.

10th Paragraph

It is anticipated that the proposed development will create more than 50 full time equivalent jobs during both the construction and operation stages as set out in Appendix I. Accordingly St Modwen would welcome discussions with the Council on the form and format of the proposed Employment and Skills Plan.

Additional Supporting Information

A number of supporting technical documents have been prepared in support of the proposed allocation and development at Watling Street Business Park which are referred to above, including:

- Appendix A – Watling Street Business Park Vision Document
- Appendix B – Red line boundary
- Appendix C – Sustainability Report
- Appendix D - Transport Technical Appraisal
- Appendix E - Ecological Assessment
- Appendix F – Landscape Appraisal
- Appendix G – Information for Habitats Regulation Assessment
- Appendix H – HRA Letter

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- Appendix I - Office and Industrial & Logistics (I&L) Needs Assessment – Addendum Update

In addition, the following documents which are not expressly referred to in relation to this policy, but form part of the wider supporting evidence for the proposed allocation, are also being submitted in response to other proposed policies:

- Appendix J – Employment Land Supply Assessment
- Appendix K – Air Quality Note
- Appendix L – Noise Assessment
- Appendix M – Cultural Heritage Desk Based Assessment
- Appendix N – Sequential Assessment
- Appendix O – Arboricultural Assessment
- Appendix P – Site Specific Green Belt Assessment

(Please continue on a separate sheet if necessary)

Q5. Please set out the modification(s) you consider necessary to make the Cannock Chase Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.

Please note that non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why each modification will make the Regulation 19: Pre-Submission Draft of the Cannock Chase Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Remove the word “Extension” from the policy name.

The wording of the first paragraph should be amended as follows:

~~“Land to the south of the existing Watling Street Business Park and land to the south, shown as SE2 on the Policies Map, is allocated for employment floorspace of around up to 50,000sqm. Should the retained units become available their redevelopment will be supported over and above the around 50,000sqm floorspace.”~~

The wording of the third paragraph should be amended as follows:

~~“Vehicular access will be via the existing access onto the A5. The existing access will however be amended to only allow entry and exit from the westbound carriageway of the A5.”~~

The wording of the fourth paragraph should be amended as follows:

“Vehicle parking will be provided as an integral part of the scheme, with provision for a minimum of 20% of the car parking spaces for electric vehicle charging and generous planting to limit impact on visual amenity and ameliorate impact on climate change.”

Other modifications

Remove the word extension from the first line on page 189 as labelled to reflect inclusion of existing business park.

Site area – amend to 15.5 ha

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Net developable area – amend to 7.36 ha

Amend the site description as follows:

“The proposed allocation comprises around 50,000sqm of industrial and logistics floorspace (Use Classes E(g)(iii), B2 and B8. This will ~~comprise~~ include redevelopment of the existing site (with the retention of two Existing employment units on the existing employment site) and new development on land within the wider allocation. Should the retained units become available their redevelopment will be supported over and above the around 50,000sqm floorspace.”

The proposed site will provide a minimum of 10% Biodiversity Net Gain through a mix of on and off site provision. In regards to Sustainability, a minimum of 20% of car parking spaces will be for EV Charging, with all units meeting the EPC A rating, with associated PV charging points and SuDS.”

Release the existing pond from the Green Belt and as a result modify the policies map to include the area that comprises the existing pond adjacent to the eastern boundary of the proposed site allocation and existing business park – see red line boundary Appendix BA showing the extent of the proposed site boundary.

For consistency, modify the draft concept diagram (on page 91 of the Reg 19 pre-submission Plan) to include the area that comprises the existing pond adjacent to the eastern boundary of the proposed site allocation and the existing business park in the Site Boundary. See red line boundary Appendix B showing the extent of the proposed site boundary.

(Please continue on a separate sheet if necessary)

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues they identify for examination.

