

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



Name of the Local Plan to which this representation relates:

Cannock Chase Local Plan

Please return to:

planningpolicy@cannockchasedc.gov.uk or:
Planning Policy, Cannock Chase Council, Civic Centre, PO Box 28,
Beecroft road, Cannock, Staffordshire, WS11 1BG

Please return by:

5:00pm on Monday 18 March 2024 (late forms will not be accepted)

Part A: Personal Details

	1. Personal Details*	2. Agent's Details (if applicable)*
	*If an agent is appointed, please provide client Title, First Name, Last Name, Organisation (if applicable) and Post Town in column 1 and provide full contact details for the agent in column 2.	
Title		Mr
First Name		David
Last Name		Onions
Post Town		
Organisation (where relevant)	Richborough	Pegasus Group
Address Line 1		[REDACTED]
Address Line 2		
Address Line 3		
Post Code		
Telephone Number		
E-mail Address		

Do you consent to be notified about progress of the Cannock Chase Local Plan?

Yes No

Notifications: If you consent to be notified about progress on the Local Plan your details will be added to the consultation database. Your personal data will be held securely and processed in line with our privacy notice www.cannockchasedc.gov.uk/privacynotices. Contact will be limited to information regarding planning policy and your data will not be shared. You may unsubscribe at any time by email or writing to us using the details on this form. Data will only be held until adoption of the Cannock Chase Local Plan.

For Office Use	Part A Reference	
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Cannock Chase Council:
Cannock Chase Local Plan
Representation Form



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:	Richborough
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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?

See attached written representation.

Para-graph:	Para 4.1 District Profile, Strategic Objectives Spatial Strategy Para 4.11 Para 6.24 Para 6.105 Para 6.272 Para 6.332	Policy:	Strategic Objective 1 SO1.1 SO1.2 Strategic Objective 2 SO2.1 SO2.2 SO2.3 SO2.4 SO2.5 Strategic Objective 3 SO3.1 SO3.2 SO3.3 Strategic Objective 5 SO5.1	Site:		Policies Map:	
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		SO5.2 SO5.3 SO5.4 SO5.6 SO5.7 Strategic Objective 7 SO7.1 SO7.2 SO7.3 SO7.6 SO7.7 SO7.8 Strategic Objective 8 SO8.1 SO8.2 SO8.3 SO8.4 SO8.5 SO8.6				
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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	
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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.

See attached accompanying representations.

Richborough support the Local Plan Review and whilst the Plan is currently unsound, can be made sound subject to the various modifications identified within these representations.

(Please continue on a separate sheet if necessary)

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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.

See attached accompanying representations.

Richborough support the Local Plan Review and whilst the Plan is currently unsound, can be made sound subject to the various modifications identified within these representations.

(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)

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

Richborough support the Local Plan Review and whilst the Plan is currently unsound, can be made sound subject to the various modifications identified within these representations.

There is a requirement to consider further housing need for both the district and the wider GBBCHMA. There are clear exceptional circumstances based on the housing evidence available to release additional Green Belt sites to meet the district's housing requirements along with wider HMA's housing need over the Plan period. Land south of Main Road, Brereton, provides the opportunity to deliver high quality sustainable residential development through Green Belt release, which is available now to meet immediate housing need.

Pegasus Group on behalf of Richborough therefore request to participate in the Hearing Sessions for the Local Plan Examination.

(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:	14.03.24
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Cannock Chase District Council

Pre-Submission (Regulation 19) Consultation

Land south of Main Road, Brereton, Rugeley

On behalf of Richborough

Date: 15 March 2024 | Pegasus Ref: P21-1108

Author: KLB/DO



Document Management.

Version	Date	Author	Checked/ Approved by:	Reason for revision
01	08.03.24	KLB	DO	
02	12.03.24	KLB	-	Client comments
03	13.03.24	KLB	-	Client comments
04	15.03.24	KLB	-	Client comments



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1. Introduction

- 1.1. These representations respond to the 'Pre Submission (Regulation 19)' consultation document for the Cannock Chase Local Plan Review and accompanying published evidence, having regard to the national and local planning policy context. These representations are made by Pegasus Group on behalf of Richborough, relating to the site our client has a legal interest in, known as '*Land south of Main Road, Brereton*' (the 'Site'). The 'Site' is indicated on the enclosed Site Location Plan at **Appendix 1**.

Representations

- 1.2. The consultation is progressed under 'Regulation 19' of the Town and Country Planning (Local Planning) (England) Regulations 2012 and this representation relates to '*Land south of Main Road, Brereton*' which Richborough is promoting for residential development. The site is identified within the SHLAA 2023 as Site Reference R28 (Land at Springs Farm, Brereton).
- 1.3. In support of the promotion of the Site, an Illustrative Masterplan has been prepared, which is appended to this submission (**Appendix 2**).
- 1.4. These representations respond to the following documents:
- Cannock Chase Local Plan Review – Pre Submission Document (Regulation 19), December 2023 (Published February 2024)
 - Cannock Chase Duty to Co-operate Statement of Compliance
 - Local Plan Reg 19 Integrated Impact Assessment inc SA & HIA February 2024
 - Viability Assessment (2022);
 - Cannock Chase Local Plan Site Selection Methodology (July 2023)
 - Development Capacity Study (September 2023)
 - Five Ways transport Modelling and Air Quality Impact (2022)
 - Air Quality Assessment Five Ways Island Local Plan Modelling (February 2023)
 - Revised Five Ways Modelling Analysis – Lower Housing Numbers (October 2022)
 - Infrastructure Delivery Plan (2023)
 - Green Belt Topic Paper (2023)
 - Cannock Chase Green Belt Study (2016)
 - Housing Needs Assessment (January 2024)
 - Housing Homelessness & Rough Sleeping Strategy 2023–33 (January 2023)
- 1.5. The representations are framed in the context of the requirements of Local Plans to be legally compliant and sound. The tests of soundness are set out in the National Planning Policy Framework (NPPF Sept 2023). In referring to the NPPF (Sept 2023) regard has been given to guidance on implementation and the interim arrangements as set out at Appendix 1 Paragraph 230 of the most recent iteration of the NPPF, published in December 2023. This



sets out that where emerging local plans reach pre-submission consultation prior to 19th March 2024, plans will continue to be examined in the context of the previous 2021 iteration of the Framework.

- 1.6. Due to the publication of this round of consultation on the 5th February 2024, the previous September 2023 iteration of the framework will therefore apply and has been considered alongside the Pre Submission (Regulation 19) consultation document accordingly when preparing these representations. In light of the transitional arrangements, the plan should be written in accordance with the provisions set out within the September 2023 iteration of the national policy framework. To ensure the policies of the plan are fully justified it is important that the Plan and does not introduce the provisions of new national policy which would be contrary to the transitional arrangements and could result in inconsistency across the Plan.
- 1.7. The NPPF at Paragraph 16 of the NPPF sets out that for a Development Plan to be sound it must be:
 - **Positively prepared** – providing a strategy which, as a minimum, seeks to meet objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - **Effective** – deliverable over the Plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the Framework and other statements of national planning policy, where relevant.
- 1.8. These representations also give consideration to the legal and procedural requirements associated with the Plan-making process.

The District Plan Review Process

- 1.9. The Cannock Chase Local Plan (Part 1) is currently the statutory development plan for Cannock Chase Council and forms the principal basis for which development is promoted and controlled. The Plan was adopted on 11th June 2014 and covers the period 2008 to 2028.
- 1.10. It was originally intended to follow the Local Plan (Part 1) with a Local Plan (Part 2), which would consider site allocations and development management policies. However, National Planning Policy dictates that Local Plans are reviewed every five years, which means that the Local Plan (Part 1) would be due to be reviewed in 2019. As such, the Council considered that an update of some of the key Local Plan (Part 1) policies would be necessary. The Council therefore decided to cease work on Local Plan (Part 2) instead beginning work on a new Local Plan.
- 1.11. Following consultation on the Preferred Options Consultation document in February 2021 the Local Plan Review has seen significant delay in light of uncertainty surrounding the Governments Levelling Up and Regeneration Bill (now enacted) alongside emerging national policy. The Council acknowledges that this has contributed to the delay in the Local Plan. Following consultation on the Pre Submission (Regulation 19) document it is anticipated that



the new Local Plan will be submitted in Summer 2024, with adoption scheduled Summer 2025 (subject to main modifications), and the period being extended to 2040.

- 1.12. Richborough supports the Council's proactive approach in continuing with a review of the Local Plan to ensure that an up-to-date policy framework exists for Cannock Chase, to guide growth to 2040 and to ensure that development is genuinely plan-led. There has been a significant delay in the preparation of the Plan however continuing with a review of the Local Plan will provide the authority the opportunity to comprehensively review the vision, strategic objectives, development requirements, spatial development strategy and policies for shaping detailed development proposals across Cannock Chase. In addition, it enables the authority to take into account changes to the national planning legislation alongside a review of housing requirements, among other strategic matters, across the district since the adoption of the current plan.

- 1.13. The Council consulted on the first stage of the new Local Plan in July / August 2018, and Richborough submitted representations to the Issues and Scope consultation accordingly. This was followed by the Issue and Options consultation in May – July 2019. Richborough submitted representations to the emerging Local Plan document including the Sustainability Appraisal. Representations were subsequently made to the last round of consultation comprising of the Regulation 18 Preferred Options document in February 2021. In the interim, representations were also made to the Council's emerging evidence base including submissions to the SHLAA 2022.

2. Local Plan Vision and Objectives

District Profile

- 2.1. Richborough is generally supportive of the identified District Profile. The Profile reflects the requirement to utilise the National Planning Policy Framework (the Framework) and the Standard Method to calculate housing need within the district, which is supported. It acknowledges population growth across the district from 42,828 households in 2018 to 47,102 households in 2039 based on 2014 household projections. In addition, recognition of the shortfall in the Greater Birmingham and Black Country Housing Market Area (the GBBCMA) and the need for Cannock Chase to contribute towards meeting the shortfall is also supported.
- 2.2. In light of the extended Plan Period it is however important that consideration is given to expected population growth up to 2040, along with the additional shortfall in housing across the Greater Birmingham and Black Country Housing Market Area (GBBCMA). Housing provision should therefore be considered in excess of the Standard Method, which should be treated as a minimum in order to support growth within the district and promoting sustainable communities consistent with the spatial strategy proposed across the Plan Period.
- 2.3. The profile recognises the importance of the Green Belt in having a number of roles but particularly in maintaining the openness and the rural/urban fringe on the edge of the West Midlands conurbation. Richborough acknowledges this, but in recognition of Green Belt release, strategic allocations, and to meet with housing requirements, the District Profile should give greater focus to development which has significant sustainability benefits, providing significant strategic infrastructure improvements alongside the ability to achieve aspirational homes in meeting local housing needs.
- 2.4. Furthermore, it is important that in the context of the 'Environment' Green Belt is not misunderstood. As currently written the focus of Green Belt is on '*recreation, maintaining the District's character and its wildlife and safeguarding the wider open countryside*'. It is important that there is a clear distinction between the five purposes of the Green Belt (NPPF, para 144) and conserving and enhancing the natural environment (including valued landscapes, character of the countryside and biodiversity impacts) (NPPF, para 180). There is not necessarily a direct correlation between Green Belt land and recreation/biodiversity value as currently identified within the District Profile. Further emphasis should therefore be given to the role strategic housing developments, through Green Belt release, play in delivering measurable enhancements to the Green Belt, including enhanced accessibility for recreation as well as significant qualitative green infrastructure and biodiversity gains.
- 2.5. With regards to climate change the Plan sets out the district's target for achieving Net Zero. Although the Council's ambitions are supported this should be done so in line with national Building Regulations to ensure certainty for housebuilders, whilst also meeting aspirations for Net Zero homes viably and ensuring the continued delivery of homes to meet need.
- 2.6. The measures identified are recognised as possible approaches in which low/zero carbon may be achieved within strategic housing developments, but do not provide a definitive list and are open to interpretation. The recent Ministerial Statement on Local Energy Efficiency Standards dated 13th December 2023 clearly states that Local Plans should not be exceeding

the requirements of Building Regulations. In view of this clear guidance the reference within the District Profile (pages 22/23) should therefore be deleted.

2.7. The District Profile should therefore be amended to read.

'Safeguarding against future climate impacts is a cross-cutting issue and should be integrated with approaches to achieve a pathway towards low and zero carbon as required under national Building Regulations'.

2.8. The Plan summaries the key issues for the district within the District Profile (page 23). As set out above, Richborough supports that the Plan will seek to contribute towards the delivery of not only the district's own housing need but also the wider housing market area. Much greater emphasis however should be placed on the importance of delivering the key issue of the district in meeting both their own housing need, as well as the housing need of the wider HMA. The provision of new homes is integral to addressing the district's other principal issues, including crime, health and education attainment, the role and function of town centres and the delivery of key strategic and community infrastructure, as well as the ability to deliver qualitative green infrastructure and biodiversity enhancements contributing positively to delivering a sustainable future.

2.9. The profile identifies the principal urban areas within the district. These consist of Cannock/Hednesford/Heath Hayes, Rugeley/Brereton and Norton Canes. Richborough supports the recognition of these principal urban areas however greater emphasis should be given to their role in delivering sustainable development in the context of them being the main centres of population and with the greatest range of facilities and transport opportunities.

2.10. Although Richborough acknowledge the importance of brownfield development as part of a balanced housing strategy for the district, it is important that over reliance on these sites does not result in an overprovision of flatted development unable to meet a range of needs (including families and older people), reduced affordable housing due to viability concerns and disjointed communities within urban environments with limited outdoor amenity opportunities. Furthermore, the capacity of such sites to deliver new homes should have regard to changes in recent planning legislation, particularly the introduction of mandatory 10% biodiversity net gain to be met on all sites. With high biodiversity value open mosaic habits commonly associated with brownfield sites, there will be a greater need to offset biodiversity habitats which in turn will result in a lower net developable area and less capacity to deliver housing numbers.

2.11. Larger strategic developments, including Land south of Main Road would allow the opportunity to deliver aspirational homes set within high quality landscape-led residential environments, alongside significant recreational and biodiversity enhancements. Emphasis is placed on the regeneration of public housing estates within the area, however the strategy should be more focused on the opportunities for sustainable development to address this need, which will come from a range of sites being allocated for housing thus ensuring a balanced and reliable source of housing supply to meet housing needs across the Plan period.

2.12. At paragraph 4.11 the document refers to discussions with duty to corporate partners and the potential assistance to meet Cannock's housing need and ongoing dialogue in relation to the wider Housing Market Area shortfall. This is also drawn out within the Duty to Co-operate Statement of Compliance which forms part of the Local Plan evidence base. Whilst support is given for the need to address the shortfall in the wider Housing Market Area, concern is raised relative to the suggestion that the Council is seeking assistance to meet its own

housing needs. There is no evidence to establish that the Council cannot meet its own housing requirements, as well as contributing a proportionate housing number towards meeting the shortfall in the wider Housing Market Area. Therefore the status of other Local Plans across the HMA should have no bearing on CCDC's ability to meet the districts housing requirements across the Plan period in excess of the Standard Method which itself should be treated as a minimum. Neighbouring authorities are also LPA's in the Green Belt and therefore affected by the same housing delivery constraints as CCDC. Without the delivery of new homes within the Green Belt there will therefore be a continued shortfall in meeting housing need across the wider GBBCHMA. Paragraph 4.11 should therefore be omitted as not being justified.

Strategic Objectives

- 2.13. Richborough is broadly supportive of the Strategic Objectives identified at Chapter 5 of the Pre-Submission consultation document. The objectives of the adopted Cannock Chase Local Plan remain relevant and are therefore supported.
- 2.14. Greater clarity should however be provided with regards to the district's overarching Vision for the Plan period. Paragraph 4.1 sets out the Council's vision as identified within the Council's Corporate Plan for 2022–2026. The Vision for the period up to 2040 should be included as Policy rather than simply set out within the supplementary supporting text. It should be clear what role each of the strategic objectives contribute towards the effective delivery of the overall Vision for the district, having regard to the Key Issues identified within the draft Plan (page 23).
- 2.15. As part of the Vision and objectives for the district, the delivery of high quality sustainable development and the need to deliver much needed homes should be given greatest priority, recognising not only the pressing need to deliver new homes at a local level but also for the wider housing market area, as well as at a national level where there is a current housing shortfall crisis which needs to be addressed to meet the housing needs of both current and future generations. A Vision of housing and economic growth supported through the delivery of high quality sustainable housing development will contribute significantly in achieving the overall objectives of the Plan.
- 2.16. Each of the strategic objectives are discussed further in Chapter 3 alongside the provisions of each of the proposed strategic policies.

Spatial Strategy

- 2.17. The Spatial Strategy continues to be left to supporting text within the broader document. It should be set out in its own strategic level policy identifying the three settlements which are the most sustainable and their overarching objectives relative to new development including the potential for Green Belt release to deliver sustainable development.
- 2.18. The Spatial Strategy for the district has set out a number of bullet points over pages 35–38 of the Local Plan Publication document. Whilst the general approach of the Spatial Strategy, in particular to focus development on the most sustainable locations is supported, specific reference to development around existing town centres, neighbourhood centres and employment centres is however misleading and not consistent with the proposed direction of growth through the Plan. Furthermore, specific reference to 'centres' is not consistent with national policy which instead supports sustainable development within or adjoining existing

settlements in order to meet a range of housing and other development needs for the district. This should therefore be revisited to accurately reflect national policy and the district's Spatial Strategy, including both urban development near centres but also sustainable development on the edge of existing settlements.

- 2.19. The spatial strategy should identify the settlements which are the most sustainable. These would consist of:
- Cannock Chase/Hednesford/Heath Hayes
 - Rugeley and Brereton
 - Norton Canes
- 2.20. In addition, greater emphasis should be placed on the important role strategic sites, in particular those adjoining an existing sustainable urban settlement, such as Land south of Main Road, Brereton play in meeting housing requirements for the district across the Plan period. These sites provide the opportunity to achieve a wide range of aspirational homes, whilst also delivering significant infrastructure benefits for the area. As currently written, the delivery of new homes and the requirement for 'Green Belt' release is not given sufficient priority and should be further bolstered alongside the priority to deliver sustainable development.
- 2.21. The Spatial Strategy for Rugeley and Brereton should make clear that it constitutes the second most sustainable location in the district, whilst also ensuring the potential for Green Belt release to allow for sustainable housing development is identified. Without Green Belt release CCDC will be unable to meet their housing requirement with approximately 1,290 homes to be delivered through taking land out of the Green Belt.
- 2.22. Although the benefits of brownfield development is quite rightly acknowledged, greater emphasis should also be placed on the significant benefits that planned infrastructure delivery can offer the district as part of the development of strategic housing allocations. This, along with the redevelopment of previously developed sites, forms a balanced spatial development strategy. Furthermore, the introduction of mandatory 10% biodiversity net gain for example, alongside other more stringent planning policy and building regulation requirements, impose greater constraints for brownfield sites, in particular in terms of the capacity of development/number of homes that can be delivered.
- 2.23. It is therefore important that as part of a balanced spatial strategy the Plan places greater emphasis on the need to release Green Belt land to meet the district's housing requirements, whilst also advocating the wider benefits of carefully planned strategic allocations which are capable of delivering high quality residential environments, along with planned infrastructure delivery for the benefit of local communities.
- 2.24. Land south of Main Road, Brereton can deliver high quality family homes as well as meeting a range of other housing needs, including both high quality open market and affordable homes. Alongside, the delivery of new housing other clear benefits include the provision of substantial open space provision including both formal and informal open space and two community orchards. The retention and strengthening of existing strategic landscaping particularly to the south and east of the site will also provide visual landscape benefits as well as the opportunity for substantial biodiversity enhancements. New infrastructure links including both pedestrian and cycle routes, will also contribute positively to the connectivity of the site to the wider urban area, including both residential and employment areas of Brereton and Rugeley to the northwest.

3. Local Plan Policy Options

STRATEGIC OBJECTIVE 1

- 3.1. The objective sets out that *'To deliver high quality development that protects the historic environment and is appropriate, distinctive, attractive and safe...'*.
- 3.2. It is noted that under Strategic Objective 1 greater emphasis is placed on protecting the historic environment since the previous Regulation 18 Draft Plan. Although the importance of the historic environment is acknowledged, emphasis within the objective to protect the historic environment, is considered to dilute the emphasis on the key objective of delivering *'high quality development'* and indeed fails to recognise, as set out above, the ability for sensitive development to conserve and enhance the historic environment, whilst making a positive contribution to local character and distinctiveness. Whilst important, consideration of the historic environment should instead be seen as forming part of the wider design process of protecting and enhancing the quality of the built environment. The supporting policy text acknowledges that developments can result in the improvements to existing heritage assets but this should be conveyed and emphasised within the overarching objective.
- 3.3. In addition, reference to the delivery of *'appropriate'* development within the objective lacks clarity and justification and is therefore open to interpretation. This should be removed from the policy and instead reference should be given to *'high quality sustainable development'* to ensure the objective is consistent with national policy.

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

- 3.4. Richborough have no comments in relation to Policy SO1.1 with the general approach supported. The provisions set out within the Policy should however be better reflected within the overarching strategic objective 1, acknowledging the ability of sensitive development to contribute positively towards enhancing the historic environment.

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

- 3.5. Policy SO1.2 relates to enhancing the quality of the built environment. It refers to the need to retain and enhance the distinct and separate character of each of the district's settlements.
- 3.6. This approach has some inconsistency with the recognition in other parts of the local plan that Cannock/Hednesford/Heath Hayes have to an extent merged to become a single settlement and therefore a more homogeneous character. The policy should be refined further to make clear that different approaches to character may be required depending on the location within the district. This will ensure the Plan's spatial strategy for growth is not undermined and the strategic objectives of the plan can be delivered through the Plan period.
- 3.7. Within the supporting text (paragraph 6.24) reference is made to the introduction of additional design standards within the Local Plan, including the concept of *'Active Design'*, which is rooted in Sport England's aims to promote the role of sport and physical activity in creating healthy and sustainable communities. It is unclear how this relates to the provisions

identified within Policies SO1.2, however as set out further within these representations (at Policy SO2.3) it is important that policy provisions set within the Local Plan do not exceed national policy requirements through the introduction of non-statutory guidance directly within Policy.

- 3.8. Reference to 'Active Design' should therefore be removed from the supporting text at Policy SO1.2. This is also discussed further within the representations in the context of Policies SO2.3 and SO2.5.

STRATEGIC OBJECTIVE 2

- 3.9. Richborough support this objective which addresses the safeguarding of existing community infrastructure and providing new community infrastructure, safeguarding the health and amenity of local communities, providing active leisure and sports facilities, providing healthy living opportunities and increasing physical activity and providing opportunities for allotments and local food growing.
- 3.10. The proposed development of Land south of Main Road, Brereton would offer the opportunity to create two large community orchards, accessible to both prospective residents as well as the wider community.

POLICY SO2.1: SAFEGUARDING THE PROVISION OF COMMUNITY FACILITIES

- 3.11. Policy SO2.1 deals with safeguarding community infrastructure. It also states that new development will contribute towards new community infrastructure to meet the needs arising from the development. It sets out criteria which the Council will use to determine whether existing community infrastructure can be lost. It also refers to new provision in the context of new development.
- 3.12. There should be a clearer distinction between those policy provisions dealing with the loss of existing community facilities and those elements dealing with the provision of new community facilities associated with development proposals. The Policy needs to give greater recognition to the opportunity for major development to contribute towards providing new community infrastructure where no current capacity exists and where directly and proportionally applied to the proposed development and in accordance with the CIL Regulations or their equivalent successors.
- 3.13. The policy should also give recognition in general terms to new housing development being able to deliver additional community facilities which can meet the needs not only of new residents but also of the existing community, meeting current gaps in infrastructure provision. The proposed residential development of 'Land south of Main Road, Brereton' would contribute positively towards new community infrastructure provision through proportionate s106 developer contributions. In addition, the development would deliver clear community benefits including both formal and informal open space, as well as two community orchards. New infrastructure links including both pedestrian and cycle routes, will also contribute positively to the connectivity of the site to the wider area.

POLICY SO2.2: SAFEGUARDING HEALTH AND AMENITY

- 3.14. As set out at the Preferred Options consultation stages, whilst the general approach of the policy is supported, certain elements either repeat what is set out in other policies or are too



vague to be meaningful. Reference to *'avoiding unacceptable on-site or off-site risk or harm'* is ambiguous, providing a lack of clarity for either the reader or the decision taker. The first two bullet points are considered sufficient to ensure that any development is seen to safeguard the health and amenity of local communities, and the policy as currently written should therefore be revisited.

- 3.15. In addition, reference to *'achieving the lowest carbon emissions that can practically and viably be achieved'* lacks any evidential basis or method of assessment. This should therefore be deleted.
- 3.16. Achieving Net Zero Carbon Development is considered further at Policy SO8.2, but of particular relevance it is important to note that the recent Ministerial Statement on Local Energy Efficiency Standards dated 13th December 2023, is clear that Local Plans should not be placing onerous requirements on developers which exceed the requirements of national Building Regulations. Nationally applied standards provide the much-needed clarity and consistency for businesses, large and small to invest and prepare to build net zero ready homes in advance of further energy efficiency building regulations planned for 2025.
- 3.17. Subject to the revision set out above the general approach is supported.

POLICY SO2.3: PROVISION OF OPEN SPACE, SPORTS AND RECREATIONAL BUILDINGS AND LAND, INCLUDING PLAYING FIELDS

- 3.18. Policy SO2.3 deals with the provision of leisure and sports facilities. The policy seeks to improve sport and leisure facilities in the context of increased demand as a result of new development. It also seeks major development proposals to follow the principles of 'Active Design' encouraging healthier and more active lifestyles, as well as promoting walking and cycling, whilst creating new green infrastructure within the development. The policy also sets out criteria to protect the existing facilities.
- 3.19. There are no further details contained in the supporting policy text to provide greater clarity on the requirements of 'Active Design' in the context of Policy SO2.3. It is only when reading the Plan at Paragraph 6.24 (in the context of Policy SO1.2 'Enhancing the Quality of the Built Environment') that reference to Sport England's Active Design guidance is identified. No reference is made to the document as forming part of the relevant evidence base for Policy SO2.3.
- 3.20. Although Sports England's guidance can inform the Local Plan policies as part of the evidence base to encourage compliance with the principles of Active Design, specific reference to 'Active Design' should not feature directly within Local Plan policy. Reference to 'Active Design' should therefore be deleted from the policy to avoid ambiguity.

POLICY SO2.4: ALLOTMENTS AND COMMUNITY GARDENS

- 3.21. Policy SO2.4 deals with allotments and community food growing. It provides general support for the provision of allotments and protects existing allotments and community food growing sites.
- 3.22. Reference could be given to support being given for new developments, which can deliver additional allotments/community food growing sites. In particular, it is new housing development that is the potential delivery mechanism for new facilities of this type and this

ought to be recognised in the policy. The proposed residential development at Land south of Main Road, Brereton offers the opportunity to deliver two community orchards.

POLICY SO2.5: PROVIDING OPPORTUNITIES FOR HEALTHY LIVING AND ACTIVITY THROUGH ACTIVE DESIGN

- 3.23. Policy SO2.5 deals with providing opportunities for healthy living and activity. The policy seeks to integrate major development proposals into the existing walking and cycle network.
- 3.24. In general terms Richborough support the approach, however some elements of the policy are unclear. One criterion refers to providing infrastructure that will enable sport and physical activity to take place inside and around buildings. It is unclear what this policy criteria is aimed at achieving, particularly the reference to 'around buildings'. This requires further clarification.
- 3.25. As set out above in relation to Policy SO2.5, the policy requires development to have regard to the principles of 'Active Design', however again this is not addressed further within the supporting policy text, and it is again unclear therefore what principles development should be adopting in line with the provisions of the policy. As previously highlighted under Policy SO2.3, the policy as currently written is unclear and inconsistent with national policy, conflicting with the provisions of paragraph 16 of the NPPF.
- 3.26. Reference to 'Active Design' should be removed from the Policy.

STRATEGIC OBJECTIVE 3

- 3.27. Strategic Objective 3 seeks to deliver a sufficient supply of homes to provide for housing choice and ensure all people are able to live in a decent home which meets their needs. The objective identifies the following key items:
- Facilitating sustainable housing provision.
 - Delivering sufficient housing to meet the district's own need and an appropriate and sustainable contribution to the wider housing market area shortfall.
 - Helping meet local needs for affordable dwellings.
 - Providing housing choices for an ageing population.
 - Catering for the needs of different groups in the community.
- 3.28. The objective set out does not reflect the Government's overall objective for housing which is to significantly boost the supply of homes. This should be reflected in the overall wording of the Strategic Objective 3 to ensure consistency with planning policy at a national level.

POLICY SO3.1: PROVISION FOR NEW HOMES

- 3.29. The Council's approach is to utilise the standard method to calculate its minimum housing requirement which comprises of 264 dwellings per annum, based on the government's standard methodology calculation of housing need, equating to an overall requirement of 5,808 dwellings over the Plan period. In addition to meeting local housing need within the district, the plan will also deliver 500 dwellings, contributing towards the unmet needs of neighbouring areas in the Greater Birmingham and Black Country Housing Market Area (GBBCHMA).

3.30. Richborough support the general approach of Policy SO3.1 in proposing to meet the objectively assessed local needs for Cannock district and also the principle of contributing towards the unmet needs in neighbouring areas. The annual housing requirement of 264 dwellings per annum should however be seen as providing a minimum baseline figure for identifying housing need. The annual housing requirement of 264 dwellings per annum, as with the overall housing requirement across the Plan period, should be emphasised as providing a minimum housing delivery figure, with the standard method not accounting for the shortfalls in supply and housing delivery as a result of ongoing delays in Local Plan reviews across the wider HMA. The GBBCMA authorities, including Cannock Chase DC, should therefore ensure there is greater headroom in each of their housing delivery targets over the Plan period to address this shortfall.

3.31. In terms of meeting the housing requirement through the Plan Period Table 5.4 of the Development Capacity Study 2023 sets out the 'Identified Local Housing Supply Contribution' as follows:

Table 5.4: Identified Local Housing Supply Contribution

SHLAA Under Construction Sites	338
SHLAA Sites with Planning Permission 10+ dwellings	1,265
SHLAA Small Site Contribution	163
Sub-Total	1,766
Housing Completions 2018-2023	2,504
Total	4,270

3.32. Whilst Table 5.4 of the Development Capacity Study sets out that 2504 homes were completed between 2018 -2023 this appears to be a typographical error. Having reviewed the completion figures within the SHLAA 2023 and associated trajectory, Table 5.1 below of the Development Capacity Study 2023 accurately reflects 2,540 housing completions between 2018-2023.

Table 5.1: Completions 2018 to 2023

Year	Net Additional Dwellings
2018-19	234
2019-20	930
2020-21	319
2021-22	620
2022-23	437
Total	2,540

3.33. The supporting policy text alongside Policy SO3.1 summarises housing supply over the Plan period. Table A identifies 454 dwellings on sites under construction on or before 31st March 2023; Table B a contribution of 1,265 dwellings from sites which already have planning permission, are already allocated or have a resolution to grant planning permission for housing; and at Table C 821 dwellings are identified as suitable for housing through the Development Capacity Study and Site Selection Methodology. In addition, the policy supporting text refers to the delivery of small sites forming part of the overall housing supply figure, comprising of windfall sites and delivering 163 dwellings (Table 5.4 as above).

3.34. The evidence included within Table A includes 338 dwellings under construction in Cannock/Hednesford/Heath Hayes, with a further 116 dwellings under construction including within Rugeley and Brereton (27 dwellings) and at minor smaller sites identified within the

SHLAA (89 dwellings). This equates to a total of 454 dwellings under construction as identified within Table A of Policy SO3.1. However, the additional 116 dwellings are not evidenced within Table 5.4 of the Development Capacity Study. For completeness, greater transparency is therefore required in relation to these additional dwellings, ensuring the evidence base is consistent with figures contained within the Plan.

- 3.35. With regards to Table C these 821 dwellings represent in effect windfall sites. The Development Capacity Study sets out that the Council has sought to address double counting in relation to windfall sites within the Council's housing supply figure, with larger windfall sites of over 10 dwellings discounted to take account of sites allocated through the Local Plan. However, even taking account the Council's windfall discounting exercise, smaller sites identified within the Development Capacity Study as delivering windfall development over the Plan period provide an unreliable land supply. The total number of dwellings included under Table C and identified at Policy SA1: Site Allocations is open to debate when a number of these sites remain in operation for alternative uses and/or have been identified as being constrained in the SHLAA to the extent that it would prohibit their potential redevelopment for housing. The NPPF at Paragraph 71 is clear that where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends.
- 3.36. In reviewing the evidence set within the Development Capacity Study 2023 and SHLAA 2023 there is a heavy reliance on both historic housing completions and commitments from 2018. The 2006–2028 trajectory contained within the SHLAA 2023 shows a significant under delivery of homes in some years across the adopted Plan period, relying heavily on a significant over delivery in other years up to 2023. The housing trajectory included within the Pre Submission Plan at 'Site Allocations' (page 156) covers the Plan period up to 2040. This shows a continuous shortfall in housing completions from 2023 onwards based on the housing requirement of 264 dpa, further emphasising a reliance on historic commitments. The Plan is not anticipated to be adopted until 2025 and it will therefore already be seven years into the Plan period. Paragraph 22 of the NPPF is clear that strategic policies should look ahead over a minimum of 15 years from the point of adoption, to anticipate and respond to long-term requirements and opportunities. Should there be any further delays in the preparation of the Local Plan Review, the current Plan period leaves very little flexibility in ensuring a minimum 15 year Plan period and that both current and future housing needs can be met.
- 3.37. The SHLAA at paragraph 5.4 sets out that *'the SHLAA is an important information source that enables the Council to plan for future residential housing needs through providing a trajectory of likely future development residential completions and land supply'*. Based on the Housing Trajectory contained within the SHLAA 2023, the period from 2025 (which is the anticipated date of adoption) to 2028 only shows projected completions of 172 dwellings, a shortfall of 620 homes across the three year period 2025–2028 based on an annual housing requirement of 264 dwellings. The trajectory graphic included within the Pre Submission Plan shows completions in the period up to 2040. This indicates a higher annual completion rate for the three-year period 2025–2028 suggesting the delivery of site allocations within the shorter term. However, there remains a continued annual shortfall across the 15 year period between 2025 and 2040, with 3,442 dwellings projected for completion (229 dpa) rather than the district requirement of 3,960 dwellings/264 dpa. This equates to a 525 dwelling shortfall across this 15 year period.
- 3.38. This shortfall is not only based on a minimum housing requirement and reliance on historic completions, but also a housing supply based on a Development Capacity Study which includes a number of inconsistencies, as well as an over reliance on windfall sites from



constrained brownfield sites. Density assumptions for Urban Town Centre sites of 50dph and above identified in the SHLAA are also questionable having regard to mandatory 10% BNG requirements which does not appear to have been factored into capacity studies/site yield.

- 3.39. It is essential therefore that the Plan provides flexibility above the minimum housing requirement to allow for a buffer to ensure sufficient homes will come forward to meet need. Although brownfield redevelopment is an important source of housing land supply, there are numerous constraints to the delivery of homes on previously developed land and a balanced approach must be taken to include both sufficient greenfield and the allocation of Green Belt land to ensure delivery of homes at the rate required to meet housing need across the district, and wider HMA, both in the shorter and longer term.
- 3.40. The Policy sets out that priority has been given to the re-use of previously developed land, including the former Rugeley Power Station site, to meet housing needs. Whilst support is given to the recognition of strategic housing allocations, including the release of land within the Green Belt, it is important that further recognition is given in the policy to strategic allocation sites/Local Plan proposals in delivering a balanced spatial strategy for the district and in the delivery of essential infrastructure including new schools, road infrastructure and quantitative and qualitative improvements to accessible open space. These sites provide the opportunity to meet short term housing needs alongside the delivery of key strategic infrastructure for the district rather than merely 'accommodating the balance'. There are clear exceptional circumstances based on the housing evidence available to release additional Green Belt sites to meet the district's need alone, setting aside the wider HMA's housing need, as discussed further below. Land south of Main Road, Brereton, provides the opportunity to deliver high quality sustainable residential development through Green Belt release, which is available now to meet immediate housing need.
- 3.41. The policy currently fails to identify the proposed housing allocations. As set out above, greater emphasis should be placed on the strategic allocations which are identified as suitable and deliverable for housing. For clarity, the policy should therefore identify the strategic housing allocations, of which 1,290 dwellings comprise Green Belt release.
- SH1 south of Lichfield Road, Cannock approx. 700 dwellings
 - SH2 east of Wimblebury Road approx. 400 dwellings
 - SH3 land to the rear of Longford House, Watling Street, Cannock approx. 45 dwellings
 - SH6 Former Hart School, Burnthill Road, Rugeley approx. 145 dwellings
 - SM1 Land at the Former Rugeley Power Station up to 1000 dwellings (in Cannock Chase)
- 3.42. The policy currently doesn't identify any remedial measures that would result if housing were to fall below housing targets. Where the authority falls short of meeting a 5 year housing supply requirement over the Plan period, clear provisions should be made within the Plan for the early release of identified safeguarded sites which have the capability of delivering sustainable housing developments, particularly given the authority's reliance on historic housing completions. Policy SO3.1 should deal with this issue based on the principles established in the Spatial Strategy prioritising development to the most sustainable settlements. Although Policy SO7.7 (Amendments to the Green Belt) includes proposed amendments to the Green Belt boundary to accommodate growth requirements of the district beyond the Plan period, there is no provision made for further sustainable development to come forward during the Plan period to address shortfalls in housing delivery.
- 3.43. In accordance with the Duty to Cooperate, which still remains, the Council must do its utmost to assist in meeting unmet needs across the housing market area, particularly given



Cannock's proximity to adjoining authorities. The GBBCHMA Position Statement Addendum Update 2023 continues to show a significant shortfall in housing delivery (2,053 dwellings shortfall as at 2020/21) across the HMA, whilst further recognising that these figures do not reflect the full extent of the housing shortfall particularly given the status of Local Plans across the HMA and the significant impact therefore on supply and housing delivery which will need to be accounted for. In addition, the Strategic Growth Study on which the baseline figures have been based is now significantly dated having been prepared in 2018 and not reflective of up to date need or housing market conditions. The shortfall could therefore be far greater than that reflected within the baseline figures.

- 3.44. In terms of need, Birmingham City Council for example, formally commenced the review of its new Plan and estimated a shortfall of 78,415 homes to 2042 in its Issues and Options document based on the Standard Method, a significantly greater shortfall than the housing requirement figure of 37,900 identified within the adopted Birmingham Development Plan 2011-2031.
- 3.45. The GBBCHMA Position Statement Addendum 2023 highlights the housing requirement figures identified by the Black Country Authorities as part of the Regulation 18 Black Country Plan, estimating 28,239 homes to 2039. The Black Country authorities of Sandwell, Dudley and Wolverhampton have either recently undergone or are currently in the process of consulting on their Regulation 18 Preferred Options Local Plan, each of which has identified a significant shortfall within their housing supply. Most notably, Sandwell are only a position to identify a third of their housing land supply requirement, whilst Wolverhampton are only able to evidence half of their requirement.
- 3.46. Recognition therefore needs to be given to the impacts this will undoubtedly have on housing land supply and reflected through an 'appropriate' contribution towards meeting the HMA housing shortfall in line with the strategic objectives of the plan and in accordance with national policy. It is difficult to quantify the full extent of the shortfall, however it is clear from numerous sources that the under delivery of homes across the wider HMA falls significantly short of meeting need, which will have lasting implications for communities if not addressed as a priority. It's important therefore that the Local Plan continues to include the Cannock DC's HMA housing contribution and reflects this additional housing need in addition to the district's own housing requirement.

POLICY SO3.2: HOUSING CHOICE

- 3.47. Richborough support the requirement for a range and mix of housing that meets identified and evidenced needs and demands to be delivered through development. Policy SO3.2 sets out that development should deliver a mix of housing appropriate to the area and supported by local evidence to ensure a range of housing to meet needs of existing and future residents.

Affordable Housing Provision

- 3.48. The proportion of affordable dwellings to be delivered for developments above 10 homes is identified within Table D. The proportion of affordable housing to be delivered is variable, including the proportions of affordable housing to be delivered based on the area as well as whether the site is brownfield, with provision ranging from 20% -35%. The policy continues to set out that the Council will adopt the governments minimum percentage for provision of First Homes (25%) with the remaining split of affordable provision provided as 80% for rent and 20% for intermediate housing.
- 3.49. The supporting policy text at Paragraph 6.105 sets out that '*Evidence shows the need for*

affordable dwellings across the district will not be met in entirety by this plan it is therefore appropriate to require a higher level of provision and to safeguard the provision made by the plan to ensure the amount of dwellings which remain affordable in perpetuity delivers this strategic objective'. A way to increase local affordable housing provision is to increase the overall housing requirement beyond the minimum Standard Method figure. The Local Plan Viability Assessment has already considered the level of affordable housing that is viable and therefore increasing affordable delivery on existing sites is not a justifiable answer to increasing affordable delivery overall; however, an uplift in open market housing through the addition of further development sites would have the very significant benefit of a general increase in the amount of affordable housing across the Plan period.

Housing Mix

- 3.50. The inclusion of Table E: Housing Mix, provides a prescriptive framework for each of the separate housing tenures and types. This approach is flawed as is contrary to the provisions of the Policy which requires *'A mix of housing sizes, types and tenure appropriate to the area and as supported by local evidence should be provided, to ensure that there is a range of housing to meet the needs of existing and future residents'*.
- 3.51. The proposed mix set out within Table E has also been updated since the Preferred Options consultation, taken from the Housing Needs Assessment 2024 (page 151). Although the proposed mix is now more evenly distributed across the different tenures and property sizes/types it is important that the policy does not become overly prescriptive. The inclusion of Table E is considered unnecessary and reference to housing mix in accordance with the recommendations of an up-to-date housing needs assessment/evidence would suffice. The HNA 2024 itself sets out at page 152 in relation to the recommended housing mix, that *'the mix identified above could inform strategic policies although a flexible approach should be adopted'*. Greater flexibility should therefore be included within the policy to take account of the site specific evidence considerations.
- 3.52. The policy itself makes no specific reference to an up-to-date HEDNA which provides the ability to review housing mix requirements over the Plan period based on up to date evidence. The policy simply refers to *'in accordance with Table E below or its subsequent revisions'*. This requires further clarity within the Policy which should refer specifically to an up to date HEDNA. Should the Council continue to adopt the inclusion of Table E in relation to a prescriptive housing mix, greater flexibility should be incorporated within the policy to allow for site specific considerations to be taken into account, and to allow for departure from a specific mix recommended across the wider district, where justification can be provided for an alternative mix.
- 3.53. A fundamental point which needs to be reviewed in relation to Table E is the *'total'* percentage of market housing which as currently drafted equates to 105% rather than 100%. Having reviewed the recommended mix within the Housing Needs Assessment 2024, from which Table E appears to have been taken, it would suggest that the proportion of 3 bedroom market housing to be delivered should be 40% rather than the 45% currently shown.
- 3.54. Table E refers specifically to a proportion of homes to be delivered as *'affordable rented homes for older people'*. This is not sufficiently defined, and it is unclear what types of housing provision this relates to. The inclusion of *'rented homes for older people'* has been introduced within Policy SO3.2 following the Preferred Options consultation despite evidence within the up to date Housing Needs Assessment suggesting the need for more specialist accommodation for older people not to be as acute as set out within the conclusions of the earlier 2019 study. The split of affordable housing is unclear and further complicated by prescribing the proportion of homes for older people, alongside factoring in the split between

first homes, affordable and intermediate housing, in addition to the proportions of affordable provision across each of the housing tenures.

- 3.55. The specific inclusion of affordable rented homes for older people within the policy is considered unnecessary and a duplication of policy in light of the provisions set out within Policy SO3.3 (Delivering High Quality Housing). Under Policy SO3.3 the needs of older residents are met through the requirement for all homes to be built to category M4(2) (Accessible and Adaptable dwellings) and with at least 5% of housing on major development sites M4 (3) and 10% of affordable housing delivered for wheelchair users, addressing the needs of older people but also the wider community which live with disability. The provisions of Policy SO3.3 are critiqued further within these representations, however the Housing Needs Assessment is clear that *'any policy should be applied flexibly'* having regard to site specific circumstances and viability. The approach taken within both Policy SO3.1 and SO3.3 however provides little flexibility or scope for site specific circumstances to be addressed.
- 3.56. The published Local Plan and CIL Viability Assessment dated August 2022 should be reviewed to ensure it's based on up-to-date national policy guidance and supporting evidence base. The Assessment currently refers to the Housing Needs Study and SHMA Update 2012 and Local Housing Needs Assessment 2018 which have all since been updated. Currently the viability assessment does not take into account recent changes to the planning system, including the mandatory requirement for 10% biodiversity net gain. Furthermore, the viability assessment has not assessed the recent housing mix proposed under Policy SO3.2 alongside the need to provide both 35% affordable housing (for sites within Norton Canes and Heath Hayes, as well as developments over 10 dwellings in Rugeley) and rented affordable housing for older people. Whilst the viability assessment looks at both bungalow development and specialist accommodation for older people it does not specifically address the impact of the delivery of affordable rented accommodation for older people as part of mixed residential development. This needs to be given further consideration and clarified to ensure the viability of sites is not compromised.
- 3.57. The implications for delivering affordable provision across all phases of development, in accordance with the proportion and mix of affordable housing set out within Table E is also questioned in terms of the ability of achieving high quality and sustainable development which is designed to respond to a site's constraints and opportunities, whilst also meeting with other policy requirements through the Plan. This requirement is not sufficiently flexible and could restrict the delivery of homes and should be removed.
- 3.58. The policy as currently written sets out that *'Where sites have a construction programme which is proposed to extend beyond 2 years, the planning obligation will provide for the affordable housing component of later phases to be reviewed based on updated viability evidence which may result in an increase of the affordable housing requirement'*. Affordable housing requirements should not go beyond provisions already set within Policy SO3.2 and which have been the subject of viability testing. There is no clear evidence base for this requirement, which is onerous and unjustified, conflicting with NPPF, paragraph 16(a) and (c) in terms of the positive preparation of the plan and achieving the delivery of sustainable development. This presents further uncertainty for housebuilders in the delivery of new homes, with the construction programme for the majority of all larger developments, including strategic sites likely to extend beyond a 2 year period. From a practical perspective it is unclear how these policy provisions would be implemented through the decision making process and creates yet further unnecessary procedural delays to the delivery of new homes.
- 3.59. The use of appropriately worded planning conditions and s106 Agreements provide appropriate mechanisms in which to consider phasing and the delivery of affordable homes on a site specific basis. The inclusion of this phasing requirement is therefore unnecessary with no clear justification and contrary to national policy, which sets out that *'land with*



permission is developed without unnecessary delay (NPPF, para 60). This wording should therefore be removed from the policy to ensure the Policy is consistent with NPPF Paragraph 16. Overall, the policy approach as currently written is neither considered to be justified, consistent with national policy or effective and should therefore be reviewed.

POLICY SO3.3: DELIVERING HIGH QUALITY HOUSING

- 3.60. The introduction of the optional nationally described space standard (NDSS) to all new homes should accord with the provisions of the NPPF (para 130f and Footnote 49) which sets out that *'policies may also make use of the NDSS where the need for an internal space standard can be justified'*. However, the implementation of NDSS should still allow for flexibility when a different solution might be required, for example to meet a specific housing mix or particular site constraints. This needs to be referenced in the policy wording.
- 3.61. Ricborough supports the objective of delivering high quality design and resilience and providing adequate space to achieve good living standards. However, objection is raised to all new build housing to be built to M4(2) standards, without any provision for exceptions on larger developments.
- 3.62. Specific evidence is required to justify imposing such requirements. NPPF footnote 49 allows for these optional technical standards for accessible and adaptable housing to be introduced through planning policy *'where this would address an identified need for such properties'*. Planning Practice Guidance (ref. ID: 56-007-20150327) sets out the evidence that can be used by local planning authorities to demonstrate a requirement to set higher accessibility, adaptability and wheelchair housing standards. This is currently not reflected in the emerging Plan's evidence base.
- 3.63. The policy includes exceptions for minor developments where it can be demonstrated that it is not feasible to deliver all homes as M4 (2) compliant due to unique site characteristics, constraints or due to a significant impact on viability. It would therefore seem reasonable as a minimum, that this policy should be amended to include exceptions for all developments, given limitations to the delivery of M4(2) homes is applicable to all homes/developments not simply minor developments.
- 3.64. The provisions of all homes as M4(2) compliant should also be considered in the context of providing an appropriate mix of homes to meet all needs. For example, the internal layouts of homes which are M4(2) compliant might not meet the housing requirements of all homeowners. A balanced approach to housing delivery is therefore necessary to achieve sustainable development that meets the needs of all.
- 3.65. To ensure the policy meets with the tests of soundness it is important that the requirement for all development to be NDSS and M4(2) compliant is adequately justified based on proportionate evidence, and where fully justified, greater flexibility is provided for developments in terms of the ability to demonstrate exceptions to the policy.

STRATEGIC OBJECTIVE 5

- 3.66. Strategic Objective 5 deals with sustainable transport and communications infrastructure. It seeks to manage the need to travel by providing for major new development in locations that can provide access for all sections of the community. It also requires the clustering of the development of services and facilities in locations that can provide convenient access for all sections of the community.

POLICY SO5.1: ACCESSIBLE DEVELOPMENT

- 3.67. Policy SO5.1 deals with accessible development. Amongst other things the policy identifies that proposals should set out, as appropriate, how and when the development will contribute to the reduction in reliance on the private car by locating a development where it can provide a full choice of sustainable travel options, co-locate shopping, education and leisure facilities in convenient "hubs", and layouts should provide the capacity for public transport access. The policy also refers to development which individually or cumulatively causes an unacceptable impact on the highway network, will not be supported.
- 3.68. The test contained within the policy that developments which individually or cumulatively cause an unacceptable impact on the highway network is not consistent with the approach set out in the NPPF. The NPPF test is a severe impact and that is the test that should be used in the policy.
- 3.69. This policy should therefore be amended to ensure it remains consistent with national policy.

POLICY SO5.2: COMMUNICATION TECHNOLOGIES

- 3.70. Policy SO5.2 deals with communication technologies and states that all major development proposals will demonstrate how they will deliver digital connectivity. The policy refers to measures such as facilitating technologically advanced methods of communication to allow remote working and reducing need to travel, providing and future proofing infrastructure that is required to enable access to high quality and resilient digital connectivity.
- 3.71. Richborough endorse the general approach but question whether this is an area where land use planning can assist in promoting the use of new and emerging technologies. Whilst new housing developments will incorporate fibre broadband connectivity, it is difficult to envisage how developers and housebuilders, in particular will provide many of the aspects of Policy SO5.2. For example, how the development will facilitate technologically advanced methods of communication to allow remote working is nebulous. It is important that, whilst welcomed, the aspirational approach taken by the Council is deliverable and meets with the provisions of NPPF Paragraph 16 (b).

POLICY SO5.3: LOW AND ZERO CARBON TRANSPORT

- 3.72. Policy SO5.3 deals with low and zero carbon transport. It states all major development proposals will contribute to the reduction in the reliance of carbon intensive modes of transport by supporting the take up of ultra-low emission vehicles, hydrogen vehicles, developing electric vehicle charging networks, accelerating the uptake of low emission taxis and buses, investing in cycling and walking and moving freight from road to rail.
- 3.73. Richborough supports the objective to reduce reliance on carbon intensive modes of transport and electric vehicle charging has become a normal part of the delivery of new development, however again it is difficult to foresee how a Local Plan document and its implementation through the development management process will ultimately support the take up of ultra-low emission vehicles as described in the Policy. Similarly, other vehicles, such as hydrogen vehicles, have yet to be demonstrated as viable and in particular it is not evident that hydrogen vehicles will be the most sustainable future replacement for carbon-based vehicles.
- 3.74. Other elements of the policy refer to supporting changes to the road network where they are related to the reduction in environmental impacts and the enhancement of public transport.



Whilst such changes can be supported, they can result in other adverse impacts such as an increase in congestion and other associated negative air quality impacts.

- 3.75. The policy needs review to address this potential conflict.

POLICY SO5.4: MAINTAINING AND IMPROVING THE TRANSPORT SYSTEM.

- 3.76. Policy SO5.4 deals with maintaining and improving the transport system. It sets out various measures which will be promoted to achieve improvements in the existing transport network. One of the items detailed is enabling demand responsive transport services such as taxis to provide mobility at times and locations where timetabled public transports services are not sustainable.
- 3.77. Generally Richborough supports the approach set out in the policy however it should be noted that taxis already provide mobility in lieu of public transport services. That is the type of service that taxis provide. That said, on-demand public transport networks are becoming more prevalent where timetabled services are being reduced; and Richborough support such an approach if it is a suitable replacement.

POLICY SO5.6: SAFEGUARDING PROPOSED RECREATIONAL FOOTPATH AND CYCLE ROUTES

- 3.78. Policy SO5.6 refers to safeguarding recreational footpath and cycle routes. The policy protects those routes shown on the proposal map from development.
- 3.79. Richborough generally support the approach taken to new footpath and cycleways.

POLICY SO5.7: PARKING PROVISION

- 3.80. Policy SO5.7 deals with parking provision. It states all major development proposals will make appropriate off-street parking in accordance with the relevant local design code and an assessment of the anticipated demand arising, scope for encouraging alternative means of travel, provision that will be made for private and public transport charging points, impact that parking might have on road safety and residential amenity and provision of adequate and conveniently placed for parking for people who have a disability or restricted mobility.
- 3.81. The approach in the Local Plan is not consistent within the NPPF in that, as proposed, the parking standards would not be contained within the Local Plan document and therefore would not be subject to examination. In addition, paragraphs 105 and 106 of the NPPF states that maximum parking standards should only be set where there is a clear justification that they are necessary for managing the road safety network.
- 3.82. Evidence should be included that demonstrates that parking standards are necessary and based on proportionate evidence, and these should be included within the Local Plan to provide certainty to developers upfront and avoid ambiguity. Any standards that are developed should be clear and not onerous, ensuring the Plan meets with the requirements of NPPF paragraph 16.

STRATEGIC OBJECTIVE 7

- 3.83. Strategic Objective 7 deals with the protection and enhancement of the natural environment. It seeks to minimise impact on and provide net gains for biodiversity. The policy refers to highest degree of protection being given to the protected landscape of the Cannock Chase National Landscape and the Green Belt. In terms of this objective, it is not clear how the Green Belt has been identified as having any "protected landscape" character. Green Belt designation is a policy tool rather than a recognition of landscape. The objective should be amended to remove reference to the Green Belt and its "protected landscape. Similarly, this has also been addressed earlier within the representations with regards to the District Profile. This should be reviewed throughout the Plan to ensure consistency with national policy.

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

- 3.84. Policy SO7.1 states development proposals will support the protection, conservation, enhancement and restoration of designated biodiversity and geodiversity sites, ecological networks, irreplaceable habitats and priority habitats, and the protection and recovery of legally protected and priority species populations. It sets out that development proposals whose primary objective is to conserve or enhance biodiversity will be supported, with enhancement features sought where appropriate to the scale of development.
- 3.85. It continues to indicate that development that results in a significant effect on SAC, SPA or Ramser will not be supported unless an HRA has concluded there are no adverse impacts. Adverse effects on SSI, NNR will not normally be permitted unless benefits of development outweigh the impact; whilst development resulting in loss or deterioration of irreplaceable habitat, including ancient woodland, ancient trees or veteran trees will need to demonstrate there are wholly exceptional reasons and suitable compensatory measures exist.
- 3.86. Richborough supports the general principles set out in Policy SO7.1, however the policy is overly complicated and an unnecessary duplication of national policy, reiterating word for word the policies contained within Chapter 15 of the NPPF on 'Conserving and Enhancing the Natural Environment'. The introduction of other Local Plan policy provisions is also unnecessarily repetitive and should be deleted. The policy should be reviewed and simplified ensuring a clear starting point for any non strategic policies in accordance with the provisions of national policy.
- 3.87. As identified at the Preferred Options Regulation 18 Consultation there continues to be a typographical error at paragraph 6.272 of the supporting text, defining "imperative reasons for overriding public interest" rather than what it is intended to say which is "reasons of overriding public interest", consistent with the provisions of national policy (NPPF para 177).

POLICY SO7.2 BIODIVERSITY NET GAIN

- 3.88. The Policy is considered unnecessary and a duplication of national policy requirements, with 10% Biodiversity Net Gain now mandatory for all major developments (as of 12th February 2024) and all non major developments (as of 2nd April 2024) as required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). Reference to BNG within Policy SO7.1 is therefore considered sufficient to address the requirements of BNG within the Local Plan with BNG tools and guidance available at a national level. Policy SO7.2 should therefore be deleted.

POLICY SO7.3: HABITAT SITES

- 3.89. Policy SO7.3 deals with Special Areas of Conservation (SAC). It states development will not be permitted where it would lead directly or indirectly to an adverse impact upon a SAC and the effects cannot be mitigated. The policy goes on to indicate that to ensure that the integrity of the Cannock Chase SAC is not adversely affected all development that result in a net increase in dwellings will be required to supply the Council such information as reasonably required for Council/competent authority to undertake an HRA in accordance with the most up to date Cannock Chase SAC Partnership Mitigation Scheme. It is noted however that the supporting text continues to refer to development within 15km of the SAC. This should be explicitly referenced within the policy itself. The policy as currently written is vague when referring to the supply of information '*as reasonably required*'. It is important that the information required to support applications is clearly identified within supporting guidance so as not to unnecessarily delay the application process and to enable determination targets to be met.
- 3.90. In general terms, Richborough support the general approach, however recognition should be given within the policy to the mitigation measures which can be delivered through Local Plan proposals.

POLICY SO7.6: PROTECTING, CONSERVING AND ENHANCING THE GREEN BELT

- 3.91. It states that development will protect the character and openness of the Green Belt and supports opportunities to enhance the beneficial use of the Green Belt, including opportunities to provide access for outdoor sport and recreation, to retain and enhance landscapes, visual amenity and biodiversity.
- 3.92. The release of Land south of Main Road, Brereton, from the Green Belt is dealt with under the provisions of Policy SO7.7. It is important to note however the opportunities which the landscape led residential development of this site will bring in terms of recreational, biodiversity and landscape enhancements which will present clear benefits to Brereton, improving the interrelationship between both the urban and landscape environment, whilst delivering much needed homes.

POLICY SO7.7: AMENDMENTS TO THE GREEN BELT

- 3.93. Policy SO7.7 identifies amendments to the Green Belt proposed in the Local Plan to accommodate the growth requirements of the district over the Plan period. The Strategic Housing Allocations are identified in the following locations:
- SH1 South of Lichfield Road, Cannock
 - SH2 Land east of Wimblebury Road
 - SH3 Land to the rear of Longford House, Watling Street, Cannock
 - SH5 Former Hart School (Hagley Park), Burnthill Road, Rugeley (southern site- part)

- 3.94. It is submitted that Land off Main Road, Brereton, is suitable for allocation for residential development and should accordingly form part of this Policy list.
- 3.95. The policy also identifies a number of other proposed amendments to the Green Belt boundary to accommodate growth requirements beyond the Plan period. The purpose for which these sites have been safeguarded, in particular sites S1-S3 is however unclear. Paragraph 6.332 sets out that *'the areas of land identified as safeguarded are not allocated for development at the present time and should be safeguarded from development which would prevent their long-term potential to assist in delivering the future economic and housing needs of the district and strategic network of green infrastructure. These proposed amendments include both housing and employment sites'*. Although the principle of safeguarded land is supported to accommodate future growth, it is important however that it is made clear within the policy itself which sites are identified for housing and employment growth, as well as other compensatory green infrastructure provision.
- 3.96. As identified above, in relation to Policy SO3.1 Housing Provision, there is however evidence which suggests the need to justify the release of further Green Belt sites in order to meet the district's housing requirements, in addition to the growing and substantial housing requirements of GBBCHMA, over the Plan period itself. Where the authority falls short of meeting its housing requirements over the Plan period, clear provisions should be made within Policy SO7.7 for the early release of identified safeguarded sites which have the capability of delivering sustainable housing developments, particularly given the authority's reliance on historic housing completions. In all cases appropriate mitigation would be made to compensate for the loss of Green Belt land as identified in the site specific policies. This would include new or enhanced green infrastructure, woodland planting, landscape and visual enhancements, improvements to biodiversity, a new and enhanced walking and cycle routes and improved access to new or enhanced existing recreational and playing field provision.
- 3.97. Richborough consider that there are exceptional circumstances which justify the release of Land south of Main Road, Brereton from the Green Belt. As discussed earlier, these circumstances include the unmet housing need within the district across the Plan period due to an over reliance on historic commitments, in addition to the significant unmet need across the wider GBBHMA which continues to grow and will need to be met over the Plan period and beyond. This provides the exceptional circumstances necessary to remove additional land from the Green Belt to meet this need. This would include Land south of Main Road, Brereton. The allocation of the Site for housing through the Local Plan review will contribute positively towards meeting the district's housing requirement, with the site deliverable within the first part of the Plan period to meet current housing needs and boost housing supply. In terms of the site's release and consistency with the Local Plan Spatial Strategy, the Site Selection Proforma (Site Selection Methodology 2023) acknowledges that the site is located on the edge of Brereton, which is defined as a Local Centre, and with capacity for growth. As a result, new development would be consistent with the development strategy set out within the Local Plan.
- 3.98. Whilst the overall harm rating of the site as summarised under *'Green Belt and potential mitigation'* within the Site Methodology Assessment 2023 is moderate/high, the conclusions of the Green Belt Study 2021 acknowledges that development of the site would not be perceived as urban sprawl, whilst the significant settlement gap between Rugeley and Burntwood is considered robust when considering the purpose of the Green Belt in preventing the merging of neighbouring towns. The Green Belt Study scores the site as having a moderate contribution in relation to the merging of neighbouring towns however a minor contribution is considered a more appropriate assessment of the Site, particularly given that the Study concludes that the additional impact of the site's release on the adjacent Green Belt would be minor. It is considered that the overall harm resulting from the release of the site from the Green Belt should therefore be reviewed.

- 3.99. The overall harm rating also fails to take account of the compensatory measures associated with the release of the site from the Green Belt. The recommendations of Green Belt Study 2021 sets out that harm could potentially be reduced by strengthening the existing hedgerow field boundaries and/or enhancing tree cover, particularly to the south and south-east of the site/Green Belt parcel (RU38), to create stronger Green Belt boundaries. The Illustrative Masterplan enclosed at **Appendix 2** illustrates how strong Green Belt boundaries can be achieved as part of the proposed development of the site alongside existing physical infrastructure boundaries. The retention and strengthening of existing strategic landscape features at the site will ensure the urbanising visual influence of the development and existing built form is minimised, whilst also enhancing the surrounding landscape character.
- 3.100. Alongside, the opportunity to deliver much needed homes within a highly sustainable location, the release of 'Land south of Main Road, Brereton' from the Green Belt will also deliver clear benefits including substantial open space provision, with both formal and informal open space through the site, including the ability to provide two large community orchards. New infrastructure links including both pedestrian and cycle routes, will also contribute positively to the connectivity of the site to the wider urban area of Brereton and Rugeley. The development of the site will also contribute positively to enhancing existing local infrastructure with proportionate developer contributions towards the improvement of local education and health services. There is nothing therefore that would preclude development of the site being promoted at Land south of Main Road, Brereton coming forward to deliver a high quality residential development.
- 3.101. The Illustrative Masterplan at **Appendix 2** clearly demonstrates the ability to address each of the potential site constraints identified within the Site Selection Methodology 2023. It is also noteworthy that the Site Selection Proforma identifies the site as 'deliverable with no known barriers to development'. The release of the site from the Green Belt has also been identified as minimal/moderate, whilst the introduction of a strong landscape buffer will further enhance the Site's landscape setting, whilst development of the site is considered to be consistent with the Spatial Strategy of the Local Plan. The site therefore provides an excellent opportunity in contributing positively towards the district's own housing requirements across the Plan period, as well as the wider GBBCHMA housing needs.
- 3.102. The Site Selection Proforma identified the site as a Category B site following the further sifting of Green Belt and other SHLAA sites to meet the district's housing land supply needs through the site selection process. The release of Land south of Main Road, Brereton should therefore be revisited alongside amendments to the Green Belt to deliver sustainable housing development.

POLICY SO7.8: PROTECTING, CONSERVING AND ENHANCING GREEN INFRASTRUCTURE

- 3.103. Policy SO7.8 seeks to protect, conserve and enhance the Green Space Network. The policy indicates that sites which form part of the Green Space Network will receive the highest degree of protection from development. Criteria are set out which would protect the areas from inappropriate development and the policy also indicates that development of new homes should contribute to the delivery of provision for sports, physical activity and leisure. The policy sets out that development proposals will, in accordance with the relevant local design code, set out how opportunities for healthy living and active travel will be created and enhanced by linking to or adding to the Green Space Network.
- 3.104. Richborough largely supports the strategy to provide for open space within the district however elements of the policy are not consistent with national policy and could hinder development opportunities. In particular, the policy suggests as a principle that new homes



should contribute to the delivery of sports and recreation opportunities. This blanket requirement is not supported in national policy where development proposals should only contribute towards improvements to green infrastructure and other sports related facilities if there is a lack of capacity to adequately cater for the demand resulting from the proposed development.

- 3.105. The policy therefore requires revisiting and amending to make clear that such contributions would only be necessary where justified and will be proportionate and reasonable in all respects.
- 3.106. Finally, the suggestion that new homes should contribute towards the delivery of sports opportunities does not directly relate to the Green Space Network, as these elements could be indoor facilities. This requirement should be amended to make clear what contributions have been sought and the necessary caveats to them.