Q6. If your representation is seeking a modification to the Regulation 19: Pre-Submission Draft of the Cannock Chase Local Plan, do you consider it necessary to participate in examination hearing session(s)?

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

(Please tick one box)

Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

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To properly represent our client and be able to respond verbally to issues raised at the hearings.

(Please continue on a separate sheet if necessary)

Please note: *The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

Signature:		Date:	18/3/24
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Q4. Please give details of why you consider the Cannock Chase Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Cannock Chase Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

**Cannock Chase Local Plan Integrated Impact assessment (IIA)
including Sustainability Appraisal**

Planning and Legal Framework for Sustainability Appraisal

Section 19 (5) of the Planning and Compulsory Purchase Act 2004 (the Act) requires a local planning authority to carry out Sustainability Appraisal (SA) of each of the proposals in a plan during its preparation. This is reflected in the National Planning Policy Framework (NPPF September 2023, paragraph 32) which identifies the need for local plans to be informed throughout their preparation by a Sustainability Appraisal that meets the relevant legal requirements.

Footnote 19 to paragraph 32 of the NPPF establishes that the relevant legal requirement in undertaking SA refers to the need for Strategic Environmental Assessment ('SEA'). SEA is a requirement of the Environmental Assessment of Plans and Programmes Regulations 2004. A key output from the SEA process is the preparation of an 'environment report' under Regulation 12 of the regulations, and forms an integral part of the wider SA process.

Advice on preparing SA to support local plans, and which incorporates the requirements for SEA is provided in separate Planning Practice Guidance on the subject (ID: 11-001 to 11-047). This follows now very well established tried and tested case law on the subject, such as *Cogent Land*¹ and *Historic Newmarket*² (along with many other relevant decisions).

Notably, the environment report must identify, describe and evaluate the likely significant effects on the environment of implementing the plan policies and of the reasonable alternatives (Regulation 12 (2)), taking into account the objectives and geographical scope of the plan, as well as record the wider assessment of social and economic effects (PPG ID: 11-019). It is critical that in order to ensure the SA process is open and transparent reasonable alternatives are identified and appraised on a fair and consistent basis. This covers the appraisal that informs the emerging spatial strategy, as well as potential site allocations.

In line with the regulations, the Pre-submission Reg 19 Plan is supported by a draft sustainability appraisal (SA)³. Amongst other things, the SA considers the sustainability implications with respect to the draft spatial strategy and reasonable alternatives, options for development across Cannock Chase district, and options for housing and employment site allocations.

Furthermore, national policy makes clear that as part of the test of soundness all plans must be justified, taking into account *the reasonable alternatives and based on proportionate evidence*⁴.

The SA is deficient in terms of treatment of reasonable alternatives

Consideration of employment growth options

¹ Cogent Land LLP v Rochford District Council [2012] EWHC 2542

² Save Historic Newmarket v Forest Heath District Council [2011] EWHC 606 (Admin) (25 March 2011)

³ Integrated Impact Assessment of the Cannock Chase Local Plan: Pre-Submission Sustainability Appraisal Report incorporating Health Impact Assessment Cannock Chase District Council Draft report Prepared by LUC February 2024

⁴ NPPF September 2023, paragraph 35b

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Appendix G presents the appraisal findings for the policy options the Council considered for inclusion in the Pre-Submission Reg 19 Plan, including those for scale and distribution of employment growth in the District.

Firstly, the SA has appraised draft Policy SO4.2 (and the preference for up to 74 hectares of employment land to be provided for in the Plan) which is underpinned by employment growth scenario 1 (Experia Baseline). However, there is no appraisal of the other seven growth scenarios, which include two higher growth options (Scenarios 2 and 8) but which were not taken forward in the Reg 19 Plan. Furthermore, the SA does not provide any reasoning for the rejection of those other scenarios.