STRATEGIC OBJECTIVE 8

POLICY SO8.1: LOW AND ZERO CARBON ENERGY AND HEAT PRODUCTION

- 3.107. Policy SO8.1 deals with low and zero carbon energy and heat production. It states such proposals will be supported where it can be demonstrated that the impacts from the construction, operation and decommissioning of solar and windfarms can be mitigated, the impacts of the development proposals on designated landscapes, heritage assets and the natural environment and on local amenity have been assessed and shown to be acceptable. The policy goes on to indicate development proposals to install LZC energy and heat production into build infrastructure will be supported where it can be demonstrated that the installation promotes good design and in accordance with the relevant local design code, the installation has been designed to allow adaptability to new LZC technologies that may emerge, the installation is informed as a result of consultation with the communities and there are appropriate plans in place to remove the installation at the end of its lifetime.
- 3.108. Richborough have no objection to the policy approach, but it should be noted that whilst the supporting text refers to the County Council's proposal to adopt a presumption in favour of low and zero carbon technologies, the policy introduces a number of tests which would potentially inhibit the delivery of such renewable energy facilities and this should therefore be considered further to ensure the policy is deliverable.

POLICY SO8.2: ACHIEVING NET ZERO CARBON DEVELOPMENT

- 3.109. Policy SO8.2 deals with achieving net zero carbon development. It states all development proposals should strive to achieve the highest level of building performance standards for energy use and achieve the lowest carbon emissions that can practically and viably be achieved. It states all major developments will deliver in priority order:
- Zero carbon emission development
 - Low carbon emission development with on-site mitigation to achieve net zero carbon emissions
 - Low carbon emission development with off-site mitigation to achieve net zero carbon emissions



- Low carbon emission development with compensatory emissions to an appropriate carbon offsetting fund to achieve net zero carbon emissions.

- 3.110. The policy also states all major developments proposals will include evidence in a Sustainability Statement that the development has achieved the lowest carbon emissions that could practicably and viably be achieved
- 3.111. Although a move towards delivering greater energy efficiency is supported, it is important that the Development Plan's response to climate change is realistic and consistent with national legislation and policy provisions, setting standards within a timetable which is collectively understood and deliverable across the development industry.
- 3.112. Energy efficiency and the need to make significant improvements towards the pathway to net zero has been addressed at a national level through increasingly stringent Building Regulation requirements. In addition, from 2025 the Future Homes Standard will also require new homes to produce at least 75% lower CO2 emissions than current energy efficiency requirements. The recent Ministerial Statement on Local Energy Efficiency Standards dated 13th December 2023 was clear that Local Plans should not be placing onerous requirements on developers which exceed the requirements of national Building Regulations.
- 3.113. The inclusion of Policy SO8.2 is a duplication of national building regulations and is therefore unnecessary for purposes of the Plan. The policy should therefore be deleted with Policy SO8.3 addressing the requirement of net zero carbon development.

POLICY SO8.3: SUSTAINABLE DESIGN

- 3.114. Policy SO8.3 deals with sustainable design. It sets out that all development proposals must meet or exceed standards set out by the Home Quality Mark and all non-residential development should meet or exceed BREEAM excellent rating.
- 3.115. It continues that all major development must demonstrate how the design will meet the requirements of Policy SO8.2 in achieving net zero carbon development. It also states proposals should maximise opportunities for on-site production and use of low and zero carbon energy and heat; incorporate or link to low and zero carbon energy and heat systems; take account of changes in the weather as a result of climate change; protect and improve existing woodlands and habitats and integrate new green and blue infrastructure with Sustainable drainage systems and pedestrian and cycle routes; provide a contribution to the creation of urban forests, woodlands and street trees; conform to the relevant local design code; and make efficient use of previously developed land. Proposals should utilise materials with a low environmental impact and maximise the reuse of material in construction; provide electric vehicle recharging infrastructure; and opportunities for walking and cycling and facilitate low emission bus service provision.
- 3.116. There should be no expectation placed on housebuilders and builders to exceed national standards which have already been through vigorous viability testing and provide certainty for both housebuilders and developers. In addition, although Net Zero Carbon is supported, the requirements in meeting this standard should be consistent with national building regulations.
- 3.117. As set out above, Policy SO8.2 should be deleted given this is unnecessary and a duplication of national policy. There is no evidence that the policy has been subject to any form of viability assessment to establish what impact it would have on potential development. As drafted the policy requires contributions which may not be justified such as providing contributions to the creation of urban forests, woodlands and street trees when a



development may be providing elements on site. Where no proportionate evidence base exists this should therefore be removed.

- 3.118. The policy also includes reference to making efficient use of previously developed land when not all sites will involve previously developed land. This is also contrary to the Local Plan's spatial strategy which comprises a review of Green Belt land to deliver strategic housing sites. The policy as currently drafted is therefore unjustified, not supported by national or local policy and not supported by any evidence base.

POLICY SO8.4: MANAGING FLOOD RISK

- 3.119. Richborough have no further comment to make on this policy issue.
- 3.120. It should be noted that Land south of Main Road, Brereton is located within Flood Zone 1, the area at least risk from flooding.

POLICY SO8.5: AVOIDING AIR, WATER, NOISE OR LIGHT POLLUTION AND SOIL CONTAMINATION

- 3.121. Policy SO8.5 deals with avoiding air, water, soil, noise and light pollution.
- 3.122. The proposal sets out all major development proposals and will set out how any air, water, soil, noise and light pollution that may arise from the development will be avoided. It states the impact on air quality and on air quality management areas should be assessed and where it is not possible to avoid adverse impacts proposals must mitigate any impact through measures contained within air quality action plans and transport plans and through green infrastructure provision. Water quality should be protected and development will not be permitted without confirmation that the existing or improved sewage and wastewater treatment facilities can accommodate the new development. Sewer resources should be protected and safeguarded. Public lighting and signing should be designed and maintained in a way that will limit the impact of light pollution on local amenity, nature conservation and intrinsically dark landscapes and skies. The noise environment should be maintained and improved through good design.
- 3.123. The policy approach refers to development proposals which will cause unacceptable on-site or off-site risk or harm to human health or the natural environment, not being permitted. This requirement is difficult to establish. Any proposal can have some impact on the natural environment and the scale of this impact should be assessed rather than a blanket requirement that states any unacceptable impact will result in a refusal. Provision of water and waste water facilities is subject to a separate legal framework and therefore reference to improved sewage and waste water treatment facilities should be deleted.

POLICY SO8.6: BROWNFIELD AND DESPOILED LAND AND UNDER-UTILISED BUILDINGS

- 3.124. Policy SO8.6 deals with brownfield and despoiled land. It states that development proposals, where appropriate and in line with the provisions of the relevant Local Design Guide, will prioritise the use of suitable brownfield land for homes and other uses and make efficient use of underutilised land and buildings particularly within designated settlement boundaries.
- 3.125. Richborough supports the use of brownfield land however the policy should be amended to make clear that it relates to developments of such sites and should not be applied against



greenfield sites, whereby contributions could be sought to deliver improvements to other PDL sites. As drafted, the policy could potentially be applied to any proposal rather than specifically applied to proposals involving the reuse of previously developed land.

4. Land south of Main Road, Brereton

- 4.1. Richborough is promoting Land south of Main Road, Brereton (see Site Location Plan at **Appendix 1**), for residential development, including affordable homes, public open space provision and new community orchards. The site is identified within the SHLAA as Site Reference R28 (Land at Springs Farm Brereton).

Site Description

- 4.2. The site comprises approximately 13.68 hectares of land, located to the south of Main Road and south-east of Wattfield Close, Brereton, Rugeley.
- 4.3. The site is made up of several agricultural fields, separated by hedgerows with a number of individual trees dispersed among them. The site also includes a small number of agricultural buildings associated with the current use of the land.
- 4.4. Whilst the site is located within the West Midlands Green Belt, it is not subject to any other environmental or historical designations.
- 4.5. There exist several Grade II Listed Buildings some 150m to the north-west of the site, in addition to Brereton Hall, a Grade II* Listed Building. However, these Listed Buildings are set in the context of existing built form and it is not considered that the site comprises part of the setting of these buildings.
- 4.6. The site is located within Flood Zone 1, the area at least risk from flooding.

Illustrative Masterplan

- 4.7. The Illustrative Masterplan included at **Appendix 2** illustrates how the site may come forward for 204 dwellings, including the provision of affordable homes and an average density of 34 dph. In addition, the proposed Concept Plan demonstrates how a mix of properties can be delivered to assist in the achievement of a balanced housing market, including both open market and affordable homes to meet a wide range of housing needs. This includes the provision of smaller dwellings suited to younger people and larger three and four-bedroom houses to meet aspirational needs, as well as homes to accommodate the elderly and residents with disabilities.
- 4.8. The proposed street layout is underpinned by a central north-south tree lined avenue, which delivers a looped route and a new means of access from Main Road and Batesway. There is also the potential for an emergency vehicle access via Coalpit Lane.
- 4.9. The proposed streets are aligned to existing contours within the site and the layout retains all existing rights of way and the existing track which crosses the southern area of the site.
- 4.10. Development cells are interspersed with structural landscape layers to address soft rising views of the development and to maintain a green backdrop to views from Batesway. This includes substantial areas of landscaped open space provided at both the edges and through the site, including the provision of two community orchards.
- 4.11. Lastly, a substantial development offset allows for the strengthening of landscape along the eastern edge to form a new and enduring green belt boundary.

Green Belt

- 4.12. The Site is considered within the Council's 2021 Green Belt Study, covered by land parcels RU37



and RU38, although it should be noted that parcel RU38 also extends beyond the site boundary to both the south and east. The Green Belt Study provides the following conclusion in respect of both parcels:

"Parcel RU37 makes a relatively strong contribution to preventing encroachment on the countryside and a relatively weak contribution to preventing neighbouring towns merging into one another. The additional impact of its release on the adjacent Green Belt would be minor-moderate. Therefore the harm resulting from its release, as an expansion of Rugeley would be moderate-high.

Harm could potentially be reduced by strengthening the existing hedgerow field boundaries and/or enhancing tree cover, particularly to the south and south-east of RU37, to create a stronger Green Belt boundary and help reduce the urbanising visual influence of development. These measures would also help conserve and restore the existing settled ancient farmland landscape character, in accordance with landscape strategies set out in the Landscape Character Assessment for Cannock Chase (2016).

Parcel RU38 makes a strong contribution to preventing encroachment on the countryside and a moderate contribution to preventing neighbouring towns merging into one another. The additional impact of its release on the adjacent Green Belt would be minor. Therefore the harm resulting from its release, as an expansion of Rugeley would be moderate-high.

Harm could potentially be reduced by strengthening the existing hedgerow field boundaries and/or enhancing tree cover, particularly to the south and south-east of RU38, to create stronger Green Belt boundaries and help reduce the urbanising visual influence of development. This would also help conserve and restore the existing settled ancient farmland landscape character, in accordance with landscape strategies set out in the Landscape Character Assessment for Cannock Chase (2016)"

- 4.13. The Illustrative Masterplan included at **Appendix 2** to this Representation demonstrates how a Green Belt buffer can be provided along the southern and eastern boundaries, which would form a strong and defensible boundary in this location, whilst also having a positive contribution on the site's landscape setting.
- 4.14. It is important to note that parcel RU37 (directly adjoining existing housing to the northwest) is identified as making a relatively weak contribution to preventing neighbouring towns merging into one another and the additional impact of its release on the adjacent Green Belt would only be minor-moderate. In addition, the release of parcel RU38 (comprising the wider Site) is also identified as only having a minor impact on the Green Belt with regards the merging of neighbouring towns
- 4.15. It is therefore submitted that the site performs a reduced function in Green Belt terms than other sites of a similar size and it is therefore considered that the site should be released from the green belt for development.

Availability

- 4.16. Richborough have a legal agreement in place with the landowners and have promoted the Site over the course of the preparation of the emerging Local Plan.
- 4.17. If the site is to be successfully allocated for development and removed from the Green Belt, Richborough would seek to develop the site immediately, because there is nothing that requires a long lead-in time, which would contribute considerably to the District's housing supply in the early part of the Plan period. By way of a recent local example, Richborough



promoted two Green Belt allocations through the South Staffordshire Site Allocations Plan and both were granted outline permission shortly after that plan was adopted and the sites removed from the Green Belt. Further afield, in recent years they have delivered Green Belt sites via the Runnymede, Poole, Warwick, Warrington, New Forest District and Wyre Forest local plans.

Suitability

- 4.18. The site is suitable for residential development for the following reasons:
- It offers a suitable location for development and can be brought forward immediately following an allocation;
 - It would form a natural extension to Brereton;
- 4.19. The Illustrative Masterplan demonstrates how a scheme for approximately 204 dwellings can be achieved having regard to development provisions identified through the Pre Submission Local Plan consultation document, in addition to other relevant design guidelines and development standards currently utilised by the Council. The proposal is sustainable and represents a logical extension to the settlement of Brereton, directly adjoining existing residential development to the northwest. The purpose of the Green Belt in this location would not be undermined as a result of the site's release from the Green Belt.
- 4.20. In reviewing the capacity of the SHLAA the Development Capacity Study 2023 at Table A.7: '*restricted and excluded sites*', recognises that the Site is contiguous to the Main Urban Area, with the capacity for 204 dwelling development potential of the Site. The Illustrative Masterplan at **Appendix 2** clearly demonstrates the ability to deliver a high quality residential development with the retention and strengthening of existing strategic landscaping, delivery of new community orchards, substantial biodiversity enhancements and the ability to provide new cycleway and footpath infrastructure to enhance connectivity with the surrounding area. In addition, the site is sustainably located, with good access to retail, educational and community facilities provided within Brereton and Rugeley. Appropriate and proportionate developer contributions will be provided alongside the development of the site, contributing to the delivery of enhanced education and health services within the local community. The site is therefore considered entirely suitable for residential development.
- 4.21. Furthermore, exceptional circumstances exist as demonstrated through these representations to justify the release of the site from the Green Belt. The site should therefore be considered as a reasonable alternative in delivering the district's housing requirements over the Plan period and beyond.

Deliverability

- 4.22. There is an agreement in place between the landowner and Richborough to facilitate the development of the site.
- 4.23. The technical work undertaken to date confirms there are no constraints likely to render the site undeliverable over the Plan period. The site is available now.
- 4.24. There are no existing uses that would require relocation and no issues of contamination that would require remediation. Many of the impacts identified by the Council through the initial sustainability appraisal of the site can be mitigated and, in many cases, a positive outcome can be achieved.
- 4.25. The site is deliverable and immediately available and, subject to allocation, could deliver homes

and associated community benefits within the first part of the Plan period.

Key Benefits

- 4.26. Development of the site will contribute to building a strong, responsive and competitive economy. In particular, the delivery of new homes at the site will bring economic benefits during both the construction stages and with the expenditure of new residents, for example.
- 4.27. The proposal would assist in the delivery of supporting infrastructure and also provide extensive on-site open space provision, community orchards and new pedestrian and cycle infrastructure.
- 4.28. Overall, the provision of much needed additional open market and affordable homes in the district will contribute to building a strong, responsive and competitive economy in line with the objectives of the NPPF.

Sustainability Appraisal

- 4.29. The Cannock Local Plan Review consultation is supported by a Sustainability Appraisal, (incorporating Health Impact Assessment) prepared by LUC ('the SA'). The purpose of the SA is to document the SA process and enable the authority to demonstrate that they have identified, described and evaluated reasonable alternatives during the making of the Local Plan. The SA process has also appraised the draft development management policies and their likely outcomes. The potential sites are assessed in relation to each of the stated SA objectives as follows:

- **SA Objective 1:** Protect and enhance biodiversity, fauna and flora and geodiversity.
- **SA Objective 2:** Minimise pollution and protect and enhance air, water, and soil quality
- **SA Objective 3:** Ensure development makes efficient use of previously developed land and buildings.
- **SA Objective 4:** Adapt to the impacts of, and minimise factors contributing to, climate change.
- **SA Objective 5:** Reduce the risk of flooding.
- **SA Objective 6:** Protect, enhance and manage the character and quality of the landscape and townscape, maintaining and strengthening local distinctiveness and sense of place.
- **SA Objective 7:** Make sustainable use of resources and minimise waste generation.
- **SA Objective 8:** Encourage and facilitate the use of sustainable modes of transport
- **SA Objective 9:** Ensure all people are able to live in a decent home which meets their needs.
- **SA Objective 10:** Raise educational aspirations and attainment within the District and ensure that educational facilities are provided where they are required.
- **SA Objective 11:** Reduce crime and the fear of crime.
- **SA Objective 12:** Improve public health and ensure public health facilities are accessible for those in need.

- **SA Objective 13:** Protect, enhance, and create and ensure access to open spaces and facilities for leisure and recreation facilities are accessible for those in need.
- **SA Objective 14:** Provide easy access to community services and facilities to meet people’s needs and avoid isolation.
- **SA Objective 15:** Help the continued regeneration of the local economy by protecting existing employment sites and ensuring there is adequate provision of new sites.
- **SA Objective 16:** Enhance the town centres in order to protect and improve their vitality and viability.
- **SA Objective 17:** Conserve and enhance the built historic environment (including heritage assets and their respective settings).

4.30. The significance of effects is scored as follows:

Symbol/Score	Description
++	The option is likely to have a significant positive effect on the SA objective(s).
++/-	The option is likely to have a mixture of significant positive and minor negative effects on the SA objective(s).
+	The option is likely to have a minor positive effect on the SA objective(s)
0	The option is likely to have a negligible or no effect on the SA objective(s)
-	The option is likely to have a minor negative effect on the SA objective(s)
--/+	The option is likely to have a mixture of significant negative and minor positive effects on the SA objective(s)
---	The option is likely to have a significant negative effect on the SA objective(s)
?	It is uncertain what effect the option will have on the SA Objective(s)
+/- or ++/--	The option is likely to have an equal mixture of both minor or both significant positive and negative effects on the SA objective(s).

SA Table 2.1: Key to Symbols and colour coding used in SA.

SA Appraisal: Land south of Main Road, Brereton

- 4.31. Land south of Main Road (referred to as Site R28, Land at Springs Farm, Brereton) is appraised at **Appendix E** of the Sustainability Appraisal. Table 4.3 of the document provides a summary of the likely sustainability effects of the proposed housing site.
- 4.32. With regards to SA objective 1: biodiversity and geodiversity, the site is scored as having an uncertain minor negative impact (-ve?). The Sustainability Appraisal fails to acknowledge the extent of the biodiversity enhancements which will be brought forward through the mandatory delivery of 10% Biodiversity Net Gain required as part any development of the site. The development of the site will also ensure the retention and strengthening of existing strategic landscaping creating enhanced ecological corridors and the opportunity for substantial biodiversity enhancements. This is reflected in the supporting Illustrative Masterplan at **Appendix 2**. The SA score has been based on the site being located within 250m of Brereton Hayes SBI and a section of the Cannock Chase SAC within 3.7km to the southwest of the site. However the site is not located within close proximity to any internationally or nationally designated biodiversity or geodiversity sites. The development also provides the opportunity for enhanced ecological connectivity, whilst appropriate mitigation measures can be delivered through Local Plan proposals to compensate any indirect impacts on the SAC. The SA scoring should therefore, as a minimum, be revisited with a minor positive scoring following mitigation.
- 4.33. The biodiversity benefits associated with SA Objective 1 are also relevant to SA Objective 2 in relation to Pollution and SA Objective 4 in relation to Climate Change. The development will deliver substantial environmental benefits over the existing farmed land which is categorised as poor, Grade 4 Agricultural Land. A minor negative score is given in relation to Pollution, however the site is not located adjacent to any major roads or AQMA. It is unclear therefore why the site has been scored as having minor negative impact and SA scoring should be revisited to provide a positive score rather than a negative score. Similarly, the ability to enhance the biodiversity value of poor agricultural land should be seen as having a positive contribution in relation to climate change.
- 4.34. A sustainable drainage strategy would be introduced which would result in drainage betterment for the site and the immediate surrounding area. The scoring for SA Objective 5 Flooding, should therefore be shown as a positive score following mitigation.
- 4.35. In terms of SA Objective 6 Landscape and Townscape, the site is scored with an uncertain significant negative impact, with the site located within Ancient Settled Farmlands and Sandstone Hills and Heaths as identified within the Landscape Assessment for Cannock Chase District 2016. The more recent Green Belt Study 2021 however acknowledges that strengthening the existing hedgerow field boundaries and/or enhancing tree cover, particularly to the south and south-east would help to conserve and restore the existing settled ancient farmland landscape character, in accordance with landscape strategies set out in the Landscape Character Assessment. The Illustrative Masterplan included at **Appendix 2** shows the ability of the proposed residential development to create strategic landscape buffers at the southern and eastern parameters of the site reducing the urbanising visual influence of the proposed development and existing urban edge, overall making a positive contribution to the wider landscape setting. The proposed development should therefore be scored as delivering a + positive score.
- 4.36. With regards to SA Objective 8 and Sustainable Modes of Transport, there is the opportunity to deliver enhanced pedestrian and cycle connectivity to the existing network of footpath and cycleways with direct links to the adjoining urban area, whilst also enhancing accessibility to the wider countryside to the south. Regular bus services located within close proximity of the site provide access to services, facilities, employment, retail and recreation within the surrounding area. The positive SA score is therefore supported.



- 4.37. In terms of SA Objectives SA10 Education and SA12 Health and Wellbeing appropriate contributions will be made to address any potential impacts on existing education and health services, with the ability to contribute positively towards enhanced facilities provided within the local area. The SA acknowledges the location of the site to existing primary schools with a positive score for Education, however a positive score should also be indicated within the SA for Health and Well Being.
- 4.38. Similarly to SA Objective 13 Recreation, SA Objective Health should also be scored with a substantial positive effect to acknowledge the open space benefits through the delivery of formal play space and informal open space through the site, in addition to two community orchards and the retention and strengthening of existing strategic landscaping. New infrastructure links including both pedestrian and cycle routes will also contribute positively to meeting this SA objective, alongside the ability to retain existing PROW through proposed areas of landscaped open space, as well as improving overall accessibility to the wider countryside. Significant biodiversity enhancements alongside substantial green and blue infrastructure will also have positive implications for the health of residents living within a landscape led residential environment. The SA score should therefore be revisited with a significant positive outcome.
- 4.39. With the above scoring amends in mind a comparison of the SA Scoring in the evidence base report for post-mitigation matters for Site R28 along with the suggested changes is set out as follows:

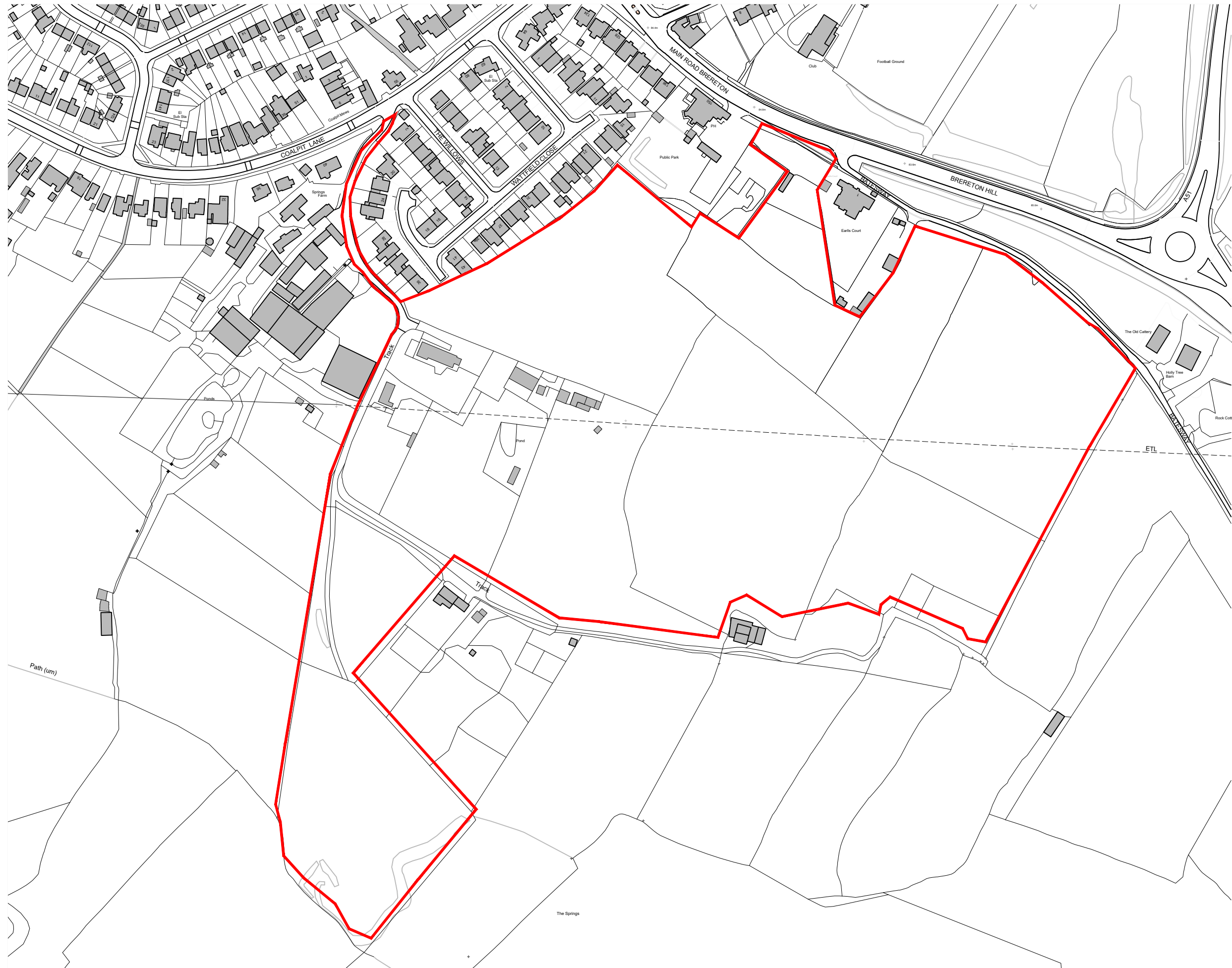
SA Objective	SA1: Biodiversity & Geodiversity	SA2: Pollution	SA3: Previously Developed Land	SA4: Climate Change	SA5: Flooding	SA6: Landscape & Townscape	SA7: Waste	SA8: Sustainable Transport	SA9: Housing	SA10: Education	SA11: Crime	SA12: Health & Wellbeing	SA13: Recreation	SA14: Services and Facilities	SA15: Employment	SA16: Town Centres	SA17: Historic Environment
R28 (SA version)	-?	-	--	0	-	--?	0	+	++	+?	0	-	++?/-?	+?	0	0	0?
R28 (Richborough taking into account comments made in this section)	+	+	--	+	+	+	0	+	++	+	0	+	++	+	0	0	0

5. Conclusion

- 5.1. Richborough is supportive of the Local Plan Review Pre Submission (Regulation 19) consultation document in the main, subject to a number of amendments and clarifications set out within this representation.
- 5.2. In particular the housing requirement for the Plan period should be revisited to provide as much flexibility as possible in excess of the minimum Standard Method housing figure in order to support both current housing needs and growth within the district and across the wider housing market area up to and beyond 2040.
- 5.1. Richborough supports the release of additional Green Belt land to meet this housing need. However, further Green Belt release is required through the allocation of additional strategic sites, and these sites should include Land south of Main Road, Brereton for a landscape-led residential development. There are clear exceptional circumstances to justify the release of the site from the Green Belt. These circumstances include the unmet housing need within Cannock Chase District due to an over reliance on historic commitments over the Plan period, in addition to the significant unmet need across the wider GBBHMA, which continues to grow. This is combined with the fact that around 60% of the district lies within the West Midlands Green Belt and around 30% lies within the Cannock Chase Area of Outstanding Natural Beauty presenting limitations to growth, which brownfield development alone cannot address, having regard to other policy requirements of the Plan and national planning provisions.
- 5.2. The site is sustainably located adjacent to the existing urban area of Brereton, which is identified for development growth and one of the main areas for development over the Local Plan Review. This site is available and deliverable, presenting the opportunity to deliver much needed aspirational homes to meet the district's immediate housing requirements. The development of the site will offer a range of housing to meet a mix of housing needs, including both market and affordable homes for families, first time buyers, as well as older and less physically able.
- 5.3. New homes would be delivered alongside other clear benefits, including the ability to provide substantial areas of open space/recreational areas including both formal and informal open space provision including two community orchards. The retention and further strengthening of existing strategic landscaping, in particular to the south and east of the site will provide effective visual landscape buffers from the wider countryside, with the ability also for significant biodiversity enhancements alongside the delivery of 10% mandatory Biodiversity Net Gain. The provisions of new pedestrian and cycle routes alongside the existing PROW will also contribute positively to enhancing the connectivity of the site to the surrounding urban and rural area for the benefit of the local community.
- 5.4. The allocation of Land south of Main Road, Brereton would therefore contribute to positive strategic growth within the district over the Plan period and as such should be released from the Green Belt in line with the exceptional circumstances demonstrated.
- 5.5. Richborough support the Local Plan Review and whilst the Plan is currently unsound, can be made sound subject to the various modifications identified within these representations. Pegasus Group on behalf of Richborough therefore request to participate in the Hearing Sessions for the Local Plan Examination.

Appendix 1: Site Location Plan

The contractor is responsible to ensure that no products are to be utilised that do not comply with relevant British and/or European Standards and/or Codes of Practice, COSHH Regulations, Construction Regulations, or which are known or suspected at the time of product selection and/or construction to be deleterious to health and safety or to the durability of the work or not in accordance with good building practices. The contractor is responsible for checking dimensions, tolerances, levels and references. This drawing is to be read in conjunction with all relevant consultants or specialists drawings. Any discrepancy to be notified to Baily Garner LLP and rectified before proceeding with the works on site or shop drawings. Where an item is covered by drawings to different scales, the larger scale drawing is to be worked to. Do not scale drawings. Figured dimensions to be worked to in all cases. This drawing and the copyrights and patents therein are the property of Baily Garner LLP and may not be used or reproduced without consent or attribution. Baily Garner LLP, 55 Charlotte Street, Birmingham, B3 1PX. 0121 236 2236. birmingham@bailygarner.co.uk



REVISION: D: C: DATE:



Site location
33.80 Acres
13.68 Hectares



BA3 CLIENT:
RICHBOROUGH ESTATES LTD
PROJECT:
**LAND OFF BRERETON HILL
BRERETON, STAFFORDSHIRE**

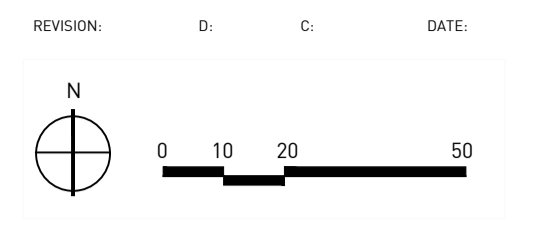
DRAWING TITLE:
SITE LOCATION PLAN

JOB NUMBER:	DRAWING NUMBER:	REVISION:
32565	2	-
DATE:	D	C
06.04.2020	CJL	CJL
SCALE:	1:2500@A3	
PURPOSE OF ISSUE:	PRELIMINARY	

Note:
Plotted red line boundary is subject to title confirmation.

Appendix 2: Illustrative Masterplan

The contractor is responsible to ensure that no products are to be utilised that do not comply with relevant British and/or European Standards and/or Codes of Practice, COSHH Regulations, Construction Regulations, or which are known or suspected at the time of product selection and/or construction to be deleterious to health and safety or to the durability of the work or not in accordance with good building practices. The contractor is responsible for checking dimensions, tolerances, levels and references. This drawing is to be read in conjunction with all relevant consultants or specialists drawings. Any discrepancy to be notified to Baily Garner LLP and rectified before proceeding with the works on site or shop drawings. Where an item is covered by drawings to different scales, the larger scale drawing is to be worked to. Do not scale drawings. Figured dimensions to be worked to in all cases. This drawing and the copyrights and patents therein are the property of Baily Garner LLP and may not be used or reproduced without consent or attribution. Baily Garner LLP, 55 Charlotte Street, Birmingham, B3 1PX. 0121 236 2236. birmingham@bailygarner.co.uk



LEGEND

- Site location
33.80 Acres
13.68 Hectares
- Conservation Area
- Existing landscape
- Proposed landscape
- Public open space
17.40 Acres
7.04 Hectares
- Community Orchard/ food production
- Residential development
Circa 204 dwellings
@ 34 dph
- Net development area:
15.00 Acres/
6.07 hectares
- Sustainable drainage (indicative)
- Public rights of way
- Key pedestrian links
- Children's play (natural and equipped)

DESIGN NOTES

1. Proposed vehicular and pedestrian access via Brereton Hill;
2. Batesway to be stopped up with new turning facility for existing dwelling (Earls Court);
3. New means of access to Batesway and existing dwelling;
4. Existing public footpath and emergency vehicles access;
5. Principal street (Avenue);
6. Secondary streets with wayfinding squares and focal spaces;
7. Residential lanes;
8. Streets aligned to topography;
9. Continuation of existing built-up edge (allowing for LPA building minimum offset distances);
10. Landscape buffer and outward facing frontage adjacent to existing farm;
11. Existing hedgerows/ field margins incorporated into new streets and green corridors;
12. Development setback and enhanced, soft landscaped edge as new Green Belt boundary;
13. Existing overhead cables to be grounded/ diverted; and
14. Soft edge.

Note:
This drawing is for illustrative purposes only and is subject to detailed design.
Red line boundary subject to title confirmation.

BAILY GARNER

Richborough Estates

CLIENT:
RICHBOROUGH ESTATES LTD

PROJECT:
**LAND OFF BRERETON HILL
BRETON
STAFFORDSHIRE**

DRAWING TITLE:
PROPOSED ILLUSTRATIVE MASTERPLAN

JOB NUMBER:	DRAWING NUMBER:	REVISION:
2545	1	-
DATE:	D	C
06.04.2020	CJL	CJL
SCALE:	1:1250@A1	
PURPOSE OF ISSUE:	PRELIMINARY	

- 5.6. Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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We are ISO certified 9001, 14001, 45001



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



Name of the Local Plan to which this representation relates: Cannock Chase Local Plan

Please return to: planningpolicy@cannockchasedc.gov.uk or:
Planning Policy, Cannock Chase Council, Civic Centre, PO Box 28,
Beecroft road, Cannock, Staffordshire, WS11 1BG

Please return by: 5:00pm on Monday 18 March 2024 (late forms will not be accepted)

Part A: Personal Details

	1. Personal Details*	2. Agent's Details (if applicable)*
	*If an agent is appointed, please provide client Title, First Name, Last Name, Organisation (if applicable) and Post Town in column 1 and provide full contact details for the agent in column 2.	
Title		Mr
First Name		David
Last Name		Onions
Post Town		
Organisation (where relevant)	Richborough	Pegasus Group
Address Line 1		
Address Line 2		
Address Line 3		
Post Code		
Telephone Number		
E-mail Address		

Do you consent to be notified about progress of the Cannock Chase Local Plan?

Yes No

Notifications: If you consent to be notified about progress on the Local Plan your details will be added to the consultation database. Your personal data will be held securely and processed in line with our privacy notice www.cannockchasedc.gov.uk/privacynotices. Contact will be limited to information regarding planning policy and your data will not be shared. You may unsubscribe at any time by email or writing to us using the details on this form. Data will only be held until adoption of the Cannock Chase Local Plan.

For Office Use	Part A Reference	
----------------	------------------	--

Cannock Chase Council:
Cannock Chase Local Plan
Representation Form



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:	Richborough
------------------------	-------------

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?

See attached written representation.

Para-graph:	Para 4.1 District Profile, Strategic Objectives Spatial Strategy Para 4.11 Para 6.24 Para 6.105 Para 6.272 Para 6.332	Policy:	Strategic Objective 1 SO1.1 SO1.2 Strategic Objective 2 SO2.1 SO2.2 SO2.3 SO2.4 SO2.5 Strategic Objective 3 SO3.1 SO3.2 SO3.3 Strategic Objective 5 SO5.1	Site:		Policies Map:	
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Cannock Chase Council:
Cannock Chase Local Plan
Representation Form



			SO5.2 SO5.3 SO5.4 SO5.6 SO5.7 Strategic Objective 7 SO7.1 SO7.2 SO7.3 SO7.6 SO7.7 SO7.8 Strategic Objective 8 SO8.1 SO8.2 SO8.3 SO8.4 SO8.5 SO8.6		
--	--	--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	--

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	
----------------	------------------	--

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.

See attached accompanying representations.

Richborough support the Local Plan Review and whilst the Plan is currently unsound, can be made sound subject to the various modifications identified within the attached representations.

(Please continue on a separate sheet if necessary)

Q5. Please set out the modification(s) you consider necessary to make the

Cannock Chase Council:
Cannock Chase Local Plan
Representation Form



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.

See attached accompanying representations.

Richborough support the Local Plan Review and whilst the Plan is currently unsound, can be made sound subject to the various modifications identified within the attached representations.

(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)

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:

Richborough support the Local Plan Review and whilst the Plan is currently unsound, can be made sound subject to the various modifications identified within these representations.

There is a requirement to consider further housing need for both the district and the wider GBBCHMA. There are clear exceptional circumstances based on the housing evidence available to release additional Green Belt sites to meet the district's housing requirements along with the wider HMA's housing needs over the Plan period. Land at Brownhills Road, Norton Canes, provides the opportunity to deliver high quality sustainable residential development through Green Belt release, which is available now to meet immediate housing need.

Pegasus Group on behalf of Richborough therefore request to participate in the Hearing Sessions for the Local Plan Examination.

(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:	14.03.24
------------	-------------------------------------------------------------------------------------	-------	----------

Cannock Chase District Council

Pre-Submission (Regulation 19) Consultation

Land at Brownhills Road, Norton Canes

On behalf of Richborough

Date: 15 March 2024 | Pegasus Ref: BIR. 5112

Author: KLB/DO



Document Management.

Version	Date	Author	Checked/ Approved by:	Reason for revision
01	08.03.24	KLB	DO	
02	12.03.24	KLB	-	Client Comments
03	15.03.24	KLB	-	Client Comments



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1. Introduction

- 1.1. These representations respond to the 'Pre Submission (Regulation 19)' consultation document for the Cannock Chase Local Plan Review and accompanying published evidence, having regard to the national and local planning policy context. These representations are made by Pegasus Group on behalf of Richborough relating to the site our client has a legal interest in, known as '*Land at Brownhills Road, Norton Canes*' ('the 'Site'). The Site is indicated on the Site Location Plan enclosed at **Appendix 1**.

Representations

- 1.2. The consultation is progressed under 'Regulation 19' of the Town and Country Planning (Local Planning) (England) Regulations 2012 and this representation relates to '*Land at Brownhills Road, Norton Canes*' which Richborough is promoting for residential development. In support of the promotion of the Site, a Concept Plan has been prepared, which is appended to this submission (**Appendix 2**).

- 1.3. These representations respond to the following documents:

- Cannock Chase Local Plan Review – Pre Submission Document (Regulation 19), December 2023 (Published February 2024)
- Cannock Chase Duty to Co-operate Statement of Compliance
- Local Plan Reg 19 Integrated Impact Assessment inc SA & HIA February 2024
- Viability Assessment (2022);
- Cannock Chase Local Plan Site Selection Methodology (July 2023)
- Development Capacity Study (September 2023)
- Five Ways Transport Modelling and Air Quality Impact (2022)
- Air Quality Assessment Five Ways Island Local Plan Modelling (February 2023)
- Revised Five Ways Modelling Analysis – Lower Housing Numbers (October 2022)
- Infrastructure Delivery Plan (2023)
- Green Belt Topic Paper (2023)
- Cannock Chase Green Belt Study (2016)
- Housing Needs Assessment (January 2024)
- Housing Homelessness & Rough Sleeping Strategy 2023–33 (January 2023)

- 1.4. The representations are framed in the context of the requirements of Local Plans to be legally compliant and sound. The tests of soundness are set out in the National Planning Policy Framework (NPPF Sept 2023). In referring to the NPPF (Sept 2023) regard has been given to guidance on implementation and the interim arrangements as set out at Appendix 1 Paragraph 230 of the most recent iteration of the NPPF, published in December 2023. This



sets out that where emerging local plans reach pre-submission consultation prior to 19th March 2024, plans will continue to be examined in the context of the previous 2021 iteration of the Framework.

- 1.5. Due to the publication of this round of consultation on the 5th February 2024, the previous September 2023 iteration of the framework will therefore apply and has been considered alongside the Pre Submission (Regulation 19) consultation document accordingly when preparing these representations. In light of the transitional arrangements, the Plan should be written in accordance with the provisions set out within the September 2023 iteration of the national policy framework. To ensure the policies of the Plan are fully justified it is important that the Plan and does not introduce the provisions of new national policy which would be contrary to the transitional arrangements and could result in inconsistency across the Plan.
- 1.6. The NPPF at Paragraph 16 of the NPPF sets out that for a Development Plan to be sound it must be:
 - **Positively prepared** – providing a strategy which, as a minimum, seeks to meet objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - **Effective** – deliverable over the Plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the Framework and other statements of national planning policy, where relevant.
- 1.7. These representations also give consideration to the legal and procedural requirements associated with the Plan-making process.

The District Plan Review Process

- 1.8. The Cannock Chase Local Plan (Part 1) is currently the statutory development plan for Cannock Chase Council and forms the principal basis for which development is promoted and controlled. The Plan was adopted on 11th June 2014 and covers the period 2008 to 2028.
- 1.9. It was originally intended to follow the Local Plan (Part 1) with a Local Plan (Part 2), which would consider site allocations and development management policies. However, National Planning Policy dictates that Local Plans are reviewed every five years, which means that the Local Plan (Part 1) would be due to be reviewed in 2019. As such, the Council considered that an update of some of the key Local Plan (Part 1) policies would be necessary. The Council therefore decided to cease work on Local Plan (Part 2) instead beginning work on a new Local Plan.
- 1.10. Following consultation on the Preferred Options Consultation document in February 2021 the Local Plan Review has seen significant delay in light of uncertainty surrounding the Governments Levelling Up and Regeneration Bill (now enacted) alongside emerging national policy. The Council acknowledges that this has contributed to the delay in the Local Plan. Following consultation on the Pre Submission (Regulation 19) document it is anticipated that the new Local Plan will be submitted in Summer 2024, with adoption scheduled Summer 2025 (subject to main modifications), and the period being extended to 2040.



- 1.11. Richborough supports the Council's proactive approach in continuing with a review of the Local Plan to ensure that an up-to-date policy framework exists for Cannock Chase, to guide growth to 2040 and to ensure that development is genuinely plan-led. There has been a significant delay in the preparation of the Plan however continuing with a review of the Local Plan will provide the authority the opportunity to comprehensively review the vision, strategic objectives, development requirements, spatial development strategy and policies for shaping detailed development proposals across Cannock Chase. In addition, it enables the authority to take into account changes to the national planning legislation alongside a review of housing requirements, among other strategic matters, across the district since the adoption of the current plan.

- 1.12. The Council consulted on the first stage of the new Local Plan in July / August 2018, and Richborough submitted representations to the Issues and Scope consultation accordingly. This was followed by the Issue and Options consultation in May – July 2019. Richborough submitted representations to the emerging Local Plan document including the Sustainability Appraisal. Representations were subsequently made to the last round of consultation comprising of the Regulation 18 Preferred Options document in February 2021. In the interim, representations were also made to the Council's emerging evidence base including submissions to the SHLAA 2022.

2. Local Plan Vision and Objectives

District Profile

- 2.1. Richborough is generally supportive of the identified District Profile. The Profile reflects the requirement to utilise the National Planning Policy Framework (the Framework) and the Standard Method to calculate housing need within the district, which is supported. It acknowledges population growth across the district from 42,828 households in 2018 to 47,102 households in 2039 based on 2014 household projections. In addition, recognition of the shortfall in the Greater Birmingham and Black Country Housing Market Area (the GBBCMA) and the need for Cannock Chase to contribute towards meeting the shortfall is also supported.
- 2.2. In light of the extended Plan Period it is however important that consideration is given to expected population growth up to 2040, along with the additional shortfall in housing across the Greater Birmingham and Black Country Housing Market Area (GBBCMA). Housing provision should therefore be considered in excess of the Standard Method, which should be treated as a minimum in order to support growth within the district and promoting sustainable communities consistent with the spatial strategy proposed across the Plan period.
- 2.3. The profile recognises the importance of the Green Belt in having a number of roles but particularly in maintaining the openness and the rural/urban fringe on the edge of the West Midlands conurbation. Richborough acknowledges this, but in recognition of Green Belt release, strategic allocations, and to meet with housing requirements, the District Profile should give greater focus to development which has significant sustainability benefits, providing significant strategic infrastructure improvements alongside the ability to achieve aspirational homes in meeting local housing needs.
- 2.4. Furthermore, it is important that in the context of the 'Environment' Green Belt is not misunderstood. As currently written the focus of Green Belt is on '*recreation, maintaining the District's character and its wildlife and safeguarding the wider open countryside*'. It is important that there is a clear distinction between the five purposes of the Green Belt (NPPF, para 144) and conserving and enhancing the natural environment (including valued landscapes, character of the countryside and biodiversity impacts) (NPPF, para 180). There is not necessarily a direct correlation between Green Belt land and recreation/biodiversity value as currently identified within the District Profile. Further emphasis should therefore be given to the role strategic housing developments, through Green Belt release, play in delivering measurable enhancements to the Green Belt, including enhanced accessibility for recreation as well as significant qualitative green infrastructure and biodiversity gains.
- 2.5. With regards to climate change the Plan sets out the district's target for achieving Net Zero. Although the Council's ambitions are supported this should be done so in line with national Building Regulations to ensure certainty for housebuilders, whilst also meeting aspirations for Net Zero homes viably and ensuring the continued delivery of homes to meet need.
- 2.6. The measures identified are recognised as possible approaches in which low/zero carbon may be achieved within strategic housing developments, but do not provide a definitive list and are open to interpretation. The recent Ministerial Statement on Local Energy Efficiency Standards dated 13th December 2023 clearly states that Local Plans should not be exceeding

the requirements of Building Regulations. In view of this clear guidance the reference within the District Profile (pages 22/23) should therefore be deleted.

2.7. The District Profile should therefore be amended to read.

'Safeguarding against future climate impacts is a cross-cutting issue and should be integrated with approaches to achieve a pathway towards low and zero carbon as required under national Building Regulations'.

2.8. The Plan summaries the key issues for the district within the District Profile (page 23). As set out above, Richborough supports that the Plan will seek to contribute towards the delivery of not only the district's own housing need but also the wider housing market area. Much greater emphasis however should be placed on the importance of delivering on the key issue of the district in meeting both their own housing need, as well as the housing need of the wider HMA. The provision of new homes is integral to addressing the district's other principal issues, including crime, health and education attainment, the role and function of town centres and the delivery of key strategic and community infrastructure, as well as the ability to deliver qualitative green infrastructure and biodiversity enhancements contributing positively to delivering a sustainable future.

2.9. The profile identifies the principal urban areas within the district. These consist of Cannock/Hednesford/Heath Hayes, Rugeley/Brereton and Norton Canes. Richborough supports the recognition of these principal urban areas however greater emphasis should be given to their role in delivering sustainable development in the context of them being the main centres of population and with the greatest range of facilities and transport opportunities.

2.10. Although Richborough acknowledge the importance of brownfield development as part of a balanced housing strategy for the district, it is important that over reliance on these sites does not result in an overprovision of flatted development unable to meet a range of needs (including families and older people), reduced affordable housing due to viability concerns, and disjointed communities within urban environments with limited outdoor amenity opportunities. Furthermore, the capacity of such sites to deliver new homes should have regard to changes in recent planning legislation, particularly the introduction of mandatory 10% biodiversity net gain to be met on all sites. With high biodiversity value open mosaic habits commonly associated with brownfield sites, there will be a greater need to offset biodiversity habitats which in turn will result in a lower net developable area and less capacity to deliver housing numbers.

2.11. Larger strategic developments, including Land at Brownhills Road would allow the opportunity to deliver aspirational homes set within high quality landscape-led residential environments, alongside significant recreational and biodiversity enhancements. Emphasis is placed on the regeneration of public housing estates within the area, however the strategy should be more focused on the opportunities for sustainable development to address this need, which will come from a range of sites being allocated for housing thus ensuring a balanced and reliable source of housing supply to meet housing over Plan period.

2.12. At paragraph 4.11 the document refers to discussions with duty to corporate partners and the potential assistance to meet Cannock's housing need and ongoing dialogue in relation to the wider Housing Market Area shortfall. This is also drawn out within the Duty to Co-operate Statement of Compliance which forms part of the Local Plan evidence base. Whilst support is given for the need to address the shortfall in the wider Housing Market Area, concern is raised relative to the suggestion that the Council is seeking assistance to meet its own

housing needs. There is no evidence to establish that the Council cannot meet its own housing requirements, as well as contributing a proportionate housing number towards meeting the shortfall in the wider Housing Market Area. Therefore, the status of other Local Plans across the HMA should have no bearing on CCDC's ability to meet the districts housing requirement across the Plan period in excess of the Standard Method, which itself should be treated as a minimum. Neighbouring authorities are also LPA's in the Green Belt and therefore affected by the same housing delivery constraints as CCDC. Without the delivery of new homes within the Green Belt there will therefore be a continued shortfall in meeting housing need across the wider GBBCHMA. Paragraph 4.11 should therefore be omitted as not being justified.

Strategic Objectives

- 2.13. Richborough is broadly supportive of the Strategic Objectives identified at Chapter 5 of the Pre-Submission consultation document. The objectives of the adopted Cannock Chase Local Plan remain relevant and are therefore supported.
- 2.14. Greater clarity should however be provided with regards to the district's overarching Vision for the Plan period. Paragraph 4.1 sets out the Council's vision as identified within the Council's Corporate Plan for 2022–2026. The Vision for the period up to 2040 should be included as Policy rather than simply set out within the supplementary supporting text. It should be clear what role each of the strategic objectives contribute towards the effective delivery of the overall Vision for the district, having regard to the Key Issues identified within the draft Plan (page 23).
- 2.15. As part of the Vision and objectives for the district, the delivery of high quality sustainable development and the need to deliver much needed homes should be given greatest priority, recognising not only the pressing need to deliver new homes at a local level but also for the wider housing market area, as well as at a national level where there is a current housing shortfall crisis which needs to be addressed to meet the housing needs of both current and future generations. A Vision of housing and economic growth supported through the delivery of high quality sustainable housing development will contribute significantly in achieving the overall objectives of the Plan.
- 2.16. Each of the strategic objectives are discussed further in Chapter 3 alongside the provisions of each of the proposed strategic policies.

Spatial Strategy

- 2.17. The Spatial Strategy continues to be left to supporting text within the broader document. It should be set out in its own strategic level policy identifying the three settlements which are the most sustainable and their overarching objectives relative to new development including the potential for Green Belt release to deliver sustainable development.
- 2.18. The Spatial Strategy for the district has set out a number of bullet points over pages 35–38 of the Local Plan Publication document. Whilst the general approach of the Spatial Strategy, in particular to focus development on the most sustainable locations is supported, specific reference to development around existing town centres, neighbourhood centres and employment centres is however misleading and not consistent with the proposed direction of growth through the Plan. Furthermore, specific reference to 'centres' is not consistent with national policy which instead supports sustainable development within or adjoining existing

settlements in order to meet a range of housing and other development needs for the district. This should therefore be revisited to accurately reflect national policy and the district's Spatial Strategy, including both urban development near centres but also sustainable development on the edge of existing settlements.

- 2.19. The spatial strategy should identify the settlements which are the most sustainable. These would consist of:
- Cannock Chase/Hednesford/Heath Hayes
 - Rugeley and Brereton
 - Norton Canes
- 2.20. In addition, greater emphasis should be placed on the important role strategic sites, in particular those adjoining an existing sustainable urban settlement, such as Land at Brownhills Road, Norton Canes, play in meeting housing requirements for the district across the Plan period. These sites provide the opportunity to achieve a wide range of aspirational homes, whilst also delivering significant infrastructure benefits for the area. As currently written, the delivery of new homes and the requirement for 'Green Belt' release is not given sufficient priority and should be further bolstered alongside the priority to deliver sustainable development.
- 2.21. The Spatial Strategy for Norton Canes identifies that there is potential for Green Belt release to deliver sustainable residential development which is supported. Without Green Belt release CCDC will be unable to meet their housing requirement with approximately 1,290 homes to be delivered through taking land out of the Green Belt.
- 2.22. Although the benefits of brownfield development is quite rightly acknowledged, greater emphasis should also be placed on the significant benefits that planned infrastructure delivery can offer the district as part of the development of strategic housing allocations. This, along with the redevelopment of previously developed sites, forms a balanced spatial development strategy. Furthermore, the introduction of mandatory 10% biodiversity net gain for example, alongside other more stringent planning policy and building regulation requirements, impose greater constraints for brownfield sites in particular in terms of the capacity of development/number of homes that can be delivered.
- 2.23. It is therefore important that as part of a balanced Spatial Strategy the Plan places greater emphasis on the need to release Green Belt land to meet the district's housing requirements, whilst advocating the wider benefits of carefully planned strategic housing allocations which are capable of delivering high quality residential environments, along with planned infrastructure delivery for the benefit of local communities.
- 2.24. Land at Brownhills Road, Norton Canes can deliver high quality family homes as well as meeting a range of other housing needs, including both high quality open market and affordable homes. Alongside, the delivery of new housing other clear benefits including both formal and informal open space through the site, as well as the retention and strengthening of existing strategic landscaping including a large on site pond with the ability for substantial biodiversity enhancements. Green infrastructure links including both pedestrian and cycle routes, will also contribute positively to the connectivity of the site to the wider urban area, including both residential and employment areas. In addition, a landscape led residential development will ensure the retention of existing strategic landscape features adjoining and through the site, minimising both landscape impact and any perceived impact on the wider Green Belt.



3. Local Plan Policy Options

STRATEGIC OBJECTIVE 1

- 3.1. The objective sets out that *'To deliver high quality development that protects the historic environment and is appropriate, distinctive, attractive and safe...'*.
- 3.2. It is noted that under Strategic Objective 1 greater emphasis is placed on protecting the historic environment since the previous Regulation 18 Draft Plan. Although the importance of the historic environment is acknowledged, emphasis within the objective to protect the historic environment, is considered to dilute the emphasis on the key objective of delivering *'high quality development'* and indeed fails to recognise, as set out above, the ability for sensitive development to conserve and enhance the historic environment, whilst making a positive contribution to local character and distinctiveness. Whilst important, the historic environment should instead be seen as forming part of the wider design process of protecting and enhancing the quality of the built environment. The supporting policy text acknowledges that developments can result in the improvements to existing heritage assets but this should be conveyed and emphasised within the overarching objective.
- 3.3. In addition, reference to the delivery of *'appropriate'* development within the objective lacks clarity and justification and is therefore open to interpretation. This should be removed from the policy and instead reference should be given to *'high quality sustainable development'* to ensure the objective is consistent with national policy.

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

- 3.4. Richborough have no comments in relation to Policy SO1.1 with the general approach supported. The provisions set out within the Policy should however be better reflected within the overarching strategic objective 1, acknowledging the ability of sensitive development to contribute positively towards enhancing the historic environment.

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

- 3.5. Policy SO1.2 relates to enhancing the quality of the built environment. It refers to the need to retain and enhance the distinct and separate character of each of the district's settlements.
- 3.6. This approach has some inconsistency with the recognition in other parts of the local plan that Cannock/Hednesford/Heath Hayes have to an extent merged to become a single settlement and therefore a more homogeneous character. The policy should be refined further to make clear that different approaches to character may be required depending on the location within the district. This will ensure the Plan's spatial strategy for growth is not undermined and the strategic objectives of the plan can be delivered over the Plan period.
- 3.7. Within the supporting text (paragraph 6.24) reference is made to the introduction of additional design standards within the Local Plan, including the concept of *'Active Design'*, which is rooted in Sport England's aims to promote the role of sport and physical activity in creating healthy and sustainable communities. It is unclear how this relates to the provisions

identified within Policies SO1.2, however as set out further within these representations (at Policy SO2.3) it is important that policy provisions set within the Local Plan do not exceed national policy requirements through the introduction of non statutory guidance directly within Policy.

- 3.8. Reference to 'Active Design' should therefore be removed from the supporting text at Policy SO1.2. This is also discussed further within these representations in the context of Policy SO2.3 and SO2.5.

STRATEGIC OBJECTIVE 2

- 3.9. Richborough support this objective which addresses the safeguarding of existing community infrastructure and providing new community infrastructure, safeguarding the health and amenity of local communities, providing active leisure and sports facilities, providing healthy living opportunities and increasing physical activity and providing opportunities for allotments and local food growing.

POLICY SO2.1: SAFEGUARDING THE PROVISION OF COMMUNITY FACILITIES

- 3.10. Policy SO2.1 deals with safeguarding community infrastructure. It also states that new development will contribute towards new community infrastructure to meet the needs arising from the development. It sets out criteria which the Council will use to determine whether existing community infrastructure can be lost. It also refers to new provision in the context of new development.
- 3.11. There should be a clearer distinction between those policy provisions dealing with the loss of existing community facilities and those elements dealing with the provision of new community facilities associated with development proposals. The Policy needs to give greater recognition to the opportunity for major development to contribute towards providing new community infrastructure where no current capacity exists and where directly and proportionally applied to the proposed development and in accordance with the CIL Regulations or their equivalent successors.
- 3.12. The policy should also give recognition in general terms to new housing development being able to deliver additional community facilities which can meet the needs not only of new residents but also of the existing community, meeting current gaps in infrastructure provision. The proposed residential development of 'Land at Brownhills Road, Norton Canes' will contribute positively towards new community infrastructure provision through proportionate s106 developer contributions. In addition, the development will deliver clear community benefits including both formal and informal open space. New infrastructure links including both pedestrian and cycle routes, will also contribute positively to the connectivity of the site to the wider area.

POLICY SO2.2: SAFEGUARDING HEALTH AND AMENITY

- 3.13. As set out at the Preferred Options consultation stages, whilst the general approach of the policy is supported, certain elements either repeat what is set out in other policies or are too vague to be meaningful. Reference to '*avoiding unacceptable on-site or off-site risk or harm*' is ambiguous, providing a lack of clarity for either the reader or the decision taker. The first two bullet points are considered sufficient to ensure that any development is seen to



safeguard the health and amenity of local communities, and the policy as currently written should therefore be revisited.

- 3.14. In addition, reference to '*achieving the lowest carbon emissions that can practically and viably be achieved*' lacks any evidential basis or method of assessment. This should therefore be deleted.
- 3.15. Achieving Net Zero Carbon Development is considered further at Policy SO8.2, but of particular relevance it is important to note that the recent Ministerial Statement on Local Energy Efficiency Standards dated 13th December 2023, is clear that Local Plans should not be placing onerous requirements on developers which exceed the requirements of national Building Regulations. Nationally applied standards provide the much-needed clarity and consistency for businesses, large and small to invest and prepare to build net zero ready homes in advance of further energy efficiency building regulations planned for 2025.
- 3.16. Subject to the revision set out above the general approach is supported.

POLICY SO2.3: PROVISION OF OPEN SPACE, SPORTS AND RECREATIONAL BUILDINGS AND LAND, INCLUDING PLAYING FIELDS

- 3.17. Policy SO2.3 deals with the provision of leisure and sports facilities. The policy seeks to improve sport and leisure facilities in the context of increased demand as a result of new development. It also seeks major development proposals to follow the principles of 'Active Design' encouraging healthier and more active lifestyles, as well as promoting walking and cycling, whilst creating new green infrastructure within the development. The policy also sets out criteria to protect the existing facilities.
- 3.18. There are no further details contained in the supporting policy text to provide greater clarity on the requirements of 'Active Design' in the context of Policy SO2.3. It is only when reading the Plan at Paragraph 6.24 (in the context of Policy SO1.2 'Enhancing the Quality of the Built Environment') that reference to Sport England's Active Design guidance is identified. No reference is made to the document as forming part of the relevant evidence base for Policy SO2.3.
- 3.19. Although Sports England's guidance can inform the Local Plan policies as part of the evidence base to encourage compliance with the principles of Active Design, specific reference to 'Active Design' should not feature directly within Local Plan policy. Reference to 'Active Design' should therefore be deleted from the policy to avoid ambiguity.

POLICY SO2.4: ALLOTMENTS AND COMMUNITY GARDENS

- 3.20. Policy SO2.4 deals with allotments and community food growing. It provides general support for the provision of allotments and protects existing allotments and community food growing sites.
- 3.21. Reference could be given to support being given for new developments, which can deliver additional allotments/community food growing sites. In particular, it is new housing development that is the potential delivery mechanism for new facilities of this type and this ought to be recognised in the policy.



POLICY SO2.5: PROVIDING OPPORTUNITIES FOR HEALTHY LIVING AND ACTIVITY THROUGH ACTIVE DESIGN

- 3.22. Policy SO2.5 deals with providing opportunities for healthy living and activity. The policy seeks to integrate major development proposals into the existing walking and cycle network.
- 3.23. In general terms Richborough support the approach, however some elements of the policy are unclear. One criterion refers to providing infrastructure that will enable sport and physical activity to take place inside and around buildings. It is unclear what this policy criteria is aimed at achieving, particularly the reference to 'around buildings'. This requires further clarification.
- 3.24. As set out above in relation to Policy SO2.5, the policy requires development to have regard to the principles of 'Active Design', however again this is not addressed further within the supporting policy text, and it is again unclear therefore what principles development should be adopting in line with the provisions of the policy. As previously highlighted under Policy SO2.3, the policy as currently written is unclear and inconsistent with national policy, conflicting with the provisions of paragraph 16 of the NPPF.
- 3.25. Reference to 'Active Design' should be removed from the Policy.

STRATEGIC OBJECTIVE 3

- 3.26. Strategic Objective 3 seeks to deliver a sufficient supply of homes to provide for housing choice and ensure all people are able to live in a decent home which meets their needs. The objective identifies the following key items:
- Facilitating sustainable housing provision.
 - Delivering sufficient housing to meet the district's own need and an appropriate and sustainable contribution to the wider housing market area shortfall.
 - Helping meet local needs for affordable dwellings.
 - Providing housing choices for an ageing population.
 - Catering for the needs of different groups in the community.
- 3.27. The objective set out does not reflect the Government's overall objective for housing which is to significantly boost the supply of homes. This should be reflected in the overall wording of the Strategic Objective 3 to ensure consistency with planning policy at a national level.

POLICY SO3.1: PROVISION FOR NEW HOMES

- 3.28. The Council's approach is to utilise the standard method to calculate its minimum housing requirement which comprises of 264 dwellings per annum, based on the government's standard methodology calculation of housing need, equating to an overall requirement of 5,808 dwellings over the Plan period. In addition to meeting local housing need within the district, the plan will also deliver 500 dwellings, contributing towards the unmet needs of neighbouring areas in the Greater Birmingham and Black Country Housing Market Area (GBBCHMA).
- 3.29. Richborough support the general approach of Policy SO3.1 in proposing to meet the

objectively assessed local needs for Cannock district and also contributing towards the unmet needs in neighbouring areas. The annual housing requirement of 264 dwellings per annum, as with the overall housing requirement across the Plan period, should be emphasised as providing a minimum housing delivery figure, with the standard method not accounting for the shortfalls in supply and housing delivery as a result of ongoing delays in Local Plan reviews across the wider HMA. The GBBCMA authorities, including Cannock Chase DC, should therefore ensure there is greater headroom in each of their housing delivery targets across the Plan period to address this shortfall.

- 3.30. In terms of meeting the housing requirement over the Plan period Table 5.4 of the Development Capacity Study 2023 sets out the 'Identified Local Housing Supply Contribution' as follows:

Table 5.4: Identified Local Housing Supply Contribution

SHLAA Under Construction Sites	338
SHLAA Sites with Planning Permission 10+ dwellings	1,265
SHLAA Small Site Contribution	163
Sub-Total	1,766
Housing Completions 2018-2023	2,504
Total	4,270

- 3.31. Whilst Table 5.4 of the Development Capacity Study sets out that 2504 homes were completed between 2018 -2023 this appears to be a typographical error. Having reviewed the completion figures within the SHLAA 2023 and associated trajectory, Table 5.1 below of the Development Capacity Study 2023 accurately reflects 2,540 housing completions between 2018-2023.

Table 5.1: Completions 2018 to 2023

Year	Net Additional Dwellings
2018-19	234
2019-20	930
2020-21	319
2021-22	620
2022-23	437
Total	2,540

- 3.32. The supporting policy text alongside Policy SO3.1 summarises housing supply over the Plan period. Table A identifies 454 dwellings on sites under construction on or before 31st March 2023; Table B a contribution of 1,265 dwellings from sites which already have planning permission, are already allocated or have a resolution to grant planning permission for housing; and at Table C 821 dwellings are identified as suitable for housing through the Development Capacity Study and Site Selection Methodology. In addition, the policy supporting text refers to the delivery of small sites forming part of the overall housing supply figure, comprising of windfall sites and delivering 163 dwellings (Table 5.4 as above).

- 3.33. The evidence included within Table A includes 338 dwellings under construction in Cannock/Hednesford/Heath Hayes, with a further 116 dwellings under construction including within Rugeley and Brereton (27 dwellings) and at minor smaller sites identified within the SHLAA (89 dwellings). This equates to a total of 454 dwellings under construction as identified within Table A of Policy SO3.1. However, the additional 116 dwellings are not evidenced within Table 5.4 of the Development Capacity Study. For completeness, greater

transparency is therefore required in relation to these additional dwellings, ensuring the evidence base is consistent with figures contained within the Plan.