Secondly, Appendix G63-G75 provides a commentary on the appraisal process relating to employment growth distribution options. The SA has appraised five options:

- A. Urban areas- use sites already identified for employment developments within the urban areas and explore opportunities for further supply on urban sites.
 - B1. Urban Areas and employment-led/mixed use redevelopment of former Rugeley Power Station
 - B2. Urban Areas and housing-led redevelopment of former Rugeley Power Station
 - C1. In combination with the options for the Urban Areas and former Rugeley Power Station consider Green Belt sites. Prioritise extensions to Kingswood Lakeside followed by extensions to other existing employment sites.
 - C2. In combination with the options for the Urban Areas and former Rugeley Power Station consider all Green Belt site options across the District with no prioritisation to Kingswood Lakeside.

The SA has appraised options that would focus employment growth within existing urban areas, at the former Rugeley Power Station, and through extensions to Kingswood Lakeside. This is supported. However, the SA has not appraised options that consider locations outside the existing urban areas, but which make a valuable contribution towards the employment base within the district. This would draw in business parks with good transport connectivity, notably locations along the A5 corridor (outside the AQMA). These locations for employment would accord with national policy (NPPF 2023 paras 81, 83 and 110d). Similarly, the SA does not appraise options that would offer opportunity for intensification of employment floorspace in these locations, which would represent a wholly sensible and logical option to meeting local employment needs. RPS contends these options constitute reasonable alternatives that should be considered in the SA.

The SA does not adequately consider options for the scale and distribution of employment growth to meet future employment demand in the district. The SA does not present any reasons for rejecting certain growth options (scenarios). Similarly, the SA is currently deficient with regards to consideration of reasonable employment distribution alternatives. The SA is not soundly-based and is arguably not legally compliant.

Matters relating to site-specific aspects of the SA

Table 5.22 of the SA sets out the summary of the appraisal for Policy SE2 (Watling Street Business Park Extension).

SA objective 1: biodiversity and geodiversity

According to the SA, Policy SE2 scores 'significant negative/uncertain' pre-mitigation and 'minor negative/uncertain' (-?) post-mitigation against this objective.

Paragraph 5.293 of the SA states:

"The site's proximity to the Cannock Extension Canal SAC as well as a number of SBIs (including Wyrley Common, Watling Street and the rough grassland south of A5) is reflected in the uncertain significant negative effect previously identified for the site in relation to SA objective 1: biodiversity and geodiversity. The

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requirements of the policy include the achievement of at least 10% biodiversity net gain as well as the undertaking of an ecological impact assessment and a HRA in relation to the Cannock Extension Canal SAC with development specifically required to address the potential for impacts on water quality relating to this designated site. Therefore, the effect is updated to a minor negative uncertain effect." (RPS emphasis)

Draft Policy SE2 includes specific criteria that should ensure there is 'no adverse impact on the water quality of the Cannock Extension Canal SAC to be determined through a site-specific HRA, and the requirement for an ecological assessment will address any potential impacts on the SBIs. The policy criteria provide sufficient comfort that any layout proposed through SE2 will not result in adverse impact on these features. Planning permission is unlikely to be forthcoming without adequate measures in place to address any potential impacts. The appraisal has not adequately taken into account the effect of these policy requirements once they are implemented. The conclusion that the effects are 'uncertain minor negative' in the appraisal is not justified and so it is not soundly-based.

Furthermore, an updated Ecological Assessment and Habitats Regulations Assessment (HRA) for site SE2 has prepared by Ecology Solutions Ltd, which are appended to the submissions to draft Policy SE2 (see appendices E, G and H). The HRA assessment work demonstrates that the development of Land off Watling Street, Cannock would not be likely to result in any potential significant effects on European Sites, and therefore the Site can be safely allocated for development in the Local Plan (HRA, para 4.99) and that, even on a precautionary basis, the redevelopment and expansion of this site would not breach the legislative provision or the strict legal tests set out by case law (HRA letter, page 2). Similarly, the ecological assessment concludes (para 7.25) there is no evidence to suggest there would be any overriding ecological constraints which would prevent the delivery of an appropriately designed development at the Site.