- 3.34. With regards to Table C these 821 dwellings represent in effect windfall sites. The Development Capacity Study sets out that the Council has sought to address double counting in relation to windfall sites within the Council's housing supply figure, with larger windfall sites of over 10 dwellings discounted to take account of sites allocated through the Local Plan. However, even taking account the Council's windfall discounting exercise, smaller sites identified within the Development Capacity Study as delivering windfall development over the Plan period provide an unreliable land supply. The total number of dwellings included under Table C and identified at Policy SA1: Site Allocations is open to debate when a number of these sites remain in operation for alternative uses and/or have been identified as being constrained in the SHLAA to the extent that it would prohibit their potential redevelopment for housing. The NPPF at Paragraph 71 is clear that where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends.
- 3.35. In reviewing the evidence set within the Development Capacity Study 2023 and SHLAA 2023 there is a heavy reliance on both historic housing completions and commitments from 2018. The 2006–2028 trajectory contained within the SHLAA 2023 shows a significant under delivery of homes in some years across the adopted Plan period, relying heavily on a significant over delivery in other years up to 2023. The housing trajectory included within the Pre Submission Plan at 'Site Allocations' (page 156) covers the Plan period up to 2040. This shows a continuous shortfall in housing completions from 2023 onwards based on the housing requirement of 264 dpa, further emphasising a reliance on historic commitments. The Plan is not anticipated to be adopted until 2025 and it will therefore already be seven years into the Plan period. Paragraph 22 of the NPPF is clear that strategic policies should look ahead over a minimum of 15 years from the point of adoption, to anticipate and respond to long-term requirements and opportunities. Should there be any further delays in the preparation of the Local Plan Review, the current Plan period leaves very little flexibility in ensuring a minimum 15 year Plan period and that both current and future housing needs can be met.
- 3.36. The SHLAA at paragraph 5.4 sets out that *'the SHLAA is an important information source that enables the Council to plan for future residential housing needs through providing a trajectory of likely future development residential completions and land supply'*. Based on the Housing Trajectory contained within the SHLAA 2023, the period from 2025 (which is the anticipated date of adoption) to 2028 only shows projected completions of 172 dwellings, a shortfall of 620 homes across the three year period 2025–2028 based on an annual housing requirement of 264 dwellings. The trajectory graphic included within the Pre Submission Plan shows completions in the period up to 2040. This indicates a higher annual completion rate for the three-year period 2025–2028 suggesting the delivery of site allocations within the shorter term. However, there remains a continued annual shortfall across the 15 year period between 2025 and 2040, with 3,442 dwellings projected for completion (229 dpa) rather than the district requirement of 3,960 dwellings/264 dpa. This equates to a 525 dwelling shortfall across this 15 year period.
- 3.37. This shortfall is not only based on a minimum housing requirement and reliance on historic completions, but also a housing supply based on a Development Capacity Study which includes a number of inconsistencies, as well as an over reliance on windfall sites from constrained brownfield sites. Density assumptions for Urban Town Centre sites of 50dph and above identified in the SHLAA are also questionable having regard to mandatory 10% BNG requirements which does not appear to have been factored into capacity studies/site yield.

- 3.38. It is essential therefore that the Plan provides flexibility above the minimum housing requirement to allow for a buffer to ensure sufficient homes will come forward to meet need. Although brownfield redevelopment is an important source of housing land supply, there are numerous constraints to the delivery of homes on previously developed land and a balanced approach must be taken to include both sufficient greenfield and the allocation of Green Belt land to ensure delivery of homes at the rate required to meet housing need across the district, and wider HMA, both in the shorter and longer term.
- 3.39. The Policy sets out that priority has been given to the re-use of previously developed land, including the former Rugeley Power Station site, to meet housing needs. Whilst support is given to the recognition of strategic housing allocations, including the release of land within the Green Belt, it is important that further recognition is given in the policy to strategic allocation sites/Local Plan proposals in delivering a balanced spatial strategy for the district and in the delivery of essential infrastructure including new schools, road infrastructure and quantitative and qualitative improvements to accessible open space. These sites provide the opportunity to meet short term housing needs alongside the delivery of key strategic infrastructure for the district rather than merely 'accommodating the balance'. There are clear exceptional circumstances based on the housing evidence available to release additional Green Belt sites to meet the district's need alone, setting aside the wider HMA's housing need, as discussed further below. Land at Brownhills Road, Norton Canes provides the opportunity to deliver high quality sustainable residential development through Green Belt release, which is available now to meet immediate housing need.
- 3.40. The policy currently fails to identify the proposed housing allocations. As set out above, greater emphasis should be placed on the strategic allocations which are identified as suitable and deliverable for housing. For clarity, the policy should therefore identify the strategic housing allocations, of which 1,290 dwellings comprise Green Belt release.
- SH1 south of Lichfield Road, Cannock approx. 700 dwellings
 - SH2 east of Wimblebury Road approx. 400 dwellings
 - SH3 land to the rear of Longford House, Watling Street, Cannock approx. 45 dwellings
 - SH6 Former Hart School, Burnthill Road, Rugeley approx. 145 dwellings
 - SM1 Land at the Former Rugeley Power Station up to 1000 dwellings (in Cannock Chase)
- 3.41. The policy currently doesn't identify any remedial measures that would result if housing were to fall below housing targets. Where the authority falls short of meeting a 5 year housing supply requirement over the Plan period, clear provisions should be made within the Plan for the early release of identified safeguarded sites which have the capability of delivering sustainable housing developments, particularly given the authority's reliance on historic housing completions. Policy SO3.1 should deal with this issue based on the principles established in the Spatial Strategy prioritising development to the most sustainable settlements. Although Policy SO7.7 (Amendments to the Green Belt) includes proposed amendments to the Green Belt boundary to accommodate growth requirements of the district beyond the Plan period, there is no provision made for further sustainable development to come forward during the Plan period to address shortfalls in housing delivery.
- 3.42. In accordance with the Duty to Cooperate, which still remains, the Council must do its utmost to assist in meeting unmet needs across the housing market area, particularly given Cannock's proximity to adjoining authorities. The GBBCHMA Position Statement Addendum Update 2023 continues to show a significant shortfall in housing delivery (2,053 dwellings shortfall as at 2020/21) across the HMA, whilst further recognising that these figures do not



reflect the full extent of the housing shortfall particularly given the status of Local Plans across the HMA and the significant impact therefore on supply and housing delivery which will need to be accounted for. In addition, the Strategic Growth Study on which the baseline figures have been based is now significantly dated having been prepared in 2018 and not reflective of up to date need or housing market conditions. The shortfall could therefore be far greater than that reflected within the baseline figures.

- 3.43. In terms of need, Birmingham City Council for example, formally commenced the review of its new Plan and estimated a shortfall of 78,415 homes to 2042 in its Issues and Options document based on the Standard Method. This is a significantly greater shortfall than the housing requirement figure of 37,900 identified within the adopted Birmingham Development Plan 2011-2031.
- 3.44. The GBBCHMA Position Statement Addendum 2023 highlights the housing requirement figures identified by the Black Country Authorities as part of the Regulation 18 Black Country Plan, estimating 28,239 homes to 2039. The Black Country authorities of Sandwell, Dudley and Wolverhampton have either recently undergone or are currently in the process of consulting on their Regulation 18 Preferred Options Local Plan, each of which has identified a significant shortfall within their housing supply. Most notably, Sandwell are only a position to identify a third of their housing land supply requirement, whilst Wolverhampton are only able to evidence half of their requirement.
- 3.45. Recognition therefore needs to be given to the impacts this will undoubtedly have on housing land supply and reflected through an 'appropriate' contribution towards meeting the HMA housing shortfall in line with the strategic objectives of the Plan and in accordance with national policy. It is difficult to quantify the full extent of the shortfall, however it is clear from numerous sources that the under delivery of homes across the wider HMA falls significantly short of meeting need, which will have lasting implications for communities if not addressed as a priority. It's important therefore that the Local Plan continues to include the Cannock DC's HMA housing contribution and reflects this additional housing need in addition to the district's own housing requirement.

POLICY SO3.2: HOUSING CHOICE

- 3.46. Richborough support the requirement for a range and mix of housing that meets identified and evidenced needs and demands to be delivered through development. Policy SO3.2 sets out that development should deliver a mix of housing appropriate to the area and supported by local evidence to ensure a range of housing to meet needs of existing and future residents.

Affordable Housing Provision

- 3.47. The proportion of affordable dwellings to be delivered for developments above 10 homes is identified within Table D. The proportion of affordable housing to be delivered is variable, including the proportions of affordable housing to be delivered based on the area as well as whether the site is brownfield, with provision ranging from 20% -35%. The policy continues to set out that the Council will adopt the governments minimum percentage for provision of First Homes (25%) with the remaining split of affordable provision provided as 80% for rent and 20% for intermediate housing.
- 3.48. The supporting policy text at Paragraph 6.105 sets out that '*Evidence shows the need for affordable dwellings across the district will not be met in entirety by this plan it is therefore appropriate to require a higher level of provision and to safeguard the provision made by the plan to ensure the amount of dwellings which remain affordable in perpetuity delivers this strategic objective*'. A way to increase local affordable housing provision is to increase the

overall housing requirement beyond the minimum Standard Method figure. The Local Plan Viability Assessment has already considered the level of affordable housing that is viable and therefore increasing affordable delivery on existing sites is not a justifiable answer to increasing affordable delivery overall; however, an uplift in open market housing through the addition of further development sites would have the very significant benefit of a general increase in the amount of affordable housing across the Plan period.

Housing Mix

- 3.49. The inclusion of Table E: Housing Mix, provides a prescriptive framework for each of the separate housing tenures and types. This approach is flawed as is contrary to the provisions of the Policy which requires *'A mix of housing sizes, types and tenure appropriate to the area and as supported by local evidence should be provided, to ensure that there is a range of housing to meet the needs of existing and future residents'*.
- 3.50. The proposed mix set out within Table E has also been updated since the Preferred Options consultation, taken from the Housing Needs Assessment 2024 (page 151). Although the proposed mix is now more evenly distributed across the different tenures and property sizes/types it is important that the policy does not become overly prescriptive. The inclusion of Table E is considered unnecessary and reference to housing mix in accordance with the recommendations of an up-to-date housing needs assessment/evidence would suffice. The HNA 2024 itself sets out at page 152 in relation to the recommended housing mix, that *'the mix identified above could inform strategic policies although a flexible approach should be adopted'*. Greater flexibility should therefore be included within the policy to take account of the site specific evidence considerations.
- 3.51. The policy itself makes no specific reference to an up-to-date HEDNA which provides the ability to review housing mix requirements over the Plan period based on up to date evidence. The policy simply refers to *'in accordance with Table E below or its subsequent revisions'*. This requires further clarity within the Policy which should refer specifically to an up-to-date HEDNA. Should the Council continue to adopt the inclusion of Table E in relation to a prescriptive housing mix, greater flexibility should be incorporated within the policy to allow for site specific considerations to be taken into account, and to allow for departure from a specific mix recommended across the wider district, where justification can be provided for an alternative mix.
- 3.52. A fundamental point which needs to be reviewed in relation to Table E is the *'total'* percentage of market housing which as currently drafted equates to 105% rather than 100%. Having reviewed the recommended mix within the Housing Needs Assessment 2024, from which Table E appears to have been taken, it would suggest that the proportion of 3 bedroom market housing to be delivered should be 40% rather than the 45% currently shown.
- 3.53. Table E refers specifically to a proportion of homes to be delivered as *'affordable rented homes for older people'*. This is not sufficiently defined, and it is unclear what types of housing provision this relates to. The inclusion of *'rented homes for older people'* has been introduced within Policy SO3.2 following the Preferred Options consultation despite evidence within the up to date Housing Needs Assessment suggesting the need for more specialist accommodation for older people not to be as acute as set out within the conclusions of the earlier 2019 study. The split of affordable housing is unclear and further complicated by prescribing the proportion of homes for older people, alongside factoring in the split between first homes, affordable and intermediate housing, in addition to the proportions of affordable provision across each of the housing tenures.
- 3.54. The specific inclusion of affordable rented homes for older people within the policy is

considered unnecessary and a duplication of policy in light of the provisions set out within Policy SO3.3 (Delivering High Quality Housing). Under Policy SO3.3 the needs of older residents are met through the requirement for all homes to be built to category M4(2) (Accessible and Adaptable dwellings) and with at least 5% of housing on major development sites M4 (3) and 10% of affordable housing delivered for wheelchair users, addressing the needs of older people but also the wider community which live with disability. The provisions of Policy SO3.3 are critiqued further within these representations, however the Housing Needs Assessment is clear that *'any policy should be applied flexibly'* having regard to site specific circumstances and viability. The approach taken within both Policy SO3.1 and SO3.3 however provides little flexibility or scope for site specific circumstances to be addressed.

- 3.55. The published Local Plan and CIL Viability Assessment dated August 2022 should be reviewed to ensure it's based on up-to-date national policy guidance and supporting evidence base. The Assessment currently refers to the Housing Needs Study and SHMA Update 2012 and Local Housing Needs Assessment 2018 which have all since been updated. Currently the viability assessment does not take into account recent changes to the planning system, including the mandatory requirement for 10% biodiversity net gain. Furthermore, the viability assessment has not assessed the recent housing mix proposed under Policy SO3.2 alongside the need to provide both 35% affordable housing (for sites within Norton Canes and Heath Hayes) and rented affordable housing for older people. Whilst the viability assessment looks at both bungalow development and specialist accommodation for older people it does not specifically address the impact of the delivery of affordable rented accommodation for older people as part of mixed residential development. This needs to be given further consideration and clarified to ensure the viability of sites is not compromised.
- 3.56. The implications for delivering affordable provision across all phases of development, in accordance with the proportion and mix of affordable housing set out within Table E is also questioned in terms of the ability of achieving high quality and sustainable development which is designed to respond to a site's constraints and opportunities, whilst also meeting with other policy requirements through the Plan. This requirement is not sufficiently flexible and could restrict the delivery of homes and should be removed.
- 3.57. The policy as currently written sets out that *'Where sites have a construction programme which is proposed to extend beyond 2 years, the planning obligation will provide for the affordable housing component of later phases to be reviewed based on updated viability evidence which may result in an increase of the affordable housing requirement'*. Affordable housing requirements should not go beyond provisions already set within Policy SO3.2 and which have been the subject of viability testing. There is no clear evidence base for this requirement, which is onerous and unjustified, conflicting with NPPF, paragraph 16(a) and (c) in terms of the positive preparation of the plan and achieving the delivery of sustainable development. This presents further uncertainty for housebuilders in the delivery of new homes, with the construction programme for the majority of all larger developments, including strategic sites likely to extend beyond a 2 year period. From a practical perspective it is unclear how these policy provisions would be implemented through the decision making process and creates yet further unnecessary procedural delays to the delivery of new homes.
- 3.58. The use of appropriately worded planning conditions and s106 Agreements provide appropriate mechanisms in which to consider phasing and the delivery of affordable homes on a site specific basis. The inclusion of this phasing requirement is therefore unnecessary with no clear justification and contrary to national policy, which sets out that *'land with permission is developed without unnecessary delay'* (NPPF, para 60). This wording should therefore be removed from the policy to ensure the Policy is consistent with NPPF Paragraph 16. Overall, the policy approach as currently written is neither considered to be justified, consistent with national policy or effective and should therefore be reviewed.

POLICY SO3.3: DELIVERING HIGH QUALITY HOUSING

- 3.59. The introduction of the optional nationally described space standard (NDSS) to all new homes should accord with the provisions of the NPPF (para 130f and Footnote 49) which sets out that *'policies may also make use of the NDSS where the need for an internal space standard can be justified'*. However, the implementation of NDSS should still allow for flexibility when a different solution might be required, for example to meet a specific housing mix or particular site constraints. This needs to be referenced in the policy wording.
- 3.60. Richborough supports the objective of delivering high quality design and resilience and providing adequate space to achieve good living standards. However, objection is raised to all new build housing to be built to M4(2) standards, without any provision for exceptions on larger developments.
- 3.61. Specific evidence is required to justify imposing such requirements. NPPF footnote 49 allows for these optional technical standards for accessible and adaptable housing to be introduced through planning policy *'where this would address an identified need for such properties'*. Planning Practice Guidance (ref. ID: 56-007-20150327) sets out the evidence that can be used by local planning authorities to demonstrate a requirement to set higher accessibility, adaptability and wheelchair housing standards. This is currently not reflected in the emerging Plan's evidence base.
- 3.62. The policy includes exceptions for minor developments where it can be demonstrated that it is not feasible to deliver all homes as M4 (2) compliant due to unique site characteristics, constraints or due to a significant impact on viability. It would therefore seem reasonable as a minimum that this policy should be amended to include exceptions for all developments, given limitations to the delivery of M4(2) homes is applicable to all homes/developments not simply minor developments.
- 3.63. The provisions of all homes as M4(2) compliant should also be considered in the context of providing an appropriate mix of homes to meet all needs. For example, the internal layouts of homes which are M4(2) compliant might not meet the housing requirements of all homeowners. A balanced approach to housing delivery is therefore necessary to achieve sustainable development that meets the needs of all.
- 3.64. To ensure the policy meets with the tests of soundness it is important that the requirement for all development to be NDSS and M4(2) compliant is adequately justified based on proportionate evidence, and where fully justified, greater flexibility is provided for developments in terms of the ability to demonstrate exceptions to the policy.

STRATEGIC OBJECTIVE 5

- 3.65. Strategic Objective 5 deals with sustainable transport and communications infrastructure. It seeks to manage the need to travel by providing for major new development in locations that can provide access for all sections of the community. It also requires the clustering of the development of services and facilities in locations that can provide convenient access for all sections of the community.

POLICY SO5.1: ACCESSIBLE DEVELOPMENT

- 3.66. Policy SO5.1 deals with accessible development. Amongst other things the policy identifies that proposals should set out, as appropriate, how and when the development will contribute to the reduction in reliance on the private car by locating a development where it can provide a full choice of sustainable travel options, co-locate shopping, education and leisure facilities in convenient "hubs", and layouts should provide the capacity for public transport access.



The policy also refers to development which individually or cumulatively causes an unacceptable impact on the highway network, will not be supported.

- 3.67. The test contained within the policy that developments which individually or cumulatively cause an unacceptable impact on the highway network is not consistent with the approach set out in the NPPF. The NPPF test is a severe impact and that is the test that should be used in the policy.
- 3.68. This policy should therefore be amended to ensure it remains consistent with national policy.

POLICY SO5.2: COMMUNICATION TECHNOLOGIES

- 3.69. Policy SO5.2 deals with communication technologies and states that all major development proposals will demonstrate how they will deliver digital connectivity. The policy refers to measures such as facilitating technologically advanced methods of communication to allow remote working and reducing need to travel, providing and future proofing infrastructure that is required to enable access to high quality and resilient digital connectivity.
- 3.70. Richborough endorse the general approach but question whether this is an area where land use planning can assist in promoting the use of new and emerging technologies. Whilst new housing developments will incorporate fibre broadband connectivity, it is difficult to envisage how developers and housebuilders, in particular will provide many of the aspects of Policy SO5.2. For example, how the development will facilitate technologically advanced methods of communication to allow remote working is nebulous. It is important that, whilst welcomed, the aspirational approach taken by the Council is deliverable and meets with the provisions of NPPF Paragraph 16 (b).

POLICY SO5.3: LOW AND ZERO CARBON TRANSPORT

- 3.71. Policy SO5.3 deals with low and zero carbon transport. It states all major development proposals will contribute to the reduction in the reliance of carbon intensive modes of transport by supporting the take up of ultra-low emission vehicles, hydrogen vehicles, developing electric vehicle charging networks, accelerating the uptake of low emission taxis and buses, investing in cycling and walking and moving freight from road to rail.
- 3.72. Richborough supports the objective to reduce reliance on carbon intensive modes of transport and electric vehicle charging has become a normal part of the delivery of new development; however again it is difficult to foresee how a Local Plan document and its implementation through the development management process will ultimately support the take up of ultra-low emission vehicles as described in the Policy. Similarly, other vehicles, such as hydrogen vehicles, have yet to be demonstrated as viable and in particular it is not evident that hydrogen vehicles will be the most sustainable future replacement for carbon-based vehicles.
- 3.73. Other elements of the policy refer to supporting changes to the road network where they are related to the reduction in environmental impacts and the enhancement of public transport. Whilst such changes can be supported, they can result in other adverse impacts such as an increase in congestion and other associated negative air quality impacts.
- 3.74. The policy needs review to address this potential conflict.



POLICY SO5.4: MAINTAINING AND IMPROVING THE TRANSPORT SYSTEM.

- 3.75. Policy SO5.4 deals with maintaining and improving the transport system. It sets out various measures which will be promoted to achieve improvements in the existing transport network. One of the items detailed is enabling demand responsive transport services such as taxis to provide mobility at times and locations where timetabled public transports services are not sustainable.
- 3.76. Generally Richborough supports the approach set out in the policy however it should be noted that taxis already provide mobility in lieu of public transport services. That is the type of service that taxis provide. That said, on-demand public transport networks are becoming more prevalent where timetabled services are being reduced; and Richborough support such an approach if it is a suitable replacement.

POLICY SO5.6: SAFEGUARDING PROPOSED RECREATIONAL FOOTPATH AND CYCLE ROUTES

- 3.77. Policy SO5.6 refers to safeguarding recreational footpath and cycle routes. The policy protects those routes shown on the proposal map from development.
- 3.78. Richborough generally support the approach taken to new footpath and cycleways.

POLICY SO5.7: PARKING PROVISION

- 3.79. Policy SO5.7 deals with parking provision. It states all major development proposals will make appropriate off-street parking in accordance with the relevant local design code and an assessment of the anticipated demand arising, scope for encouraging alternative means of travel, provision that will be made for private and public transport charging points, impact that parking might have on road safety and residential amenity and provision of adequate and conveniently placed for parking for people who have a disability or restricted mobility.
- 3.80. The approach in the Local Plan is not consistent within the NPPF in that, as proposed, the parking standards would not be contained within the Local Plan document and therefore would not be subject to examination. In addition, paragraphs 105 and 106 of the NPPF states that maximum parking standards should only be set where there is a clear justification that they are necessary for managing the road safety network.
- 3.81. Evidence should be included that demonstrates that parking standards are necessary and based on proportionate evidence, and these should be included within the Local Plan to provide certainty to developers upfront and avoid ambiguity. Any standards that are developed should be clear and not onerous, ensuring the Plan meets with the requirements of NPPF paragraph 16.

STRATEGIC OBJECTIVE 7

- 3.82. Strategic Objective 7 deals with the protection and enhancement of the natural environment. It seeks to minimise impact on and provide net gains for biodiversity. The policy refers to highest degree of protection being given to the protected landscape of the Cannock Chase National Landscape and the Green Belt. In terms of this objective, it is not clear how the Green Belt has been identified as having any "protected landscape" character. Green Belt designation is a policy tool rather than a recognition of landscape. The objective should be amended to remove reference to the Green Belt and its "protected landscape. Similarly, this

has also been addressed earlier within the representations with regards to the District Profile. This should be reviewed throughout the Plan to ensure consistency with national policy.

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

- 3.83. Policy SO7.1 states development proposals will support the protection, conservation, enhancement and restoration of designated biodiversity and geodiversity sites, ecological networks, irreplaceable habitats and priority habitats, and the protection and recovery of legally protected and priority species populations. It sets out that development proposals whose primary objective is to conserve or enhance biodiversity will be supported, with enhancement features sought where appropriate to the scale of development.
- 3.84. It continues to indicate that development that results in a significant effect on SAC, SPA or Ramser will not be supported unless an HRA has concluded there are no adverse impact. Adverse effects on SSI, NNR will not normally be permitted unless benefits of development outweigh the impact; whilst development resulting in loss or deterioration of irreplaceable habitat, including ancient woodland, ancient trees or veteran trees will need to demonstrate there are wholly exceptional reasons and suitable compensatory measures exist.
- 3.85. Richborough supports the general principles set out in Policy SO7.1, however the policy is overly complicated and an unnecessary duplication of national policy, reiterating word for word the policies contained within Chapter 15 of the NPPF on 'Conserving and Enhancing the Natural Environment'. The introduction of other Local Plan policy provisions is also unnecessarily repetitive and should be deleted. The policy should be reviewed and simplified ensuring a clear starting point for any non strategic policies in accordance with the provisions of national policy.
- 3.86. As identified at the Preferred Options Regulation 18 Consultation there continues to be a typographical error at paragraph 6.272 of the supporting text, defining "imperative reasons for overriding public interest" rather than what it is intended to say which is "reasons of overriding public interest", consistent with the provisions of national policy (NPPF para 177).

POLICY SO7.2 BIODIVERSITY NET GAIN

- 3.87. The Policy is considered unnecessary and a duplication of national policy requirements, with 10% Biodiversity Net Gain now mandatory for all major developments (as of 12th February 2024) and all non major developments (as of 2nd April 2024) as required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). Reference to BNG within Policy SO7.1 is therefore considered sufficient to address the requirements of BNG within the Local Plan with BNG tools and guidance available at a national level. Policy SO7.2 should therefore be deleted.

POLICY SO7.3: HABITAT SITES

- 3.88. Policy SO7.3 deals with Special Areas of Conservation (SAC). It states development will not be permitted where it would lead directly or indirectly to an adverse impact upon a SAC and the effects cannot be mitigated. The policy goes on to indicate that to ensure that the integrity of the Cannock Chase SAC is not adversely affected all development that results in a net increase in dwellings will be required to supply the Council such information as reasonably required for Council/competent authority to undertake an HRA in accordance



with the most up to date Cannock Chase SAC Partnership Mitigation Scheme. It is noted however that the supporting text continues to refer to development within 15km of the SAC. This should be explicitly referenced within the policy itself. The policy as currently written is vague when referring to the supply of information 'as reasonably required'. It is important that the information required to support applications is clearly identified within supporting guidance so as not to unnecessarily delay the application process and to enable determination targets to be met.

- 3.89. In general terms, Richborough support the general approach, however recognition should be given within the policy to the mitigation measures which can be delivered through Local Plan proposals.

POLICY SO7.6: PROTECTING, CONSERVING AND ENHANCING THE GREEN BELT

- 3.90. It states that development will protect the character and openness of the Green Belt and supports opportunities to enhance the beneficial use of the Green Belt, including opportunities to provide access for outdoor sport and recreation, to retain and enhance landscapes, visual amenity and biodiversity.
- 3.91. The release of Land at Brownhills Road, Norton Canes, from the Green Belt is dealt with under the provisions of Policy SO7.7. It is important to note however the opportunities which the landscape led residential development of this site will bring in terms of recreational, biodiversity and landscape enhancements which will present clear benefits to Norton Canes, improving the interrelationship between both the urban and landscape environment, whilst delivering much needed homes.

POLICY SO7.7: AMENDMENTS TO THE GREEN BELT

- 3.92. Policy SO7.7 identifies amendments to the Green Belt proposed in the Local Plan to accommodate the growth requirements of the district during the Plan period. The Strategic Housing Allocations are identified in the following locations:
- SH1 South of Lichfield Road, Cannock
 - SH2 Land east of Wimblebury Road
 - SH3 Land to the rear of Longford House, Watling Street, Cannock
 - SH5 Former Hart School (Hagley Park), Burnthill Road, Rugeley (southern site- part)
- 3.93. It is submitted that Land at Brownhills Road, Norton Canes is suitable for allocation for residential development and should accordingly form part of this Policy list.
- 3.94. The policy also identifies a number of other proposed amendments to the Green Belt boundary to accommodate growth requirements beyond the Plan period. The purpose for which these sites have been safeguarded, in particular sites S1-S3 is however unclear. Paragraph 6.332 sets out that '*the areas of land identified as safeguarded are not allocated for development at the present time and should be safeguarded from development which would prevent their long-term potential to assist in delivering the future economic and housing needs of the district and strategic network of green infrastructure. These proposed amendments include both housing and employment sites*'. Although the principle of safeguarded land is supported to accommodate future growth, it is important however that

it is made clear within the policy itself which sites are identified for housing and employment growth, as well as other compensatory green infrastructure provision.

- 3.95. As identified above, in relation to Policy SO3.1 Housing Provision, there is however evidence which suggests the need to justify the release of further Green Belt sites in order to meet the district's housing requirements, in addition to the growing and substantial housing requirements of GBBCHMA, over the Plan period itself. Where the authority falls short of meeting its housing requirements over the Plan period, clear provisions should be made within Policy SO7.7 for the early release of identified safeguarded sites which have the capability of delivering sustainable housing developments, particularly given the authority's reliance on historic housing completions. In all cases appropriate mitigation would be made to compensate for the loss of Green Belt land as identified in the site specific policies. This would include new or enhanced green infrastructure, woodland planting, landscape and visual enhancements, improvements to biodiversity, a new and enhanced walking and cycle routes and improved access to new or enhanced existing recreational and playing field provision.
- 3.96. Richborough consider that there are exceptional circumstances which justify the release of Land at Brownhills Road, Norton Canes from the Green Belt. As discussed earlier, these circumstances include the unmet housing need within the district across the Plan period due to an over reliance on historic commitments, in addition to the significant unmet need across the wider GBBHMA which continues to grow and will need to be met over the Plan period and beyond. This provides the exceptional circumstances necessary to remove additional land from the Green Belt to meet this need. This would include Land at Brownhills Road, Norton Canes. The allocation of the Site for housing through the Local Plan review will contribute positively towards meeting the district's housing requirement, with the site deliverable within the short term to meet current housing needs and boost housing supply. In terms of the site's release and consistency with the Local Plan Spatial Strategy, the Site Selection Proforma (Site Selection Methodology 2023) acknowledges that the site is located on the edge of Norton Canes, which is defined as a Local Centre, and with capacity for growth. As a result, new development would be consistent with the development strategy set out within the Local Plan.
- 3.97. The scoring of Land at Brownhills Road, Norton Canes under '*Green Belt and potential mitigation*' within the Site Methodology Assessment 2023 fails to reflect the compensatory measures associated with the release of the site from the Green Belt. Strong Green Belt boundaries can be achieved as part of the proposed development of the site alongside existing physical infrastructure boundaries. The recommendations of Green Belt Study 2021 sets out that harm to the Green Belt would be reduced by the introduction of new woodland belts and/or small woodlands within the site/Green Belt parcel (NC8) to the east. The Concept Plan enclosed at **Appendix 2** illustrates how the development of the site for housing is able to come forward, whilst retaining and further enhancing existing strategic landscape features to ensure a strong Green Belt boundary to reduce the urbanising visual influence of the development and existing built form, whilst enhancing also the surrounding landscape character.
- 3.98. Alongside, the opportunity to deliver much needed homes the release of '*Land at Brownhills Road, Norton Canes*' from the Green Belt will also deliver clear benefits including both formal and informal open space through the site. New infrastructure links including both pedestrian and cycle routes, will also contribute positively to the connectivity of the site to the wider urban area, including both residential and employment areas. In addition, the landscape led proposal has the ability to retain and strengthen existing strategic landscape features at the site, minimising the visual impact of the development on the wider landscape as well as providing substantial biodiversity enhancements. The development of the site will also contribute positively to enhancing existing local infrastructure with proportionate developer contributions towards the improvement of local education and health services, in addition to mitigating any

potential impact on the Cannock Chase SAC.

- 3.99. The scoring of the site within the Site Selection Proforma in terms of access to services and facilities is questioned. The conclusions of the Sustainability Appraisal identifies the accessibility of the site with proximity to bus stops along Brownhills Road providing regular bus services, whilst the existing residential development immediately to the north highlights the sustainability credentials of the immediate area west of Brownhills Road. Of particular note, the Inspector in the appeal decision (APP/X3405/W/17/3170618) at Land off Brownhills Road located north of the promotion site concluded, *'I have considered the location of the site and its proximity to local facilities/services and public transport provision. I have no reason to disagree with the comments in the planning committee report which states "the accessibility of the site to and from the existing settlement would be good, including access to retail, educational and community facilities provided within Norton Canes. The development is also well served by pedestrian and cycle linkages to the surrounding area". Furthermore, there are no constraints to the development of the site for housing in terms of infrastructure matters, access, land contamination, flooding and biodiversity. These are matters that are either acceptable or can be made acceptable by means of the imposition of planning conditions or by way of the completion of a planning obligation'*.
- 3.100. There is nothing therefore that would preclude development of the site being promoted at Land at Brownhills Road, Norton Canes coming forward to deliver a high quality residential development.
- 3.101. The release of Land at Brownhills Road, Norton Canes should therefore be revisited alongside amendments to the Green Belt to deliver sustainable housing development. The Site Selection Proforma identified the site as a Category B site following the further sifting of Green Belt and other SHLAA sites to meet the district's housing land supply needs through the site selection process. The Green Belt Study 2021 concludes that the Site at Land at Brownhills Road (Parcel NC8) *'makes a relatively strong contribution to preventing encroachment on the countryside, and a moderate contribution to preventing neighbouring towns merging into one another, and the additional impact of its release on the adjacent Green Belt would be moderate. Therefore, the harm resulting from its release, as an expansion of Norton Canes would be high.'* The Study recognises the presence of the M6 Toll which is seen as a *'distinguishing feature'*, however concludes that there would continue to be no significant physical separation between Norton Canes and Brownhills West. This is disputed. The existence of the M6 Toll is a very important feature which influences the relationship of Norton Canes with Brownhills West to the south, to the extent that it could never merge with this neighbouring settlement. Of course, the M6 Toll already provides the Green Belt boundary immediately to the west of the site. The other new boundary would be Brownhills Road and therefore the Green Belt beyond the site would be protected by two pieces of highway infrastructure providing a very robust new Green Belt boundary in this part of the district. It is recognised that there would be some encroachment on the countryside however this impact would be limited taking account existing surrounding development and the contained nature of the site. It is considered therefore that the overall harm resulting from the release of the site from the Green Belt should be reviewed.
- 3.102. The Concept Plan at **Appendix 2** clearly demonstrates the ability to address each of the potential site constraints identified within the Site Selection Methodology 2023. It is also noteworthy that the Site Selection Proforma identifies the site as *'deliverable with no known barriers to development'* and we agree and consider the site would result in much less harm to Green Belt than concluded within the Green Belt Study. The site therefore provides an excellent opportunity in contributing positively towards the district's own housing requirements across the Plan period, as well as the wider GBBCHMA housing needs.

POLICY SO7.8: PROTECTING, CONSERVING AND ENHANCING GREEN INFRASTRUCTURE

- 3.103. Policy SO7.8 seeks to protect, conserve and enhance the Green Space Network. The policy indicates that sites which form part of the Green Space Network will receive the highest degree of protection from development. Criteria are set out which would protect the areas from inappropriate development and the policy also indicates that development of new homes should contribute to the delivery of provision for sports, physical activity and leisure. The policy sets out that development proposals will, in accordance with the relevant local design code, set out how opportunities for healthy living and active travel will be created and enhanced by linking to or adding to the Green Space Network.
- 3.104. Richborough largely supports the strategy to provide for open space within the district however elements of the policy are not consistent with national policy and could hinder development opportunities. In particular, the policy suggests as a principle that new homes should contribute to the delivery of sports and recreation opportunities. This blanket requirement is not supported in national policy where development proposals should only contribute towards improvements to green infrastructure and other sports related facilities if there is a lack of capacity to adequately cater for the demand resulting from the proposed development.
- 3.105. The policy therefore requires revisiting and amending to make clear that such contributions would only be necessary where justified and will be proportionate and reasonable in all respects.
- 3.106. Finally, the suggestion that new homes should contribute towards the delivery of sports opportunities does not directly relate to the Green Space Network, as these elements could be indoor facilities. This requirement should be amended to make clear what contributions have been sought and the necessary caveats to them.

STRATEGIC OBJECTIVE 8

POLICY SO8.1: LOW AND ZERO CARBON ENERGY AND HEAT PRODUCTION

- 3.107. Policy SO8.1 deals with low and zero carbon energy and heat production. It states such proposals will be supported where it can be demonstrated that the impacts from the construction, operation and decommissioning of solar and windfarms can be mitigated, the impacts of the development proposals on designated landscapes, heritage assets and the natural environment and on local amenity have been assessed and shown to be acceptable. The policy goes on to indicate development proposals to install LZC energy and heat production into build infrastructure will be supported where it can be demonstrated that the installation promotes good design and in accordance with the relevant local design code, the installation has been designed to allow adaptability to new LZC technologies that may emerge, the installation is informed as a result of consultation with the communities and there are appropriate plans in place to remove the installation at the end of its lifetime.
- 3.108. Richborough have no objection to the policy approach, but it should be noted that whilst the supporting text refers to the County Council's proposal to adopt a presumption in favour of low and zero carbon technologies, the policy introduces a number of tests which would potentially inhibit the delivery of such renewable energy facilities and this should therefore

be considered further to ensure the policy is deliverable.

POLICY SO8.2: ACHIEVING NET ZERO CARBON DEVELOPMENT

3.109. Policy SO8.2 deals with achieving net zero carbon development. It states all development proposals should strive to achieve the highest level of building performance standards for energy use and achieve the lowest carbon emissions that can practically and viably be achieved. It states all major developments will deliver in priority order:

- Zero carbon emission development
- Low carbon emission development with on-site mitigation to achieve net zero carbon emissions
- Low carbon emission development with off-site mitigation to achieve net zero carbon emissions
- Low carbon emission development with compensatory emissions to an appropriate carbon offsetting fund to achieve net zero carbon emissions.

3.110. The policy also states all major developments proposals will include evidence in a Sustainability Statement that the development has achieved the lowest carbon emissions that could practicably and viably be achieved

3.111. Although a move towards delivering greater energy efficiency is supported, it is important that the Development Plan's response to climate change is realistic and consistent with national legislation and policy provisions, setting standards within a timetable which is collectively understood and deliverable across the development industry.

3.112. Energy efficiency and the need to make significant improvements towards the pathway to net zero has been addressed at a national level through increasingly stringent Building Regulation requirements. In addition, from 2025 the Future Homes Standard will also require new homes to produce at least 75% lower CO2 emissions than current energy efficiency requirements. The recent Ministerial Statement on Local Energy Efficiency Standards dated 13th December 2023 was clear that Local Plans should not be placing onerous requirements on developers which exceed the requirements of national Building Regulations.

3.113. The inclusion of Policy SO8.2 is a duplication of national building regulations and is therefore unnecessary for purposes of the Plan. The policy should therefore be deleted with Policy SO8.3 addressing the requirement of net zero carbon development.

POLICY SO8.3: SUSTAINABLE DESIGN

3.114. Policy SO8.3 deals with sustainable design. It sets out that all development proposals must meet or exceed standards set out by the Home Quality Mark and all non-residential development should meet or exceed BREEAM excellent rating.

3.115. It continues that all major development must demonstrate how the design will meet the requirements of Policy SO8.2 in achieving net zero carbon development. It also states proposals should maximise opportunities for on-site production and use of low and zero carbon energy and heat; incorporate or link to low and zero carbon energy and heat systems; take account of changes in the weather as a result of climate change; protect and improve existing woodlands and habitats and integrate new green and blue infrastructure with Sustainable drainage systems and pedestrian and cycle routes; provide a contribution to the creation of urban forests, woodlands and street trees; conform to the relevant local design

code; and make efficient use of previously developed land. Proposals should utilise materials with a low environmental impact and maximise the reuse of material in construction; provide electric vehicle recharging infrastructure; and opportunities for walking and cycling and facilitate low emission bus service provision.

- 3.116. There should be no expectation placed on housebuilders and builders to exceed national standards which have already been through vigorous viability testing and provide certainty for both housebuilders and developers. In addition, although Net Zero Carbon is supported, the requirements in meeting this standard should be consistent with national building regulations.
- 3.117. As set out above, Policy SO8.2 should be deleted given this is unnecessary and a duplication of national policy. There is no evidence that the policy has been subject to any form of viability assessment to establish what impact it would have on potential development. As drafted the policy requires contributions which may not be justified such as providing contributions to the creation of urban forests, woodlands and street trees when a development may be providing elements on site. Where no proportionate evidence base exists this should therefore be removed.
- 3.118. The policy also includes reference to making efficient use of previously developed land when not all sites will involve previously developed land. This is also contrary to the Local Plan's spatial strategy which comprises a review of Gren Belt land to deliver strategic housing sites. The policy as currently drafted is therefore unjustified, not supported by national or local policy and not supported by any evidence base.

POLICY SO8.5: AVOIDING AIR, WATER, NOISE OR LIGHT POLLUTION AND SOIL CONTAMINATION

- 3.119. Policy SO8.5 deals with avoiding air, water, soil, noise and light pollution.
- 3.120. The proposal sets out all major development proposals and will set out how any air, water, soil, noise and light pollution that may arise from the development will be avoided. It states the impact on air quality and on air quality management areas should be assessed and where it is not possible to avoid adverse impacts proposals must mitigate any impact through measures contained within air quality action plans and transport plans and through green infrastructure provision. Water quality should be protected and development will not be permitted without confirmation that the existing or improved sewage and wastewater treatment facilities can accommodate the new development. Sewer resources should be protected and safeguarded. Public lighting and signing should be designed and maintained in a way that will limit the impact of light pollution on local amenity, nature conservation and intrinsically dark landscapes and skies. The noise environment should be maintained and improved through good design.
- 3.121. The policy approach refers to development proposals which will cause unacceptable on-site or off-site risk or harm to human health or the natural environment, not being permitted. This requirement is difficult to establish. Any proposal can have some impact on the natural environment and the scale of this impact should be assessed rather than a blanket requirement that states any unacceptable impact will result in a refusal. Provision of water and waste water facilities is subject to a separate legal framework and therefore reference to improved sewage and waste water treatment facilities should be deleted.



POLICY SO8.6: BROWNFIELD AND DESPOILED LAND AND UNDER-UTILISED BUILDINGS

- 3.122. Policy SO8.6 deals with brownfield and despoiled land. It states that development proposals, where appropriate and in line with the provisions of the relevant Local Design Guide, will prioritise the use of suitable brownfield land for homes and other uses and make efficient use of underutilised land and buildings particularly within designated settlement boundaries.
- 3.123. Richborough supports the use of brownfield land however the policy should be amended to make clear that it relates to developments of such sites and should not be applied against greenfield sites, whereby contributions could be sought to deliver improvements to other PDL sites. As drafted, the policy could potentially be applied to any proposal rather than specifically applied to proposals involving the reuse of previously developed land.

4. Land off Brownhills Road, Norton Canes

- 4.1. Richborough is promoting land off Brownhills Road, Norton Canes (see Site Location Plan at **Appendix 1**), for residential development, including affordable homes and public open space provision.

Site Description

- 4.2. The site comprises approximately 6.68 hectares of land, located to the west of Brownhills Road and north of the M6 toll. The site is located immediately south of a development of 130 new homes known as 'Chasewater Grange', developed by Taylor Wimpey in 2015. In addition, a further development of 37 affordable homes north of the Chasewater Grange development was allowed via appeal in 2017 (APP/X3405/W/17/3170618).
- 4.3. The site is made up of two agricultural fields, separated by a hedgerow, with further trees and hedgerows comprising the wider side boundaries. An electricity pylon is located to the north-western section of the site.
- 4.4. Whilst the site is located within the West Midlands Green Belt, it is not subject to any other environmental or historical designations. Chasewater and the Southern Staffordshire Coalfield Heaths SSSI is located approximately 100m east of the site, across Brownhills Road.
- 4.5. There are no listed buildings located in the vicinity of the site.
- 4.6. The site is located within Flood Zone 1, the area at least risk from flooding.

Concept Plan

- 4.7. A Concept Plan has also been prepared in support of the development of the site and is included at **Appendix 2** to this representation. This has been prepared having regard to existing constraints, the policy provisions set within the draft Pre Submission Local Plan, as well as existing local design guidance, including the Design Guide SPD (2016).
- 4.8. The Concept Plan identifies the following key features:
- 140 dwellings proposed at an average density of 35 dwellings per hectare (net);
 - Access utilised from the existing roundabout on Brownhills Road;
 - Attenuation ponds positioned on western boundary as part of a SuDS scheme;
 - 40m acoustic offset incorporated between the proposed homes and the carriageway of the M6 toll road;
 - 30m offset incorporated for on-site overhead power cables;
 - 15m odour offset allowed around pumping station located on the adjacent Chasewater Grange development; and
 - On-site pond retained with a 15m ecology offset provided.
- 4.9. The Concept Plan for the site provides a network of open space that complements housing provision at the Chasewater Grange development immediately to the north. This includes both formal and informal open spaces providing recreational, landscape and biodiversity value. The provision of pedestrian and cycle links through the site also enhances the connectivity and



overall sustainability of the site, with good access to the surrounding residential, employment and recreational areas, as well as various services and facilities.

- 4.10. In addition, the proposed Concept Plan demonstrates how a mix of properties can be delivered to assist in the achievement of a balanced housing market, including both open market and affordable homes to meet a wide range of housing needs. This includes the provision of smaller dwellings suited to younger people and larger three and four-bedroom houses to meet aspirational needs, as well as homes to accommodate the elderly and residents with disabilities.
- 4.11. It is recognised that there may be a requirement for appropriate financial contributions to be made in respect of the proposal to mitigate impact of development, including a financial contribution in respect of Cannock Chase SAC.

Green Belt

- 4.12. The Site is considered within the Council's 2021 Green Belt Study, referred to as parcel NC8. The Green Belt Study provides the following conclusion in respect of the parcel:

"Parcel NC8 makes a relatively strong contribution to preventing encroachment on the countryside, and a moderate contribution to preventing neighbouring towns merging into one another, and the additional impact of its release on the adjacent Green Belt would be moderate. Therefore the harm resulting from its release, as an expansion of Norton Canes would be high..."

Harm could potentially be reduced by the introduction of new woodland belts and/or small woodlands within NC8 to the east. This would form a strong Green Belt boundary and would help reduce the urbanising visual influence of development and the perceived impact on the gap between Cannock and Brownhills/Burntwood. This would also help enhance the planned coalfield farmlands landscape character, in accordance with landscape strategies set out in the Landscape Character Assessment for Cannock Chase (2016)."

- 4.13. Whilst Richborough is not in control of land to the east of the site, the Concept Plan included at **Appendix 2** to this representation demonstrates how a green belt buffer can be provided within the site which would form a defensible boundary in this location, with the retention and further enhancement of existing strategic landscaping at the boundaries and through the site, reducing the urbanising visual influence of the development and existing built form, whilst enhancing also the surrounding landscape character
- 4.14. It is important to note that the site is identified as making only a moderate contribution to both preventing neighbouring towns merging into one another and its impact upon the wider Greenbelt. Indeed, the release of this site from the Green Belt would not result in sprawl, as it is contained by a number of physical infrastructure barriers, including the significant separating feature of the M6 Toll to the south. The existence of the M6 Toll is a very important feature which influences the relationship of Norton Canes with Brownhills West to the south, to the extent that it could never merge with it. The M6 Toll has in effect been used as the extent of Norton Canes elsewhere, but it appears to us that the Toll and Brownhills Road have generally been overlooked in the assessment of the site when considering an obvious permanent new Green Belt boundary in this location. It is therefore submitted that the site performs a reduced function in Green Belt terms than other sites of a similar size and it is therefore considered that the site should be released from the green belt for development.

Suitability

- 4.15. The Concept Plan demonstrates how a scheme for approximately 140 dwellings can be achieved having regard to development provisions identified through the Pre Submission Local Plan consultation document, in addition to other relevant design guidelines and development



standards currently utilised by the Council. The proposal is sustainable and represents a logical extension to the settlement of Norton Canes, contained by existing physical boundaries and directly adjoining existing residential development to the north. The purpose of the Green Belt in this location is not therefore undermined.

- 4.16. In reviewing the capacity of the SHLAA '*restricted and excluded sites*', the Development Capacity Study 2023 recognises that the site is contiguous to the Main Urban Area, and indicates a capacity of 140 dwellings. The SHLAA and Site Selection Methodology 2023 identifies potential physical and environmental constraints at the site, however the Concept Plan at **Appendix 2** clearly demonstrates the ability to deliver a high quality residential development which addresses each of these constraints, including appropriate set back from the adjoining M6 Toll, an easement through the site to address the overhead power lines and electricity pylons, the retention and strengthening of existing strategic landscaping, substantial biodiversity enhancements and enhanced connectivity with cycleway and footpath links. In addition, the site is sustainably located, with good access to retail, educational and community facilities provided within Norton Canes. Appropriate and proportionate developer contributions would be provided alongside the development of the site, contributing to the delivery of enhanced education and health services within the local community. The site is therefore considered entirely suitable for residential development.

Furthermore, exceptional circumstances exist as demonstrated through these representations to justify the release of the site from the Green Belt. The site should therefore be considered as a reasonable alternative in delivering the district's housing requirements over the Plan period and beyond.

Deliverability

- 4.17. There is a legal agreement in place between the landowner and Richborough to facilitate the development of the site.
- 4.18. The technical work undertaken to date confirms there are no constraints likely to render the site undeliverable in the Plan period. The site is available now.
- 4.19. There are no existing uses that would require relocation and no issues of contamination that would require remediation. Many of the impacts identified by the Council through the initial sustainability appraisal of the site can be mitigated and, in many cases, a positive outcome can be achieved.
- 4.20. The site is deliverable and immediately available and, subject to allocation, could deliver homes and associated community benefits within the next 5 years.
- 4.21. Richborough was involved in bringing forward development to the north of this site, on the former greyhound track, which was constructed by Taylor Wimpey (Chasewater Grange). Not only does this demonstrate a market interest in this location, but also that Richborough have a track record of delivery in this location.

Availability

- 4.22. Richborough has a legal agreement in place with the landowners and they have promoted the site over the course of the preparation of the emerging Local Plan.
- 4.23. If the site is to be successfully allocated for development and removed from the Green Belt, Richborough would seek to develop the site immediately because there is nothing that requires a long lead-in time, which would contribute considerably to the district's housing supply in the early part of the Plan period. By way of a recent local example, Richborough promoted two Green Belt allocations through the South Staffordshire Site Allocations Plan and both were



granted outline permission shortly after that plan was adopted and the sites removed from the Green Belt. Further afield, in recent years they have delivered Green Belt sites via the Runnymede, Poole, Warwick, Warrington, New Forest District and Wyre Forest local plans.

Key Benefits

- 4.24. Development of the site will contribute to building a strong, responsive and competitive economy. In particular, the delivery of new homes at the site will bring economic benefits during the construction stages of the development along with the subsequent and longer term expenditure of residents within the local area, for example.
- 4.25. The proposal would assist in the delivery of supporting infrastructure and also provide on-site open space, including both formal and informal green infrastructure. The proposals also have the ability to improve connectivity to the surrounding area, with enhanced pedestrian and cycle links through the site.
- 4.26. Overall, the provision of much needed additional open market and affordable homes in the district will contribute to building a strong, responsive and competitive economy in line with the objectives of the NPPF.

Sustainability Appraisal

- 4.27. The Cannock Local Plan Review consultation is supported by a Sustainability Appraisal, (incorporating Health Impact Assessment) prepared by LUC ('the SA'). The purpose of the SA is to document the SA process and enable the authority to demonstrate that they have identified, described and evaluated reasonable alternatives during the making of the Local Plan. The SA process has also appraised the draft development management policies and their likely outcomes. The potential sites are assessed in relation to each of the stated SA objectives as follows:

- **SA Objective 1:** Protect and enhance biodiversity, fauna and flora and geodiversity.
- **SA Objective 2:** Minimise pollution and protect and enhance air, water, and soil quality
- **SA Objective 3:** Ensure development makes efficient use of previously developed land and buildings.
- **SA Objective 4:** Adapt to the impacts of, and minimise factors contributing to, climate change.
- **SA Objective 5:** Reduce the risk of flooding.
- **SA Objective 6:** Protect, enhance and manage the character and quality of the landscape and townscape, maintaining and strengthening local distinctiveness and sense of place.
- **SA Objective 7:** Make sustainable use of resources and minimise waste generation.
- **SA Objective 8:** Encourage and facilitate the use of sustainable modes of transport
- **SA Objective 9:** Ensure all people are able to live in a decent home which meets their needs.
- **SA Objective 10:** Raise educational aspirations and attainment within the District and ensure that educational facilities are provided where they are required.

- **SA Objective 11:** Reduce crime and the fear of crime.
- **SA Objective 12:** Improve public health and ensure public health facilities are accessible for those in need.
- **SA Objective 13:** Protect, enhance, and create and ensure access to open spaces and facilities for leisure and recreation facilities are accessible for those in need.
- **SA Objective 14:** Provide easy access to community services and facilities to meet people's needs and avoid isolation.
- **SA Objective 15:** Help the continued regeneration of the local economy by protecting existing employment sites and ensuring there is adequate provision of new sites.
- **SA Objective 16:** Enhance the town centres in order to protect and improve their vitality and viability.
- **SA Objective 17:** Conserve and enhance the built historic environment (including heritage assets and their respective settings).

4.28. The significance of effects is scored as follows:

Symbol/Score	Description
++	The option is likely to have a significant positive effect on the SA objective(s).
++/-	The option is likely to have a mixture of significant positive and minor negative effects on the SA objective(s).
+	The option is likely to have a minor positive effect on the SA objective(s)
0	The option is likely to have a negligible or no effect on the SA objective(s)
-	The option is likely to have a minor negative effect on the SA objective(s)
--/+	The option is likely to have a mixture of significant negative and minor positive effects on the SA objective(s)
---	The option is likely to have a significant negative effect on the SA objective(s)
?	It is uncertain what effect the option will have on the SA Objective(s)
+/- or ++/--	The option is likely to have an equal mixture of both minor or both significant positive and negative effects on the SA objective(s).

SA Table 2.1: Key to Symbols and colour coding used in SA.

SA Appraisal: Land at Brownhills Road, Norton Canes

- 4.29. Land at Brownhills Road (referred to as Site N51, Land between Greyhound Stadium and M6 Toll, Norton Canes) is appraised at **Appendix E** of the Sustainability Appraisal. Table 4.2 of the document provides a summary of the likely sustainability effects of the proposed housing site.
- 4.30. With regards to SA objective 1: biodiversity and geodiversity, the site is scored as having an uncertain significant negative impact (---ve?). The Sustainability Appraisal fails to acknowledge the extent of the biodiversity enhancements which will be brought forward through the mandatory delivery of 10% Biodiversity Net Gain required as part any development of the site. The development of the site will also ensure the retention and strengthening of existing strategic landscaping, as well as retention of existing large pond on site including 15m ecological offset providing enhanced ecological corridors and the opportunity for substantial biodiversity enhancements. This is reflected in the supporting Masterplan at Appendix 2. The SA score has been based on the site being located within 180m of the Chasewater and The Southern Staffordshire Coalfield Heaths SSSI. Biodiversity Alert Site's are also located to the east and west of the site. The development however provides the opportunity for enhanced ecological connectivity and therefore the SA scoring should therefore, as a minimum, be revisited with a minor positive scoring following mitigation.
- 4.31. The biodiversity benefits associated with SA Objective 1 are also relative to SA Objective 2 in relation to Pollution. The development will deliver substantial environmental benefits over the existing farmed land which is categorised as neither best/most versatile land. The SA appraises the site alongside the assumption that the site adjacent to the Walsall AQMA to the east. Having regard to the associated impact of the M6 Toll, it is not considered that the level of traffic associated with the proposed development would have any quantifiable impact on the AQMA and the score should therefore be revisited. An uncertain minor negative score is given as a result of potential noise from the M6 Toll to the south of the site. This has been accounted for however and as shown within the supporting Masterplan, the development will be set back from the M6 Toll with a substantial buffer to mitigate any impacts of noise on prospective residents. It is noted that the supporting text refers to the minor negative impact of the development but Table 4.2 of the SA scores the site as having a significant negative impact. The SA scoring should however be revisited to provide a positive score rather than a negative score.
- 4.32. A sustainable drainage strategy would be introduced which would result in drainage betterment for the site and immediate surrounding area. The scoring for SA Objective 5 Flooding, should therefore be shown as a positive score following mitigation.
- 4.33. In terms of SA Objective 6 Landscape and Townscape, the residential redevelopment of the site will further strengthen local character and distinctiveness alongside the existing residential development immediately adjoining the site to the north. Landscape buffers at the parameters of the site along with additional landscaping through the site will make a positive contribution to the wider landscape setting. The physical containment of the site through existing highway infrastructure to the south and east, along with the existing built form to the north and woodland to the west also ensure any impact on both the wider landscape is limited. The proposed development should therefore be scored as delivering a + positive score.
- 4.34. With regards to SA Objective 8 and Sustainable Modes of Transport, there is the opportunity to deliver enhanced pedestrian and cycle connectivity to the existing network of footpath and cycleways with direct links to Little Norton, Norton Canes and Brownhills West, with access to services, facilities, employment, retail and recreation. The SA score + positive score is therefore supported.
- 4.35. In terms of SA Objectives SA10 Education and SA12 Health and Wellbeing appropriate



contributions will be made to address any potential impacts on existing education and health services, with the ability to contribute positively towards enhanced facilities provided within the local area. As such a positive score should be indicated within the SA.

- 4.36. Similarly to SA Objective 13 Recreation, SA Objective Health should also be scored with a substantial positive effect to acknowledge the open space benefits through the delivery of formal play space and informal open space through the site and the retention and strengthening of existing strategic landscaping. Green infrastructure links including both pedestrian and cycle routes, will also contribute positively to meeting this SA objective. Biodiversity enhancements along with the retention of blue infrastructure will have positive implications for the health of residents living within a landscape led residential environment. The development will provide the necessary contributions to mitigate any associated pressures in relation to Cannock Chase SAC. The SA score should therefore be revisited.
- 4.37. With the above scoring amends in mind a comparison of the SA Scoring in the evidence base report for post-mitigation matters for Site N51 along with the suggested changes is set out as follows:



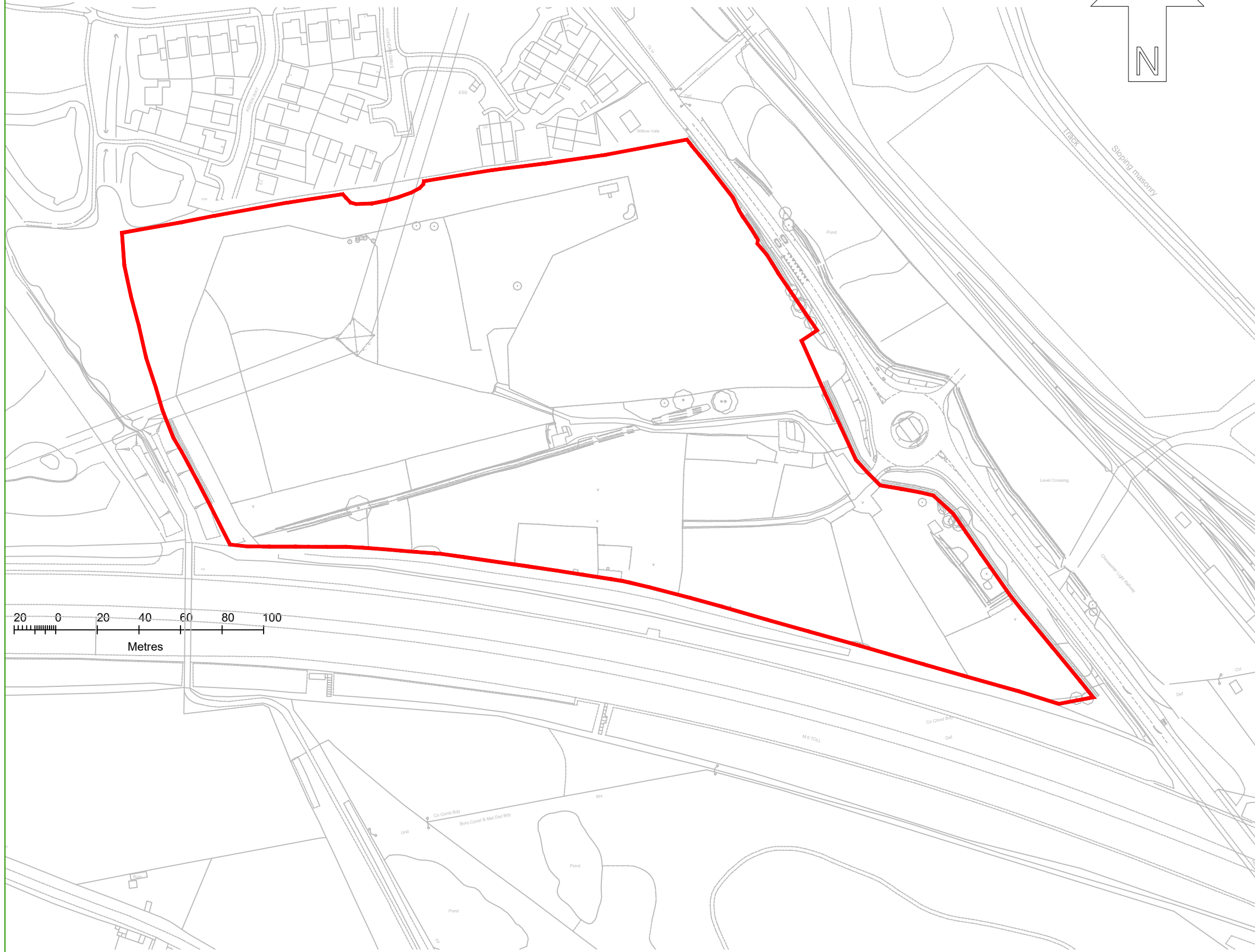
SA Objective	SA1 : Biodiversity & Geodiversity	SA2: Pollution	SA3: Previously Developed Land	SA4: Climate Change	SA5: Flooding	SA6: Landscape & Townscape	SA7: Waste	SA8: Sustainable Transport	SA9: Housing	SA10: Education	SA11: Crime	SA12: Health & Wellbeing	SA13: Recreation	SA14: Services and Facilities	SA15: Employment	SA16: Town Centres	SA17: Historic Environment
N51 (SA version)	--?	--	--	0	-	-?	0	+	++	-?	0	-	++?	+?	0	0	0?
N51 (Richborough version taking into account comments made in this section)	++/-	+	--	+	+	+	0	+	++	0	0	+	++	+	0	0	0

5. Conclusion

- 5.1. Richborough is supportive of the Local Plan Review Pre Submission (Regulation 19) consultation document in the main, subject to a number of amendments and clarifications set out within this representation.
- 5.2. In particular the housing requirement for the Plan period should be revisited to provide as much flexibility as possible in excess of the minimum Standard Method housing figure in order to support both current housing needs and growth within the district and across the wider housing market area up to and beyond 2040.
- 5.1. Richborough supports the release of additional Green Belt land to meet this housing need. However, further Green Belt release is required through the allocation of additional strategic sites, and these sites should include land at Brownhills Road, Norton Canes for a landscape-led residential development. There are clear exceptional circumstances to justify the release of the site from the Green Belt. These circumstances include the unmet housing need within Cannock Chase District due to an over reliance on historic commitments over the Plan period, in addition to the significant unmet need across the wider GBBHMA, which continues to grow. This is combined with the fact that around 60% of the district lies within the West Midlands Green Belt and around 30% lies within the Cannock Chase Area of Outstanding Natural Beauty presenting limitations to growth, which brownfield development alone cannot address, having regard to other policy requirements of the Plan and national planning provisions.
- 5.2. The site is sustainably located adjacent to the existing urban area of Norton Canes, which is identified for development growth in the Plan's spatial strategy. This site is available and deliverable, presenting the opportunity to deliver much needed aspirational homes to meet the district's immediate housing requirements. The development of the site will offer a range of housing to meet a mix of housing needs, including affordable homes for families, first time buyers, as well as older and less physically able residents all built to high design standards.
- 5.3. New homes would be delivered alongside other clear benefits, including both formal and informal open space through the site along with the retention and further strengthening of existing strategic landscaping, with the ability for substantial biodiversity enhancements. New infrastructure links including pedestrian and cycle routes will also contribute positively to the connectivity of the site to the wider urban area, with access to surrounding residential, employment and recreational areas.
- 5.4. The allocation of Land at Brownhills Road, Norton Canes would therefore contribute to positive strategic growth within the district and as such should be released from the Green Belt in line with the exceptional circumstances demonstrated.
- 5.5. Richborough support the Local Plan Review and whilst the Plan is currently unsound, can be made sound subject to the various modifications identified within these representations. Pegasus Group on behalf of Richborough therefore request to participate in the Hearing Sessions for the Local Plan Examination.

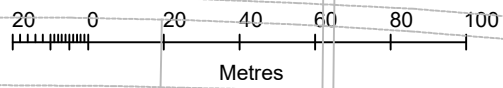
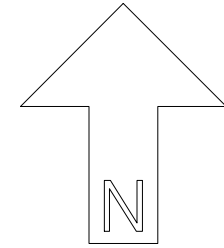


Appendix 1: Site Location Plan



Key;

 Site Boundary



Revision:



Bristol
 Third Floor, Clockwise
 Generator Building
 Counterslip
 Bristol BS1 6BX
 Tel: 0117 379 0147

**Head Office
 Birmingham**
 Second Floor
 Waterloo House
 20 Waterloo Street
 Birmingham, B2 5TB
 Tel: 0121 633 4939

London
 8 St James Square
 London
 SW1T 4JU
 Tel: 02030 111 353

info@richboroughestates.co.uk

Development Name:

**Brownhills Road, Norton
 Canes**

Project Number:

.

Title:

Site Location Plan

Drawn date:

14/11/2022

Drawn by:

NM

Scale:

1/ 2000 @ A3

Drawing number:

RE-BRNC-LP-01

Revision:

.



Appendix 2: Concept Plan



- KEY**
- SITE LOCATION (TBC)
16.43 ACRES / 6.65 HECTARES
 - PROPOSED BUILT FORM.
CIRCA 140 DWELLINGS @ 35 DPH
 - 40M ACOUSTIC OFFSET FROM M6 TOLL ROAD (TBC)
 - 30M EASEMENT FOR OVERHEAD POWER LINES
 - 15M ODOUR OFFSET FROM TW FOUL PUMPING STATION (TBC)
 - ① SITE ACCESS VIA ROUND-A-BOUT ON BROWNHILLS ROAD
 - ② FEATURE SQUARE AT ENTRANCE TO THE DEVELOPMENT
 - ③ RETAINED EXISTING ON-SITE POND WITH 15M ECOLOGY OFFSET (TBC)
 - ④ POTENTIAL EQUIPPED PLAY SPACE
 - ⑤ ON-SITE ELECTRICITY PYLON
 - ⑥ POTENTIAL LOCATION FOR ATTENUATION PONDS
 - ⑦ DEVELOPMENT SET BACK FROM M6 TOLL ROAD WITH STRONG FRONTAGE TO MITIGATE ACOUSTIC PENETRATION
 - ⑧ APPROVED TAYLOR WIMPEY DEVELOPMENT

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LAND OFF BROWNSHILL ROAD, NORTON CANES - DRAFT CONCEPT PLAN



- 5.6. Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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



Name of the Local Plan to which this representation relates: Cannock Chase Local Plan

Please return to: planningpolicy@cannockchasedc.gov.uk or:
Planning Policy, Cannock Chase Council, Civic Centre, PO Box 28,
Beecroft road, Cannock, Staffordshire, WS11 1BG

Please return by: 5:00pm on Monday 18 March 2024 (late forms will not be accepted)

Part A: Personal Details

	1. Personal Details*	2. Agent's Details (if applicable)*
	*If an agent is appointed, please provide client Title, First Name, Last Name, Organisation (if applicable) and Post Town in column 1 and provide full contact details for the agent in column 2.	
Title		Mr
First Name		David
Last Name		Onions
Post Town		
Organisation (where relevant)	Richborough	Pegasus Group
Address Line 1		
Address Line 2		
Address Line 3		
Post Code		
Telephone Number		
E-mail Address		

Do you consent to be notified about progress of the Cannock Chase Local Plan?