Based on the foregoing analysis, RPS recommends the actual impacts are likely to be 'negligible or no effect' (0) once the necessary assessment work and appropriate mitigations are determined and agreed prior to consent being issued. Given this process has yet to complete, RPS accepts that some uncertainty remains, and so an 'uncertain' (?) score is appropriate.

(Please continue on a separate sheet if necessary)

Q5. Please set out the modification(s) you consider necessary to make the Cannock Chase Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.

Please note that non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why each modification will make the Regulation 19: Pre-Submission Draft of the Cannock Chase Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The SA should be revisited and modified to address the deficiencies regarding treatment of reasonable alternatives. Once these errors have been rectified, the Council should re-issue to SA for consultation in accordance with the regulations governing the preparation of SA.

The appraisal finding for SA Objective 1: Biodiversity and Geodiversity (Table 5.22 of the SA) against Policy SE2 should be modified to 'uncertain negligible or no effect' (0/?).

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Representation Form



(Please continue on a separate sheet if necessary)

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues they identify for examination.

Q6. If your representation is seeking a modification to the Regulation 19: Pre-Submission Draft of the Cannock Chase Local Plan, do you consider it necessary to participate in examination hearing session(s)?

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

(Please tick one box)

Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To properly represent our client and be able to respond verbally to issues raised at the hearings.

(Please continue on a separate sheet if necessary)

Please note: The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Signature: [REDACTED]

Date: 18/3/24

Making a representation: We cannot accept anonymous representations. You must provide your contact details but only your name and comments will be published on the website. Your personal data will be held securely and processed in line with our privacy notice www.cannockchasedc.gov.uk/privacynotices. Once the plan is submitted your comments will be shared with the Planning Inspectorate and an independent inspector will review representations. You have the right to withdraw your representation and your data will be destroyed. Data will only be held until adoption of the Cannock Chase Local Plan.

Part B: Representation Form

Please complete a separate **Part B Representation Form** (this part) for each representation that you would like to make. One **Part A Representation Form** must be enclosed with your **Part B Representation Form(s)**. We have also published a separate **Guidance Note** to explain the terms used and to assist in making effective representations.

Part B: Representation

Name and Organisation:	Jacob Bonehill, RPS
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Q1. To which document does this representation relate? (Please tick one box)

- Cannock Chase Local Plan 2018-2040
- Sustainability Appraisal of the Cannock Chase Local Plan 2018-2040
- Habitats Regulations Assessment of the Cannock Chase Local Plan 2018-2040

Q2. To which part of the document does this representation relate?

Para-graph:	Delivery (Ch. 7)	Policy:	IDP	Site:		Policies Map:	
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Q3. Do you consider the Cannock Chase Local Plan is:

- A. Legally compliant Yes: No:
- B. Sound Yes: No:
- C. Compliant with the Duty to Co-operate Yes: No:
- (Please tick as appropriate).*

For office use	Part B reference	B0108U
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Q4. Please give details of why you consider the Cannock Chase Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Cannock Chase Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Delivery / Infrastructure Delivery Plan (IDP)

Chapter 7 of the Reg 19 Plan briefly outlines the overall approach to managing delivery of the policies will be achieved through “...*pro active management and the co-ordinated investment of private and public resources.*”

With regards to the infrastructure provision needed to support delivery of the Plan, this will be achieved through the *Cannock Chase Local Plan (2018-2040) Infrastructure Delivery Plan 2023 (IDP)* by:

“Assessing the needs for infrastructure and investment to enable delivery; Co-ordinating the delivery of infrastructure and investment; Identifying risks to delivery of infrastructure and investment, and contingencies to deal with those risks.”

This overarching approach broadly accords with national policy to help build a strong, responsive and competitive economy (NPPF September 2023, paragraph 8) and seeks to align growth and infrastructure (paragraph 11a). Nonetheless, national policy also makes clear the need to ensure that infrastructure policies that set out the type of provision required ‘should not undermine the deliverability of the plan’ (paragraph 34).