Yes No

Notifications: If you consent to be notified about progress on the Local Plan your details will be added to the consultation database. Your personal data will be held securely and processed in line with our privacy notice www.cannockchasedc.gov.uk/privacynotices. Contact will be limited to information regarding planning policy and your data will not be shared. You may unsubscribe at any time by email or writing to us using the details on this form. Data will only be held until adoption of the Cannock Chase Local Plan.

For Office Use	Part A Reference	
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Cannock Chase Council:
Cannock Chase Local Plan
Representation Form



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:	Richborough
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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?

See attached written representation.

Para-graph:	Para 4.1 District Profile, Strategic Objectives Spatial Strategy Para 4.11 Para 6.24 Para 6.105 Para 6.272	Policy:	Strategic Objective 1 SO1.1 SO1.2 SO1.3 Strategic Objective 2 SO2.1 SO2.2 SO2.3 SO2.4 SO2.5 Strategic Objective 3 SO3.1 SO3.2 SO3.3 Strategic Objective 5	Site:	SH1 Land south of Lichfield Road, Heath Hayes	Policies Map:	SH1 Strategic Housing Allocation Proposed Recreational Footpath Cycle Route
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Cannock Chase Council:
Cannock Chase Local Plan
Representation Form



		SO5.1 SO5.2 SO5.3 SO5.6 SO5.7 Strategic Objective 7 SO7.1 SO7.2 SO7.3 SO7.6 SO7.7 SO7.8 Strategic Objective 8 SO8.1 SO8.2 SO8.3 SO8.5 SO8.6 Housing Site Allocation Policy SH1: Land south of Lichfield Road, Cannock			
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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	
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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 Council:
Cannock Chase Local Plan
Representation Form



See attached accompanying representations.

Richborough support the Local Plan Review and whilst the Plan is currently unsound, can be made sound subject to the various modifications identified within these representations.

(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.

Please see attached accompanying representations.

Richborough support the Local Plan Review and whilst the Plan is currently unsound, can be made sound subject to the various modifications identified within these representations.

(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

Cannock Chase Council:
Cannock Chase Local Plan
Representation Form



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:

Richborough are promoting Land south of Lichfield Road which is proposed as a strategic housing allocation within the Plan. Whilst Richborough is supportive of SH1 being allocated for residential-led development and will work closely with Cannock Chase Council to bring the site forward there are a number of matters that are likely to require further discussion through the examination and at the hearing sessions in relation to the site specific matters relating to SH1. In addition, there is a requirement to consider further housing need for both the district and the wider GBBCHMA.

Richborough support the Local Plan Review and whilst the Plan is currently unsound, can be made sound subject to the various modifications identified within these representations. Pegasus Group on behalf of Richborough therefore request to participate in the Hearing Sessions for the Local Plan Examination.

(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:	14.03.24
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Cannock Chase District Council

Pre-Submission (Regulation 19) Consultation

Land south of Lichfield Road, Heath Hayes

On behalf of Richborough

Date: 12 March 2024 | Pegasus Ref: P17-0407

Author: KLB/DO



Document Management.

Version	Date	Author	Checked/ Approved by:	Reason for revision
01	29.02.24	KLB	DO	
02	12.03.24	KLB	-	Client Comment
03	15.03.24	KLB		Client Comment



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1. Introduction

- 1.1. These representations respond to the 'Pre Submission (Regulation 19)' consultation document for the Cannock Chase Local Plan Review and accompanying published evidence, having regard to the national and local planning policy context. These representations are made by Pegasus Group on behalf of Richborough relating to the site our client has a legal interest in, known as '*Land to the south of Lichfield Road, Heath Hayes*' (the 'Site') as indicated on the Site Location Plan enclosed at **Appendix 1**.

Representations

- 1.2. The consultation is progressed under 'Regulation 19' of the Town and Country Planning (Local Planning) (England) Regulations 2012 and this representation relates to '*Land to the south of Lichfield Road, Heath Hayes*' which is a proposed allocation in the Pre Submission (Regulation 19)' Local Plan consultation document and which Richborough is promoting for residential-led development.
- 1.3. These representations follow representatives submitted alongside previous rounds of consultation at the Preferred Options stages. They are in broad support of the Plan and in particular the proposed allocation of their land interests at Land south of Lichfield Road, Heath Hayes, however Richborough do have further comments in relation to the details of the site specific policy which relates to the Housing Allocation SH1: Land south of Lichfield Road, Heath Hayes.
- 1.4. In support of the promotion of the Site, an Illustrative Masterplan has been prepared, which is appended to this submission (**Appendix 2**). Richborough has actively engaged with Cannock Chase District Council throughout the Local Plan Review process in developing the Concept Plan associated with Policy SH1, to address issues raised by stakeholders.
- 1.5. These representations respond to the following documents:
- Cannock Chase Local Plan Review – Pre Submission Document (Regulation 19), December 2023 (Published February 2024)
 - Cannock Chase Duty to Co-operate Statement of Compliance
 - Local Plan Reg 19 Integrated Impact Assessment inc SA & HIA February 2024
 - Viability Assessment (2022);
 - Cannock Chase Local Plan Site Selection Methodology (July 2023)
 - Development Capacity Study (September 2023)
 - Five Ways Transport Modelling and Air Quality Impact (2022)
 - Air Quality Assessment Five Ways Island Local Plan Modelling (February 2023)
 - Revised Five Ways Modelling Analysis – Lower Housing Numbers (October 2022)
 - Infrastructure Delivery Plan (2023)

- Green Belt Topic Paper (2023)
- Cannock Chase Green Belt Study (2016)
- Housing Needs Assessment (January 2024)
- Housing Homelessness & Rough Sleeping Strategy 2023–33 (January 2023)

- 1.6. The representations are framed in the context of the requirements of Local Plans to be legally compliant and sound. The tests of soundness are set out in the National Planning Policy Framework (NPPF Sept 2023). In referring to the NPPF (Sept 2023) regard has been given to guidance on implementation and the interim arrangements as set out at Appendix 1 Paragraph 230 of the most recent iteration of the NPPF, published in December 2023. This sets out that where emerging local plans reach pre-submission consultation prior to 19th March 2024, plans will continue to be examined in the context of the previous 2021 iteration of the Framework.
- 1.7. Due to the publication of this round of consultation on the 5th February 2024, the previous September 2023 iteration of the framework will therefore apply and has been considered alongside the Pre Submission (Regulation 19) consultation document accordingly when preparing these representations. In light of the transitional arrangements, the Plan should be written in accordance with the provisions set out within the September 2023 iteration of the national policy framework. To ensure the policies of the Plan are fully justified it is important that the Plan does not introduce the provisions of new national policy which would be contrary to the transitional arrangements and could result in inconsistency across the Plan.
- 1.8. The NPPF at Paragraph 16 of the NPPF sets out that for a Development Plan to be sound it must be:
- Positively prepared – providing a strategy which, as a minimum, seeks to meet objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - Effective – deliverable over the Plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the Framework and other statements of national planning policy, where relevant.
- 1.9. These representations also give consideration to the legal and procedural requirements associated with the Plan-making process.

The District Plan Review Process

- 1.10. The Cannock Chase Local Plan (Part 1) is currently the statutory development plan for Cannock Chase Council and forms the principal basis for which development is promoted and controlled. The Plan was adopted on 11th June 2014 and covers the period 2008 to 2028.
- 1.11. It was originally intended to follow the Local Plan (Part 1) with a Local Plan (Part 2), which would consider site allocations and development management policies. However, National Planning Policy dictates that Local Plans are reviewed every five years, which means that the Local Plan (Part 1) would be due to be reviewed in 2019. As such, the Council considered that an update of some of the key Local Plan (Part 1) policies would be necessary. The Council therefore decided to cease work on Local Plan (Part 2) instead beginning work on a new Local Plan.
- 1.12. Following consultation on the Preferred Options Consultation document in February 2021 the Local Plan Review has seen significant delay in light of uncertainty surrounding the Government's Levelling Up and Regeneration Bill (now enacted) alongside emerging national policy. The Council acknowledges that this has contributed to the delay in the Local Plan. Following consultation on the Pre Submission (Regulation 19) document it is anticipated that the new Local Plan will be submitted in Summer 2024, with adoption scheduled Summer 2025 (subject to main modifications), and the period being extended to 2040.
- 1.13. Richborough supports the Council's proactive approach in continuing with a review of the Local Plan to ensure that an up-to-date policy framework exists for Cannock Chase, to guide growth to 2040 and to ensure that development is genuinely plan-led. There has been a significant delay in the preparation of the Plan however continuing with a review of the Local Plan will provide the authority the opportunity to comprehensively review the vision, strategic objectives, development requirements, spatial development strategy and policies for shaping detailed development proposals across Cannock Chase. In addition, it enables the authority to take into account changes to the national planning legislation alongside a review of housing requirements, among other strategic matters, across the district since the adoption of the current plan.
- 1.14. The Council consulted on the first stage of the new Local Plan in July / August 2018, and Richborough submitted representations to the Issues and Scope consultation accordingly. This was followed by the Issue and Options consultation in May – July 2019. Richborough submitted representations to the emerging Local Plan document including the Sustainability Appraisal. Representations were subsequently made to the last round of consultation comprising of the Regulation 18 Preferred Options document in February 2021. In the interim, representations were also made to the Council's emerging evidence base including submissions to the SHLAA 2022.

2. Local Plan Vision and Objectives

District Profile

- 2.1. Richborough is generally supportive of the identified District Profile. The Profile reflects the requirement to utilise the National Planning Policy Framework (the Framework) and the Standard Method to calculate housing need within the district, which is supported. It acknowledges population growth across the district from 42,828 households in 2018 to 47,102 households in 2039 based on 2014 household projections. In addition, recognition of the shortfall in the Greater Birmingham and Black Country Housing Market Area (the GBBCMA) and the need for Cannock Chase to contribute towards meeting the shortfall is also supported.
- 2.2. In light of the extended Plan Period it is however important that consideration is given to expected population growth up to 2040, along with the additional shortfall in housing across the Greater Birmingham and Black Country Housing Market Area (GBBCMA). Housing provision should therefore be considered in excess of the Standard Method, which should be treated as a minimum in order to support growth within the district and promoting sustainable communities consistent with the spatial strategy proposed across the Plan Period.
- 2.3. The profile recognises the importance of the Green Belt in having a number of roles but particularly in maintaining the openness and the rural/urban fringe on the edge of the West Midlands conurbation. Richborough acknowledges this, but in recognition of Green Belt release, strategic allocations, and to meet with housing requirements, the District Profile should give greater focus to development which has significant sustainability benefits, providing significant strategic infrastructure improvements alongside the ability to achieve aspirational homes in meeting local housing needs.
- 2.4. Furthermore, it is important that in the context of the 'Environment' Green Belt is not misunderstood. As currently written the focus of Green Belt is on '*recreation, maintaining the District's character and its wildlife and safeguarding the wider open countryside*'. It is important that there is a clear distinction between the five purposes of the Green Belt (NPPF, para 144) and conserving and enhancing the natural environment (including valued landscapes, character of the countryside and biodiversity impacts) (NPPF, para 180). There is not necessarily a direct correlation between Green Belt land and recreation/biodiversity value as currently identified within the District Profile. Further emphasis should therefore be given to the role strategic housing developments, through Green Belt release, play in delivering measurable enhancements to the Green Belt, including enhanced accessibility for recreation as well as significant qualitative green infrastructure and biodiversity gains.
- 2.5. With regards to climate change the Plan sets out the district's target for achieving Net Zero. Although the Council's ambitions are supported this should be done so in line with national Building Regulations to ensure certainty for housebuilders, whilst also meeting aspirations for Net Zero homes viably and ensuring the continued delivery of homes to meet need.
- 2.6. The measures identified are recognised as possible approaches in which low/zero carbon may be achieved within strategic housing developments, but do not provide a definitive list and are open to interpretation. The recent Ministerial Statement on Local Energy Efficiency Standards dated 13th December 2023 clearly states that Local Plans should not be exceeding

the requirements of Building Regulations. In view of this clear guidance the reference within the District Profile (pages 22/23) should therefore be deleted.

2.7. The District Profile should therefore be amended to read.

'Safeguarding against future climate impacts is a cross-cutting issue and should be integrated with approaches to achieve a pathway towards low and zero carbon as required under national Building Regulations'.

2.8. The Plan summaries the key issues for the district within the District Profile (page 23). As set out above, Richborough supports that the Plan will seek to contribute towards the delivery of not only the district's own housing need but also the wider housing market area. Much greater emphasis however should be placed on the importance of delivering on the key issue of the district in meeting both their own housing need, as well as the housing need of the wider HMA. The provision of new homes is integral to addressing the district's other principal issues, including crime, health and education attainment, the role and function of town centres and the delivery of key strategic and community infrastructure, as well as the ability to deliver qualitative green infrastructure and biodiversity enhancements contributing positively to delivering a sustainable future.

2.9. The profile identifies the principal urban areas within the district. These consist of Cannock/Hednesford/Heath Hayes, Rugeley/Brereton and Norton Canes. Richborough supports the recognition of these principal urban areas however greater emphasis should be given to their role in delivering sustainable development in the context of them being the main centres of population and with the greatest range of facilities and transport opportunities.

2.10. Although Richborough acknowledge the importance of brownfield development as part of a balanced housing strategy for the district, it is important that over reliance on these sites does not result in an overprovision of flatted development unable to meet a range of needs (including families and older people), reduced affordable housing due to viability concerns, and disjointed communities within urban environments with limited outdoor amenity opportunities. Furthermore, the capacity of such sites to deliver new homes should have regard to changes in recent planning legislation, particularly the introduction of mandatory 10% biodiversity net gain to be met on all sites. With high biodiversity value open mosaic habits commonly associated with brownfield sites, there will be a greater need to offset biodiversity habitats which in turn will result in a lower net developable area and less capacity to deliver housing numbers.

2.11. Larger strategic developments, including Land south of Lichfield Road would allow the opportunity to deliver aspirational homes set within greener high quality residential environments, alongside significant recreational and biodiversity enhancements. Emphasis is placed on the regeneration of public housing estates within the area, however the strategy should be more focused on the opportunities for sustainable development to address this need, which will come from a range of sites being allocated for housing thus ensuring a balanced and reliable source of housing supply to meet housing needs across the plan period.

2.12. At paragraph 4.11 the document refers to discussions with duty to corporate partners and the potential assistance to meet Cannock's housing need and ongoing dialogue in relation to the wider Housing Market Area shortfall. This is also drawn out within the Duty to Co-operate Statement of Compliance which forms part of the Local Plan evidence base. Whilst support is given for the need to address the shortfall in the wider Housing Market Area, concern is raised relative to the suggestion that the Council is seeking assistance to meet its own

housing needs. There is no evidence to establish that the Council cannot meet its own housing requirements, as well as contributing a proportionate housing number towards meeting the shortfall in the wider Housing Market Area. Therefore the status of other Local Plans across the HMA should have no bearing on CCDC's ability to meet the district's housing requirement across the Plan period in excess of the Standard Method, which itself should be treated as a minimum. Neighbouring authorities are also LPA's in the Green Belt and therefore affected by the same housing delivery constraints as CCDC. Without the delivery of new homes within the Green Belt there will therefore be a continued shortfall in meeting housing need across the wider GBBCHMA. Paragraph 4.11 should therefore be omitted as not being justified.

Strategic Objectives

- 2.13. Richborough is broadly supportive of the Strategic Objectives identified at Chapter 5 of the Pre-Submission consultation document. The objectives of the adopted Cannock Chase Local Plan remain relevant and are therefore supported.
- 2.14. Greater clarity should however be provided with regards to the district's overarching Vision for the plan period. Paragraph 4.1 sets out the Council's vision as identified within the Council's Corporate Plan for 2022-2026. The Vision for the period up to 2040 should be included as Policy rather than simply set out within the supplementary supporting text. It should be clear what role each of the strategic objectives contribute towards the effective delivery of the overall Vision for the district, having regard to the Key Issues identified within the draft Plan (page 23).
- 2.15. As part of the Vision and objectives for the district, the delivery of high quality sustainable development and the need to deliver much needed homes should be given greatest priority; recognising not only the pressing need to deliver new homes at a local level but also for the wider housing market area, as well as at a national level where there is a current housing shortfall crisis which needs to be addressed to meet the housing needs of both current and future generations. A Vision of housing and economic growth supported through the delivery of high quality sustainable housing development will contribute significantly in achieving the overall objectives of the Plan.
- 2.16. Each of the strategic objectives are discussed further in Chapter 4 alongside the provisions of each of the proposed strategic policies.

Spatial Strategy

- 2.17. The Spatial Strategy continues to be left to supporting text within the broader document. It should be set out in its own strategic level policy identifying the three settlements which are the most sustainable and their overarching objectives relative to new development including the potential for Green Belt release to deliver sustainable development.
- 2.18. The Spatial Strategy for the district has set out a number of bullet points over pages 35-38 of the Local Plan Publication document. Whilst the general approach of the Spatial Strategy, in particular to focus development on the most sustainable locations is supported, specific reference to development around existing town centres, neighbourhood centres and employment centres is however misleading and not consistent with the proposed direction of growth through the Plan. Furthermore, specific reference to 'centres' is not consistent with national policy which instead supports sustainable development within or adjoining existing

settlements in order to meet a range of housing and other development needs for the district. This should therefore be revisited to accurately reflect national policy and the district's Spatial Strategy , including both urban development near centres but also sustainable development on the edge of existing settlements.

- 2.19. The spatial strategy should identify the settlements which are the most sustainable. These would consist of:
- Cannock Chase/Hednesford/Heath Hayes
 - Rugeley and Brereton
 - Norton Canes
- 2.20. In addition, greater emphasis should be placed on the important role strategic sites, such as Land south of Lichfield Road, Heath Hayes plays in meeting housing requirements for the district across the Plan Period and achieving aspirational homes, whilst also delivering significant infrastructure benefits for the area. As currently written, the delivery of new homes and the requirement for 'Green Belt' release is not given sufficient priority and should be further bolstered alongside the priority to deliver sustainable development.
- 2.21. The strategy for Cannock Chase/Hednesford/Heath Hayes currently prioritises development on previously developed land and brownfield sites with no reference to carefully planned Green Belt release to contribute to meeting the district's housing needs. Without Green Belt release CCDC will be unable to meet their housing requirement with approximately 1,290 homes to be delivered through taking land out of the Green Belt. The spatial Strategy for Cannock/Hednesford/Heath Hayes should make reference to the proposed strategic allocations south of Lichfield Road, Heath Hayes and the benefits that carefully considered strategic development can offer the district in delivering much needed aspirational homes, as well as the ability to offer wider strategic infrastructure benefits for both existing and prospective communities.
- 2.22. The strategic housing allocation (SH1) at Land south of Lichfield Road, will deliver high quality family homes as well as meeting a range of other housing needs, including both high quality open market and affordable homes. Alongside new housing, the proposals will deliver a new school and associated playing fields, a substantial community parkland and other open space provision, as well as contributions towards significant strategic highway improvements. Although the benefits of brownfield development is quite rightly acknowledged, greater emphasis should also be placed on the significant benefits that planned infrastructure delivery can offer the district as part of the development of strategic housing allocations. This along with the redevelopment of previously developed sites, forms a balanced spatial development strategy. Furthermore, the introduction of mandatory 10% biodiversity net gain for example, alongside other more stringent planning policy and building regulation requirements, impose greater constraints for brownfield sites; in particular in terms of the capacity of development/number of homes that can be delivered.
- 2.23. The Spatial Strategy for Rugeley and Brereton should also make clear that it constitutes the second most sustainable location in the district and it should also identify that there is potential for Green Belt release to allow for sustainable housing development.
- 2.24. The Spatial Strategy for Norton Canes identifies that there is potential for Green Belt release to deliver sustainable residential development which is supported. As set out above, it is



important that the overall spatial strategy reflects the need to release Green Belt land to meet the district's housing requirements whilst advocating the wider benefits of carefully planned strategic allocations which are capable of delivering high quality residential environments.

3. Local Plan Policy Options

STRATEGIC OBJECTIVE 1

- 3.1. The objective sets out that *'To deliver high quality development that protects the historic environment and is appropriate, distinctive, attractive and safe...'*.
- 3.2. It is noted that under Strategic Objective 1 greater emphasis is placed on protecting the historic environment since the previous Regulation 18 Draft Plan. Although the importance of the historic environment is acknowledged, emphasis within the objective to protect the historic environment, is considered to dilute the emphasis on the key objective of delivering *'high quality development'* and indeed fails to recognise, as set out above, the ability for sensitive development to conserve and enhance the historic environment, whilst making a positive contribution to local character and distinctiveness. Whilst important, consideration of the historic environment should instead be seen as forming part of the wider design process of protecting and enhancing the quality of the built environment. The supporting policy text acknowledges that developments can result in the improvements to existing heritage assets but this should be conveyed and emphasised within the overarching objective.
- 3.3. In addition, reference to the delivery of *'appropriate'* development within the objective lacks clarity and justification and is therefore open to interpretation. This should be removed from the policy and instead reference should be given to *'high quality sustainable development'* to ensure the objective is consistent with national policy.

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

- 3.4. Richborough have no comments in relation to Policy SO1.1 with the general approach supported. The provisions set out within the Policy should however be better reflected within the overarching strategic objective 1, acknowledging the ability of sensitive development to contribute positively towards enhancing the historic environment.

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

- 3.5. Policy SO1.2 relates to enhancing the quality of the built environment. It refers to the need to retain and enhance the distinct and separate character of each of the district's settlements.
- 3.6. This approach has some inconsistency with the recognition in other parts of the local plan that Cannock/Hednesford/Heath Hayes have to an extent merged to become a single settlement and therefore a more homogeneous character. The policy should be refined further to make clear that different approaches to character may be required depending on the location within the district. This will ensure the Plan's spatial strategy for growth is not undermined and the strategic objectives of the plan can be delivered through the Plan period.
- 3.7. Within the supporting text (paragraph 6.24) reference is made to the introduction of additional design standards within the Local Plan, including the concept of *'Active Design'*, which is rooted in Sport England's aims to promote the role of sport and physical activity in creating healthy and sustainable communities. It is unclear how this relates to the provisions

identified within Policies SO1.2, however as set out further within these representations (at Policy SO2.3) it is important that policy provisions set within the Local Plan do not exceed national policy requirements through the introduction of non-statutory guidance directly within Policy.

- 3.8. Reference to 'Active Design' should therefore be removed from the supporting text at Policy SO1.2. This is also discussed further within these representations in the context of Policy SO2.3 and SO2.5.

POLICY SO1.3: CREATING SAFE PLACES WHICH DETER CRIME AND REDUCE THE FEAR OF CRIME

- 3.9. Policy SO1.3 deals with the need to deter and reduce a fear of crime.
- 3.10. Richborough have no specific comment on Policy SO1.3.

STRATEGIC OBJECTIVE 2

- 3.11. Richborough support this objective which addresses the safeguarding of existing community infrastructure and providing new community infrastructure, safeguarding the health and amenity of local communities, providing active leisure and sports facilities, providing healthy living opportunities and increasing physical activity and providing opportunities for allotments and local food growing.

POLICY SO2.1: SAFEGUARDING THE PROVISION OF COMMUNITY FACILITIES

- 3.12. Policy SO2.1 deals with safeguarding community infrastructure. It also states that new development will contribute towards new community infrastructure to meet the needs arising from the development. It sets out criteria which the Council will use to determine whether existing community infrastructure can be lost. It also refers to new provision in the context of new development.
- 3.13. There should be a clearer distinction between those policy provisions dealing with the loss of existing community facilities and those elements dealing with the provision of new community facilities associated with development proposals. The Policy needs to give greater recognition to the opportunity for major development to contribute towards providing new community infrastructure where no current capacity exists and where directly and proportionally applied to the proposed development and in accordance with the CIL Regulations or their equivalent successors.
- 3.14. The policy should also give recognition in general terms to new housing development being able to deliver additional community facilities which can meet the needs not only of new residents but also of the existing community, meeting current gaps in infrastructure provision. Land south of Lichfield Road (Strategic Housing Allocation SH1) will deliver significant strategic community infrastructure, contributing land for the delivery of a new school and associated playing fields, community parkland, allotments and other areas of open space accessible for the local community to enjoy, all of which would deliver significant benefits to the existing community in Heath Hayes. Providing a vast area of accessible community parkland for example, will contribute positively towards meeting the needs of a substantial part of the district, whilst a new primary school with associated sports provision will also

contribute hugely to meeting the health and education needs of both existing and prospective residents. This is acknowledged within the supporting Sustainability Appraisal.

POLICY SO2.2: SAFEGUARDING HEALTH AND AMENITY

- 3.15. As set out at the Preferred Options consultation stages, whilst the general approach of the policy is supported, certain elements either repeat what is set out in other policies or are too vague to be meaningful. Reference to *'avoiding unacceptable on-site or off-site risk or harm'* is ambiguous, providing a lack of clarity for either the reader or the decision taker. The first two bullet points are considered sufficient to ensure that any development is seen to safeguard the health and amenity of local communities, and the policy as currently written should therefore be revisited.
- 3.16. In addition, reference to *'achieving the lowest carbon emissions that can practically and viably be achieved'* lacks any evidential basis or method of assessment. This should therefore be deleted.
- 3.17. Achieving Net Zero Carbon Development is considered further at Policy SO8.2, but of particular relevance it is important to note that the recent Ministerial Statement on Local Energy Efficiency Standards dated 13th December 2023, is clear that Local Plans should not be placing onerous requirements on developers which exceed the requirements of national Building Regulations. Nationally applied standards provide the much-needed clarity and consistency for businesses, large and small, to invest and prepare to build net zero ready homes in advance of further energy efficiency building regulations planned for 2025.
- 3.18. Subject to the revision set out above the general approach is supported.

POLICY SO2.3: PROVISION OF OPEN SPACE, SPORTS AND RECREATIONAL BUILDINGS AND LAND, INCLUDING PLAYING FIELDS

- 3.19. Policy SO2.3 deals with the provision of leisure and sports facilities. The policy seeks to improve sport and leisure facilities in the context of increased demand as a result of new development. It also seeks major development proposals to follow the principles of 'Active Design' encouraging healthier and more active lifestyles, as well as promoting walking and cycling, whilst creating new green infrastructure within the development. The policy also sets out criteria to protect the existing facilities.
- 3.20. There are no further details contained in the supporting policy text to provide greater clarity on the requirements of 'Active Design' in the context of Policy SO2.3. It is only when reading the Plan at Paragraph 6.24 (in the context of Policy SO1.2 'Enhancing the Quality of the Built Environment') that reference to Sport England's Active Design guidance is identified. No reference is made to the document as forming part of the relevant evidence base for Policy SO2.3.
- 3.21. Although Sports England's guidance can inform the Local Plan policies as part of the evidence base to encourage compliance with the principles of Active Design, specific reference to 'Active Design' should not feature directly within Local Plan policy. Reference to 'Active Design' should therefore be deleted from the policy to avoid ambiguity.

POLICY SO2.4: ALLOTMENTS AND COMMUNITY GARDENS

- 3.22. Policy SO2.4 deals with allotments and community food growing. It provides general support for the provision of allotments and protects existing allotments and community food growing sites.
- 3.23. Reference could be given to support being given for new developments which can deliver additional allotments/community food growing sites. In particular, it is new housing development that is the potential delivery mechanism for new facilities of this type and this ought to be recognised in the policy.

POLICY SO2.5: PROVIDING OPPORTUNITIES FOR HEALTHY LIVING AND ACTIVITY THROUGH ACTIVE DESIGN

- 3.24. Policy SO2.5 deals with providing opportunities for healthy living and activity. The policy seeks to integrate major development proposals into the existing walking and cycle network.
- 3.25. In general terms Richborough support the approach, however some elements of the policy are unclear. One criterion refers to providing infrastructure that will enable sport and physical activity to take place inside and around buildings. It is unclear what this policy criteria is aimed at achieving, particularly the reference to 'around buildings'. This requires further clarification.
- 3.26. As set out above in relation to Policy SO2.5, the policy requires development to have regard to the principles of 'Active Design', however again this is not addressed further within the supporting policy text, and it is again unclear therefore what principles development should be adopting in line with the provisions of the policy. As previously highlighted under Policy SO2.3, the policy as currently written is unclear and inconsistent with national policy, conflicting with the provisions of paragraph 16 of the NPPF.
- 3.27. Reference to 'Active Design' should be removed from the Policy.

STRATEGIC OBJECTIVE 3

- 3.28. Strategic Objective 3 seeks to deliver a sufficient supply of homes to provide for housing choice and ensure all people are able to live in a decent home which meets their needs. The objective identifies the following key items:
- Facilitating sustainable housing provision.
 - Delivering sufficient housing to meet the district's own need and an appropriate and sustainable contribution to the wider housing market area shortfall.
 - Helping meet local needs for affordable dwellings.
 - Providing housing choices for an ageing population.
 - Catering for the needs of different groups in the community.

3.29. The objective set out does not reflect the Government's overall objective for housing which is to significantly boost the supply of homes. This should be reflected in the overall wording of the Strategic Objective 3 to ensure consistency with planning policy at a national level.

POLICY SO3.1: PROVISION FOR NEW HOMES

3.30. The Council's approach is to utilise the standard method to calculate its minimum housing requirement which comprises of 264 dwellings per annum, based on the government's standard methodology calculation of housing need, equating to an overall requirement of 5,808 dwellings over the plan period. In addition to meeting local housing need within the district, the plan will also deliver 500 dwellings, contributing towards the unmet needs of neighbouring areas in the Greater Birmingham and Black Country Housing Market Area (GBBCHMA).

3.31. Richborough support the general approach of Policy SO3.1 in proposing to meet the objectively assessed local needs for Cannock district and also contributing towards the unmet needs in neighbouring areas. The annual housing requirement of 264 dwellings per annum, as with the overall housing requirement across the Plan period, should be emphasised as providing a minimum housing delivery figure, with the standard method not accounting for the shortfalls in supply and housing delivery as a result of ongoing delays in Local Plan reviews across the HMA. The GBBCHMA authorities, including Cannock Chase DC, should therefore ensure there is greater headroom in each of their housing delivery targets across the plan period to address this shortfall.

3.32. In terms of meeting the housing requirement through the Plan Period, Table 5.4 of the Development Capacity Study 2023 sets out the 'Identified Local Housing Supply Contribution' as follows:

Table 5.4: Identified Local Housing Supply Contribution

SHLAA Under Construction Sites	338
SHLAA Sites with Planning Permission 10+ dwellings	1,265
SHLAA Small Site Contribution	163
Sub-Total	1,766
Housing Completions 2018-2023	2,504
Total	4,270

3.33. Whilst Table 5.4 of the Development Capacity Study sets out that 2504 homes were completed between 2018 -2023 this appears to be a typographical error. Having reviewed the completion figures within the SHLAA 2023 and associated trajectory, Table 5.1 below of the Development Capacity Study 2023 accurately reflects 2,540 housing completions between 2018-2023.