Lack of clarity with regards to potential infrastructure demands on industrial allocation sites

In this context, the IDP identifies the ‘*Churchbridge A5/M6T/A460/A34 junction*’ project as one piece of transport infrastructure, involving improvements to the existing junction. In addition, the IDP identifies the ‘*A5 Corridor improvements*’ project, also involving highway and junction improvements to reduce congestion, improve safety and reduce air pollution. This would support the long-term ambition to achieve ‘Expressway’ status through phased improvements to A5 corridor route.

Whilst much of the detail around funding sources and phasing remain to be determined, both these schemes are likely to seek developer contributions from development sites in their vicinity. For example, the IDP estimates that £175,000 will be needed from a ‘*Norton Canes scheme*’. However, the IDP does not specify which site or proposal would trigger such contributions. Similarly, the A5 Corridor proposal does not specify that developer contributions will be needed from nearby sites, but equally does not rule them out as being potentially necessary at some point during the plan period.

These are clear examples of a lack of clarity in the IDP, and thus the Plan, regarding potential funding demands that might be sought from development proposals relating to allocated sites located along the A5 corridor; this includes Watling Street Business Park Extension (Policy SE2) situated south of Norton Canes which is allocated Class B2/B8 uses and which is located relatively close to Norton Canes. The Council’s own viability evidence, set out in the *Local plan and CIL Viability Assessment August 2022* (prepared by Aspinall Verdi) highlights that (at paragraph 9.11):

“The viability of industrial developments remains challenging and dependent upon covenant strength, location, land acquisition price, site specific constraints and driving construction costs down. We would therefore not recommend applying a CIL industrial development as this would simply add cost to development which could undermine delivery.” (RPS emphasis)

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The viability of commercial/B class development is also likely to have been further impacted by recent increases in interest rates and the cooling in construction activity, encompassing the period since the publication date of the Council's viability evidence.

The draft policy SE2 does not reflect on these issues regarding viability and so future demands for contributions towards the schemes highlighted above could undermine the deliverability of the policy. As drafted, Policy SE2 is not effective.

The viability issues affecting industrial development highlighted in the Council's own evidence should be properly reflected in the site-specific policy (SE2) for the Watling Street allocation. Furthermore, the IDP should be modified to clarify that sites allocated for B2/B8 use along the A5 corridor, notably Watling Street Business Park Extension, should be exempt from making specific contributions to these schemes.

(Please continue on a separate sheet if necessary)

Q5. Please set out the modification(s) you consider necessary to make the Cannock Chase Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.

Please note that non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why each modification will make the Regulation 19: Pre-Submission Draft of the Cannock Chase Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Insert the following text into the two entries under 'Physical Infrastructure – Transport' (7 and 8) in the IDP, (in the 'Other Comments' box) as follows:

"Viability issues likely to impact on potential for CIL / developer contributions from industrial / class B developments along the A5 corridor."

Insert the following wording into draft Policy SE2:

"Proposals on this site will be exempt from CIL / developer contributions towards strategic transport infrastructure projects in the vicinity of the site. Any potential developer contributions will be subject to viability testing at the planning application stage".

(Please continue on a separate sheet if necessary)

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues they identify for examination.

Q6. If your representation is seeking a modification to the Regulation 19: Pre-Submission Draft of the Cannock Chase Local Plan, do you consider it necessary to participate in examination hearing session(s)?

**Cannock Chase Council:
Cannock Chase Local Plan
Representation Form**



Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.


- No, I do not wish to participate in hearing session(s)
 Yes, I wish to participate in hearing session(s)
(Please tick one box)

Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To properly represent our client and be able to respond verbally to issues raised at the hearings.

(Please continue on a separate sheet if necessary)

Please note: The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Signature:		Date:	18/3/24
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