Table 5.1: Completions 2018 to 2023

Year	Net Additional Dwellings
2018-19	234
2019-20	930
2020-21	319
2021-22	620
2022-23	437
Total	2,540

- 3.34. The supporting policy text alongside Policy SO3.1 summarises housing supply across the Plan period. Table A identifies 454 dwellings on sites under construction on or before 31st March 2023; Table B a contribution of 1,265 dwellings from sites which already have planning permission, are already allocated or have a resolution to grant planning permission for housing; and at Table C 821 dwellings are identified as suitable for housing through the Development Capacity Study and Site Selection Methodology. In addition, the policy supporting text refers to the delivery of small sites forming part of the overall housing supply figure, comprising of windfall sites and delivering 163 dwellings (Table 5.4 as above).
- 3.35. The evidence included within Table A includes 338 dwellings under construction in Cannock/Hednesford/Heath Hayes, with a further 116 dwellings under construction including within Rugeley and Brereton (27 dwellings) and at minor smaller sites identified within the SHLAA (89 dwellings). This equates to a total of 454 dwellings under construction as identified within Table A of Policy SO3.1. However, the additional 116 dwellings are not evidenced within Table 5.4 of the Development Capacity Study. For completeness, greater transparency is therefore required in relation to these additional dwellings, ensuring the evidence base is consistent with figures contained within the Plan.
- 3.36. With regards to Table C, these 821 dwellings represent in effect windfall sites. The Development Capacity Study sets out that the Council have sought to address double counting in relation to windfall sites within the Council's housing supply figure, with larger windfall sites of over 10 dwellings discounted to take account of sites allocated through the Local Plan. However, even taking account the Council's windfall discounting exercise, smaller sites identified within the Development Capacity Study as delivering windfall development across the Plan period provide an unreliable land supply. The total number of dwellings included under Table C and identified at Policy SA1: Site Allocation is open to debate when a number of these sites remain in operation for alternative uses and/or have been identified as being constrained through the SHLAA prohibiting their potential redevelopment for housing. The NPPF at Paragraph 71 is clear that where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends.
- 3.37. In reviewing the evidence set within the Development Capacity Study 2023 and SHLAA 2023 there is a heavy reliance on both historic housing completions and commitments from 2018. The 2006-2028 trajectory contained within the SHLAA 2023 shows a significant under delivery of homes in some years across the adopted plan period, relying heavily on a

significant over delivery in other years up to 2023. The housing trajectory included within the Pre Submission Plan at 'Site Allocations' (page 156) covers the plan period up to 2040. This shows a continuous shortfall in housing completions from 2023 onwards based on the housing requirement of 264 dpa, further emphasising a reliance on historic commitments. The Plan is not anticipated to be adopted until 2025 and it will therefore already be seven years into the Plan period. Paragraph 22 of the NPFF is clear that strategic policies should look ahead over a minimum of 15 years from the point of adoption to anticipate and respond to long-term requirements and opportunities. Should there be any further delays in the preparation of the Local Plan Review, the current plan period leaves very little flexibility in ensuring a minimum 15 year plan period and that both current and future housing needs can be met.

- 3.38. The SHLAA at paragraph 5.4 sets out that *'the SHLAA is an important information source that enables the Council to plan for future residential housing needs through providing a trajectory of likely future development residential completions and land supply'*. Based on the Housing Trajectory contained within the SHLAA 2023, the period from 2025 (which is the anticipated date of adoption) to 2028 only shows projected completions of 172 dwellings, a shortfall of 620 homes across the three year period 2025–2028 based on an annual housing requirement of 264 dwellings. The trajectory graphic included within the Pre Submission Plan shows completions in the period up to 2040. This indicates a higher annual completion rate for the three-year period 2025–2028 suggesting the delivery of site allocations within the shorter term. However, there remains a continued annual shortfall across the 15 year period between 2025 and 2040, with 3,442 dwellings projected for completion (229 dpa) rather than the district requirement of 3,960 dwellings/264 dpa. This equates to a 525 dwelling shortfall across this 15 year period.
- 3.39. This shortfall is not only based on a minimum housing requirement and historic completions, but also housing supply based on a Development Capacity Study which includes a number of inconsistencies, as well as an over reliance on windfall sites from constrained brownfield sites. Density assumptions for Urban Town Centre sites of 50dph and above identified in the SHLAA are also questionable having regard to mandatory 10% BNG requirements which does not appear to have been factored into capacity studies/site yield.
- 3.40. It is essential therefore that the Plan provides flexibility above the minimum housing requirement to allow for a buffer to ensure sufficient homes will come forward to meet need. Although brownfield redevelopment is an important source of housing land supply, there are numerous constraints to the delivery of homes and a balanced approach must be taken to include both sufficient greenfield and Green Belt land to ensure delivery of homes at the rate required to meet housing need across the district, and wider HMA, both in the shorter and longer term.
- 3.41. The Policy sets out that priority has been given to the re-use of previously developed land, including the former Rugeley Power Station site, to meet housing needs. Whilst support is given to the recognition of strategic housing allocations, including the release of land within the Green Belt, it is important that further recognition is given to strategic allocation sites in delivering a balanced spatial strategy for the district and in the delivery of essential infrastructure including new schools, road infrastructure and quantitative and qualitative improvements to accessible open space. These sites provide the opportunity to meet short term housing needs alongside the delivery of key strategic infrastructure for the district rather than merely 'accommodating the balance'. There are clear exceptional circumstances based on the housing evidence available to release Green Belt sites to meet the district's

need alone, setting aside the wider HMA's housing need, as discussed further below. Land south of Lichfield Road, provides the opportunity to deliver high quality sustainable residential development through Green Belt release, which is available now to meet immediate housing need.

3.42. The policy currently fails to identify the proposed housing allocations. As set out above, greater emphasis should be placed on the strategic allocations which are identified as suitable and deliverable for housing. For clarity, the policy should therefore identify the strategic housing allocations as follows, 1,290 dwellings of which comprise of Green Belt release.

- SH1 south of Lichfield Road, Cannock approx. 700 dwellings
- SH2 east of Wimblebury Road approx. 400 dwellings
- SH3 land to the rear of Longford House, Watling Street, Cannock approx. 45 dwellings
- SH6 Former Hart School, Burnthill Road, Rugeley approx. 145 dwellings
- SM1 Land at the Former Rugeley Power Station up to 1000 dwellings (in Cannock Chase)

3.43. The policy currently doesn't identify any remedial measures that would result if housing were to fall below housing targets. Where the authority falls short of meeting a 5 year housing supply requirement through the Plan Period, clear provisions should be made within the Plan for the early release of identified safeguarded sites which have the capability of delivering sustainable housing developments, particularly given the authority's reliance on historic housing completions. Policy SO3.1 should deal with this issue based on the principles established in the Spatial Strategy prioritising development to the most sustainable settlements. Although Policy SO7.7 (Amendments to the Green Belt) includes proposed amendments to the Green Belt boundary to accommodate growth requirements of the district beyond the plan period, there is no provision made for further sustainable development to come forward during the plan period to address shortfalls in housing delivery.

3.44. In accordance with the Duty to Cooperate, which still remains, the Council must do its utmost to assist in meeting unmet needs across the housing market area, particularly given Cannock's proximity to adjoining authorities. The GBBCHMA Position Statement Addendum Update 2023 continues to show a significant shortfall in housing delivery (2,053 dwellings shortfall as at 2020/21) across the HMA, whilst further recognising that these figures do not reflect the full extent of the housing shortfall particularly given the status of Local Plans across the HMA and the significant impact therefore on supply and housing delivery which will need to be accounted for. In addition, the Strategic Growth Study on which the baseline figures have been based is now significantly dated having been prepared in 2018 and not reflective of up to date need or housing market conditions. The shortfall could therefore be far greater than that reflected within the baseline figures.

3.45. In terms of need, Birmingham City Council, for example, formally commenced the review of its new Plan and estimated a shortfall of 78,415 homes to 2042 in its Issues and Options document based on the Standard Method. This is a significantly greater shortfall than the housing requirement figure of 37,900 identified within the adopted Birmingham Development Plan 2011-2031.

3.46. The GBBCHMA Position Statement Addendum 2023 highlights the housing requirement figures identified by the Black Country Authorities as part of the Regulation 18 Black Country Plan, estimating 28,239 homes to 2039. The Black Country authorities of Sandwell, Dudley



and Wolverhampton have either recently undergone or are currently in the process of consulting on their Regulation 18 Preferred Options Local Plan, each of which has identified a significant shortfall within their housing supply. Most notably, Sandwell are only a position to identify a third of their housing land supply requirement, whilst Wolverhampton are only able to evidence half of their requirement.

- 3.47. Recognition therefore needs to be given to the impacts this will undoubtedly have on housing land supply and reflected through an 'appropriate' contribution towards meeting the HMA housing shortfall in line with the strategic objectives of the Plan and in accordance with national policy. It is difficult to quantify the full extent of the shortfall, however it is clear from numerous sources that the under delivery of homes across the wider HMA falls significantly short of meeting need, which will have lasting implications for communities if not addressed as a priority. It's important therefore that the Local Plan continues to include the Cannock DC's HMA housing contribution and reflects this additional housing need in addition to the district's own housing requirement.

POLICY SO3.2: HOUSING CHOICE

- 3.48. Richborough Estates support the requirement for a range and mix of housing that meets identified and evidenced needs and demands to be delivered through development. Policy SO3.2 sets out that development should deliver a mix of housing appropriate to the area and supported by local evidence to ensure a range of housing to meet needs of existing and future residents.

Affordable Housing Provision

- 3.49. The proportion of affordable dwellings to be delivered for developments above 10 homes is identified within Table D. The proportion of affordable housing to be delivered is variable, including the proportions of affordable housing to be delivered based on the area as well as whether the site is brownfield, with provision ranging from 20% -35%. The policy continues to set out that the Council will adopt the government's minimum percentage for provision of First Homes (25%) with the remaining split of affordable provision provided as 80% for rent and 20% for intermediate housing.
- 3.50. The supporting policy text at Paragraph 6.105 sets out that '*Evidence shows the need for affordable dwellings across the district will not be met in entirety by this plan it is therefore appropriate to require a higher level of provision and to safeguard the provision made by the plan to ensure the amount of dwellings which remain affordable in perpetuity delivers this strategic objective*'. A way to increase local affordable housing provision is to increase the overall housing requirement beyond the minimum Standard Method figure. The Local Plan Viability Assessment has already considered the level of affordable housing that is viable and therefore increasing affordable delivery on existing sites is not a justifiable answer to increasing affordable delivery overall; however, an uplift in open market housing through the addition of further development sites would have the very significant benefit of a general increase in the amount of affordable housing across the Plan period.

Housing Mix

- 3.51. The inclusion of Table E: Housing Mix, provides a prescriptive framework for each of the separate housing tenures and types. This approach is flawed as is contrary to the provisions of the Policy which requires '*A mix of housing sizes, types and tenure appropriate to the area and as supported by local evidence should be provided, to ensure that there is a range of housing to meet the needs of existing and future residents*'.

- 3.52. The proposed mix set out within Table E has also been updated since the Preferred Options consultation, taken from the Housing Needs Assessment 2024 (page 151). Although the proposed mix is now more evenly distributed across the different tenures and property sizes/types it is important that the policy does not become overly prescriptive. The inclusion of Table E is considered unnecessary and reference to housing mix in accordance with the recommendations of an up-to-date housing needs assessment/evidence would suffice. The HNA 2024 itself sets out at page 152 in relation to the recommended housing mix, that *'the mix identified above could inform strategic policies although a flexible approach should be adopted'*. Greater flexibility should therefore be included within the policy to take account of the site specific evidence considerations.
- 3.53. The policy itself makes no specific reference to an up-to-date HEDNA which provides the ability to review housing mix requirements across the Plan Period based on up to date evidence. The policy simply refers to 'in accordance with Table E below or its subsequent revisions'. This requires further clarity within the Policy which should refer specifically to an up to date HEDNA. Should the Council continue to adopt the inclusion of Table E in relation to a prescriptive housing mix, greater flexibility should be incorporated within the policy to allow for site specific considerations to be taken into account, and to allow for departure from a specific mix recommended across the wider district, where justification can be provided for an alternative mix.
- 3.54. A fundamental point which needs to be reviewed in relation to Table E is the 'total' percentage of market housing which as currently drafted equates to 105% rather than 100%. Having reviewed the recommended mix within the Housing Needs Assessment 2024, from which Table E appears to have been taken, it would suggest that the proportion of 3 bedroom market housing to be delivered should be 40% rather than the 45% currently shown.
- 3.55. Table E refers specifically to a proportion of homes to be delivered as *'affordable rented homes for older people'*. This is not sufficiently defined, and it is unclear what types of housing provision this relates to. The inclusion of *'rented homes for older people'* has been introduced within Policy SO3.2 following the Preferred Options consultation despite evidence within the up to date Housing Needs Assessment suggesting the need for more specialist accommodation for older people not to be as acute as set out within the conclusions of the earlier 2019 study. The split of affordable housing is unclear and further complicated by prescribing the proportion of homes for older people, alongside factoring in the split between first homes, affordable and intermediate housing, in addition to the proportions of affordable provision across each of the housing tenures.
- 3.56. The specific inclusion of affordable rented homes for older people within the policy is considered unnecessary and a duplication of policy in light of the provisions set out within Policy SO3.3 (Delivering High Quality Housing). Under Policy SO3.3 the needs of older residents are met through the requirement for all homes to be built to category M4(2)(Accessible and Adaptable dwellings) and with at least 5% of housing on major development sites M4 (3) and 10% of affordable housing delivered for wheelchair users, addressing the needs of older people but also the wider community which live with disability. The provisions of Policy SO3.3 are critiqued further within these representations; however, the Housing Needs Assessment is clear that *'any policy should be applied flexibly'* having regard to site specific circumstances and viability. The approach taken within both Policy SO3.1 and SO3.3 however provides little flexibility or scope for site specific circumstances to be addressed.

- 3.57. The published Local Plan and CIL Viability Assessment dated August 2022 should be reviewed to ensure it's based on up-to-date national policy guidance and supporting evidence base. The Assessment currently refers to the Housing Needs Study and SHMA Update 2012 and Local Housing Needs Assessment 2018 which have all since been updated. Currently the viability assessment does not take into account recent changes to the planning system, including the mandatory requirement for 10% biodiversity net gain. Furthermore, the viability assessment has not assessed the recent housing mix proposed under Policy SO3.2 alongside the need to provide both 35% affordable housing (for sites within Norton Canes and Heath Hayes) and rented affordable housing for older people. Whilst the viability assessment looks at both bungalow development and specialist accommodation for older people it does not specifically address the impact of the delivery of affordable rented accommodation for older people as part of mixed residential development. This needs to be given further consideration and clarified to ensure the viability of sites is not compromised.
- 3.58. The implications for delivering affordable provision across all phases of development, in accordance with the proportion and mix of affordable housing set out within Table E is also questioned in terms of the ability of achieving high quality and sustainable development which is designed to respond to a site's constraints and opportunities, whilst also meeting with other policy requirements through the Plan. This requirement is not sufficiently flexible and could restrict the deliver of homes and should be removed.
- 3.59. The policy as currently written sets out that '*Where sites have a construction programme which is proposed to extend beyond 2 years, the planning obligation will provide for the affordable housing component of later phases to be reviewed based on updated viability evidence which may result in an increase of the affordable housing requirement*'. Affordable housing requirements should not go beyond provisions already set within Policy SO3.2 and which have been the subject of viability testing. There is no clear evidence base for this requirement, which is onerous and unjustified, conflicting with NPPF, paragraph 16(a) and (c) in terms of the positive preparation of the plan and achieving the delivery of sustainable development. This presents further uncertainty for housebuilders in the delivery of new homes, with the construction programme for the majority of all larger developments, including strategic sites likely to extend beyond a 2 year period. From a practical perspective it is unclear how these policy provisions would be implemented through the decision making process and creates yet further unnecessary procedural delays to the delivery of new homes.
- 3.60. The use of appropriately worded planning conditions and s106 Agreements provide appropriate mechanisms in which to consider phasing and the delivery of affordable homes on a site specific basis. The inclusion of this phasing requirement is therefore unnecessary with no clear justification and contrary to national policy, which sets out that '*land with permission is developed without unnecessary delay*' (NPPF, para 60). This wording should therefore be removed from the policy to ensure the Policy is consistent with NPPF Paragraph 16.
- 3.61. Overall, the policy approach as currently written is neither considered to be justified, consistent with national policy or effective and should therefore be reviewed.

POLICY SO3.3: DELIVERING HIGH QUALITY HOUSING

- 3.62. The introduction of the optional nationally described space standard (NDSS) to all new homes should accord with the provisions of the NPPF (para 130f and Footnote 49) which sets out that '*policies may also make use of the NDSS where the need for an internal space standard can be justified*'. However, the implementation of NDSS should still allow for flexibility when a different solution might be required, for example to meet a specific housing

mix or particular site constraints. This needs to be referenced in the policy wording.

- 3.63. Richborough supports the objective of delivering high quality design and resilience and providing adequate space to achieve good living standards. However, objection is raised to all new build housing to be built to M4(2) standards, without any provision for exceptions on larger developments.
- 3.64. Specific evidence is required to justify imposing such requirements. NPPF footnote 49 allows for these optional technical standards for accessible and adaptable housing to be introduced through planning policy '*where this would address an identified need for such properties*'. Planning Practice Guidance (ref. ID: 56-007-20150327) sets out the evidence that can be used by local planning authorities to demonstrate a requirement to set higher accessibility, adaptability and wheelchair housing standards. This is currently not reflected in the emerging Plan's evidence base.
- 3.65. The policy includes exceptions for minor developments where it can be demonstrated that it is not feasible to deliver all homes as M4 (2) compliant due to unique site characteristics, constraints or due to a significant impact on viability. It would therefore seem reasonable as a minimum that this policy should be amended to include exceptions for all developments, given limitations to the delivery of M4(2) homes is applicable to all homes/developments not simply minor developments.
- 3.66. The provisions of all homes as M4(2) compliant should also be considered in the context of providing an appropriate mix of homes to meet all needs. For example, the internal layouts of homes which are M4(2) complaint might not meet the housing requirements of all homeowners. . A balanced approach to housing delivery is therefore necessary to achieve sustainable development that meets the needs of all.
- 3.67. To ensure the policy meets with the tests of soundness it is important that the requirement for all development to be NDSS and M4(2) complaint is adequately justified based on proportionate evidence, and where fully justified, greater flexibility is provided for developments in terms of the ability to demonstrate exceptions to the policy.

STRATEGIC OBJECTIVE 5

- 3.68. Strategic Objective 5 deals with sustainable transport and communications infrastructure. It seeks to manage the need to travel by providing for major new development in locations that can provide access for all sections of the community. It also requires the clustering of the development of services and facilities in locations that can provide convenient access for all sections of the community.

POLICY SO5.1: ACCESSIBLE DEVELOPMENT

- 3.69. Policy SO5.1 deals with accessible development. Amongst other things the policy identifies that proposals should set out, as appropriate, how and when the development will contribute to the reduction in reliance on the private car by locating a development where it can provide a full choice of sustainable travel options, co-locate shopping, education and leisure facilities in convenient "hubs", and layouts should provide the capacity for public transport access. The policy also refers to development which individually or cumulatively causes an unacceptable impact on the highway network, will not be supported.
- 3.70. The test contained within the policy that developments which individually or cumulatively cause an unacceptable impact on the highway network is not consistent with the approach set out in the NPPF. The NPPF test is a severe impact and that is the test that should be used in the policy.

- 3.71. This policy should therefore be amended to ensure it remains consistent with national policy.

POLICY SO5.2: COMMUNICATION TECHNOLOGIES

- 3.72. Policy SO5.2 deals with communication technologies and states that all major development proposals will demonstrate how they will deliver digital connectivity. The policy refers to measures such as facilitating technologically advanced methods of communication to allow remote working and reducing need to travel, providing and future proofing infrastructure that is required to enable access to high quality and resilient digital connectivity.
- 3.73. Richborough endorse the general approach but question whether this is an area where land use planning can assist in promoting the use of new and emerging technologies.

Whilst new housing developments will incorporate fibre broadband connectivity, it is difficult to envisage how developers and housebuilders, in particular will provide many of the aspects of Policy SO5.2. For example, how the development will facilitate technologically advanced methods of communication to allow remote working is nebulous. It is important that, whilst welcomed, the aspirational approach taken by the Council is deliverable and meets with the provisions of NPPF Paragraph 16 (b).

POLICY SO5.3: LOW AND ZERO CARBON TRANSPORT

- 3.74. Policy SO5.3 deals with low and zero carbon transport. It states all major development proposals will contribute to the reduction in the reliance of carbon intensive modes of transport by supporting the take up of ultra-low emission vehicles, hydrogen vehicles, developing electric vehicle charging networks, accelerating the uptake of low emission taxis and buses, investing in cycling and walking and moving freight from road to rail.
- 3.75. Richborough supports the objective to reduce reliance on carbon intensive modes of transport and electric vehicle charging has become a normal part of the delivery of new development; however again it is difficult to foresee how a Local Plan document and its implementation through the development management process will ultimately support the take up of ultra-low emission vehicles as described in the Policy. Similarly, other vehicles, such as hydrogen vehicles, have yet to be demonstrated as viable and in particular it is not evident that hydrogen vehicles will be the most sustainable future replacement for carbon-based vehicles.
- 3.76. Other elements of the policy refer to supporting changes to the road network where they are related to the reduction in environmental impacts and the enhancement of public transport. Whilst such changes can be supported, they can result in other adverse impacts such as an increase in congestion and other associated negative air quality impacts.
- 3.77. The policy needs review to address this potential conflict.

POLICY SO5.4 MAINTAINING AND IMPROVING THE TRANSPORT SYSTEM.

- 3.78. Policy SO5.4 deals with maintaining and improving the transport system. It sets out various measures which will be promoted to achieve improvements in the existing transport network. One of the items detailed is enabling demand responsive transport services such as taxis to provide mobility at times and locations where timetabled public transports services are not sustainable.
- 3.79. Generally Richborough supports the approach set out in the policy however it should be noted



that taxis already provide mobility in lieu of public transport services. That is the type of service that taxis provide. That said, on-demand public transport networks are becoming more prevalent where timetabled services are being reduced; and Richborough support such an approach if it is a suitable replacement.

POLICY SO5.6: SAFEGUARDING PROPOSED RECREATIONAL FOOTPATH AND CYCLE ROUTES

- 3.80. Policy SO5.6 refers to safeguarding recreational footpath and cycle routes. The policy protects those routes shown on the proposal map from development.
- 3.81. Richborough generally support the approach taken to new footpath and cycle ways.

POLICY SO5.7: PARKING PROVISION

- 3.82. Policy SO5.7 deals with parking provision. It states all major development proposals will make appropriate off-street parking in accordance with the relevant local design code and an assessment of the anticipated demand arising, scope for encouraging alternative means of travel, provision that will be made for private and public transport charging points, impact that parking might have on road safety and residential amenity and provision of adequate and conveniently placed for parking for people who have a disability or restricted mobility.
- 3.83. The approach in the Local Plan is not consistent within the NPPF in that, as proposed, the parking standards would not be contained within the Local Plan document and therefore would not be subject to examination. In addition, paragraphs 105 and 106 of the NPPF states that maximum parking standards should only be set where there is a clear justification that they are necessary for managing the road safety network.
- 3.84. Evidence should be included that demonstrates that parking standards are necessary and based on proportionate evidence, and these should be included within the Local Plan to provide certainty to developers upfront and avoid ambiguity. Any standards that are developed should be clear and not onerous, ensuring the Plan meets with the requirements of NPPF paragraph 16.

STRATEGIC OBJECTIVE 7

- 3.85. Strategic Objective 7 deals with the protection and enhancement of the natural environment. It seeks to minimise impact on and provide net gains for biodiversity. The policy refers to highest degree of protection being given to the protected landscape of the Cannock Chase National Landscape and the Green Belt. In terms of this objective, it is not clear how the Green Belt has been identified as having any "protected landscape" character. Green Belt designation is a policy tool rather than a recognition of landscape. The objective should be amended to remove reference to the Green Belt and its "protected landscape. Similarly, this has also been addressed earlier within the representations with regards to the District Profile. This should be reviewed throughout the Plan to ensure consistency with national policy.

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

- 3.86. Policy SO7.1 states development proposals will support the protection, conservation, enhancement and restoration of designated biodiversity and geodiversity sites, ecological networks, irreplaceable habitats and priority habitats, and the protection and recovery of legally protected and priority species populations. It sets out that development proposals



whose primary objective is to conserve or enhance biodiversity will be supported, with enhancement features sought where appropriate to the scale of development.

- 3.87. It continues to indicate that development that results in a significant effect on SAC, SPA or Ramser will not be supported unless an HRA has concluded there are no adverse impacts. Adverse effects on SSI, NNR will not normally be permitted unless benefits of development outweigh the impact; whilst development resulting in loss or deterioration of irreplaceable habitat, including ancient woodland, ancient trees or veteran trees will need to demonstrate there are wholly exceptional reasons and suitable compensatory measures exist.
- 3.88. Richborough supports the general principles set out in Policy SO7.1, however the policy is overly complicated and an unnecessary duplication of national policy, reiterating word for word the policies contained within Chapter 15 of the NPPF on 'Conserving and Enhancing the Natural Environment'. The introduction of other Local Plan policy provisions is also unnecessarily repetitive and should be deleted. The policy should be reviewed and simplified ensuring a clear starting point for any non strategic policies in accordance with the provisions of national policy.
- 3.89. As identified at the Preferred Options Regulation Consultation there continues to be a typographical error at paragraph 6.272 of the supporting text, defining "imperative reasons for overriding public interest" rather than what it is intended to say which is "reasons of overriding public interest", consistent with the provisions of national policy (NPPF para 177).

POLICY SO7.2 BIODIVERSITY NET GAIN

- 3.90. The Policy is considered unnecessary and a duplication of national policy requirements, with 10% Biodiversity Net Gain now mandatory for all major developments (as of 12th February 2024) and all non major developments (as of 2nd April 2024) as required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). Reference to BNG within Policy SO7.1 is therefore considered sufficient to address the requirements of BNG within the Local Plan with BNG tools and guidance available at a national level. Policy SO7.2 should therefore be deleted.

POLICY SO7.3: HABITAT SITES

- 3.91. Policy SO7.3 deals with Special Areas of Conservation (SAC). It states development will not be permitted where it would lead directly or indirectly to an adverse impact upon a SAC and the effects cannot be mitigated. The policy goes on to indicate that to ensure that the integrity of the Cannock Chase SAC is not adversely affected all development that results in a net increase in dwellings will be required to supply the Council such information as reasonably required for Council/competent authority to undertake an HRA in accordance with the most up to date Cannock Chase SAC Partnership Mitigation Scheme. It is noted however that the supporting text continues to refer to development within 15km of the SAC. This should be explicitly referenced within the policy itself. The policy as currently written is vague when referring to the supply of information '*as reasonably required*'. It is important that the information required to support applications is clearly identified within supporting guidance so as not to unnecessarily delay the application process and to enable determination targets to be met.
- 3.92. In general terms, Richborough support the general approach however recognition should be given within the policy to the mitigation measures which can be delivered through Local Plan Site Allocation proposals. This could include recognition of the community parkland, associated with proposed strategic housing allocation SH1: Land South of Lichfield Road, Heath Hayes. The development of substantial community parkland in conjunction with the housing allocation would not only mitigate the impact of the allocation itself but also reduce



impact on the Cannock Chase SAC by existing residents because it will be a local recreational resource that is large enough to genuinely be a replacement facility for Cannock Chase. As well as providing an alternative for actual use (e.g. dog walking) the amount of vehicle miles driven will be reduced, especially from the local area because the community parkland is within walking distance. The benefits of such an approach should be recognised in the policy or supporting text.

POLICY SO7.6: PROTECTING, CONSERVING AND ENHANCING THE GREEN BELT

- 3.93. It states that development will protect the character and openness of the Green Belt. It also states, in association with the strategic site allocation SH1 at Land South of Lichfield Road, Cannock, land indicated on the Policies Map will be safeguarded to allow for the delivery of public open space as community parkland and green infrastructure links and pedestrian and cycle links to the adjacent safeguarded land.
- 3.94. Richborough support the recognition of the delivery of the community parkland associated with the site allocation of land south of Lichfield Road, Cannock. The policy should however make clear there is a substantial area covered by the 'community parkland' so as to acknowledge the significance of this community benefit and the significant benefits which this landscape buffer will have in mitigating the loss of Green Belt for housing.
- 3.95. The Policies Map includes a '*Proposed Recreational Footpath Cycle Route*' running along the southern parameters of the proposed community parkland (SH1, Parcel C116b) and linking with proposed Site Allocation S3 – Land to the west of Hednesford Road Norton Canes. The proposed footpath however sits beyond Site Allocation SH1/C116b. There will be the opportunity to retain and where possible enhance existing PWRO as part of the proposed housing development and community parkland under Strategic Site Allocation SH1. There is however a lack of clarity regarding the mechanisms for facilitating the delivery of these proposed footpath/cycle links, particularly where these fall beyond the defined allocation and control of Richborough. The Infrastructure Delivery Plan makes no reference to the delivery of enhanced green infrastructure/pedestrian and cycle links alongside Strategic Site Allocation SH1. Any ambition for such connections should not therefore be directly associated with Proposed Allocation SH1.
- 3.96. Reference to Strategic Site Allocation SH1 alongside the provision of '*green infrastructure links and pedestrian and cycle links to the adjacent safeguarded land*' should therefore be deleted from Policy SO7.6.

POLICY SO7.7: AMENDMENTS TO THE GREEN BELT

- 3.97. Policy SO7.7 identifies amendments to the Green Belt proposed in the Local Plan to accommodate the growth requirements of the district during the plan period. The Strategic Housing Allocations are identified in the following locations:
- SH1 South of Lichfield Road, Cannock
 - SH2 Land east of Wimblebury Road
 - SH3 Land to the rear of Longford House, Watling Street, Cannock
 - SH5 Former Hart School (Hagley Park), Burnthill Road, Rugeley (southern site- part)
- 3.98. The policy also identifies a number of proposed amendments to the Green Belt boundary to accommodate growth requirements beyond the plan period. These are supported. As



identified above, in relation to Policy SO3.1 Housing Provision, there is however evidence which suggests the need to justify the release of further Green Belt sites in order to meet the district's housing requirements, in addition to the growing and substantial housing requirements of GBBCHMA, through the plan period itself.

- 3.99. In all cases appropriate mitigation would be made to compensate for the loss of Green Belt land as identified in the site specific policies. This would include new or enhanced green infrastructure, woodland planting, landscape and visual enhancements, improvements to biodiversity, a new and enhanced walking and cycle routes and improved access to new or enhanced existing recreational and playing field provision.
- 3.100. Ricborough supports the amendment to the Green Belt proposed at Land south of Lichfield Road, Heath Hayes, Cannock. This amendment is fully justified to meet the district's housing requirement and can be delivered within the short term to meet current needs and boost housing supply. In addition, it will also provide significant benefits through the delivery of a community parkland, so delivering the compensatory Green Belt enhancement set out in the policy and the NPPF.
- 3.101. It is important however that the scoring of the proposed Site Allocation SH1, Land south of Lichfield under '*Green Belt and potential mitigation*' within the Site Methodology Assessment 2023 accurately reflects the compensatory measures associated with the release of the site from the Green Belt. The retention and enhancement of Green Belt parcel W123 (Green Belt Study 2023) through the creation of community parkland (SH1, C116b) will form a strong new Green Belt boundary. In addition, the community parkland will contribute positively to reducing the urbanising visual influence of the development and existing built form, whilst enhancing the surrounding landscape character in line with the overall assessment/recommendations of the Green Belt Study.

POLICY SO7.8: PROTECTING, CONSERVING AND ENHANCING GREEN INFRASTRUCTURE

- 3.102. Policy SO7.8 seeks to protect, conserve and enhance the Green Space Network. The policy indicates that sites which form part of the Green Space Network will receive the highest degree of protection from development. Criteria are set out which would protect the areas from inappropriate development and the policy also indicates that development of new homes should contribute to the delivery of provision for sports, physical activity and leisure. The policy sets out that development proposals will, in accordance with the relevant local design code, set out how opportunities for healthy living and active travel will be created and enhanced by linking to or adding to the Green Space Network.
- 3.103. Richborough largely supports the strategy to provide for open space within the district however elements of the policy are not consistent with national policy and could hinder development opportunities. In particular, the policy suggests as a principle that new homes should contribute to the delivery of sports and recreation opportunities. This blanket requirement is not supported in national policy where development proposals should only contribute towards improvements to green infrastructure and other sports related facilities if there is a lack of capacity to adequately cater for the demand resulting from the proposed development.
- 3.104. The policy therefore requires revisiting and amending to make clear that such contributions would only be necessary where justified and will be proportionate and reasonable in all respects.
- 3.105. Finally, the suggestion that new homes should contribute towards the delivery of sports opportunities does not directly relate to the Green Space Network, as these elements could

be indoor facilities. This requirement should be amended to make clear what contributions have been sought and the necessary caveats to them.

STRATEGIC OBJECTIVE 8

POLICY SO8.1: LOW AND ZERO CARBON ENERGY AND HEAT PRODUCTION

- 3.106. Policy SO8.1 deals with low and zero carbon energy and heat production. It states such proposals will be supported where it can be demonstrated that the impacts from the construction, operation and decommissioning of solar and windfarms can be mitigated, the impacts of the development proposals on designated landscapes, heritage assets and the natural environment and on local amenity have been assessed and shown to be acceptable. The policy goes on to indicate development proposals to install LZC energy and heat production into build infrastructure will be supported where it can be demonstrated that the installation promotes good design and in accordance with the relevant local design code, the installation has been designed to allow adaptability to new LZC technologies that may emerge, the installation is informed as a result of consultation with the communities and there are appropriate plans in place to remove the installation at the end of its lifetime.
- 3.107. Richborough have no objection to the policy approach, but it should be noted that whilst the supporting text refers to the County Council's proposal to adopt a presumption in favour of low and zero carbon technologies, the policy introduces a number of tests which would potentially inhibit the delivery of such renewable energy facilities and this should therefore be considered further to ensure the policy is deliverable.

POLICY SO8.2: ACHIEVING NET ZERO CARBON DEVELOPMENT

- 3.108. Policy SO8.2 deals with achieving net zero carbon development. It states all development proposals should strive to achieve the highest level of building performance standards for energy use and achieve the lowest carbon emissions that can practically and viably be achieved. It states all major developments will deliver in priority order:
- Zero carbon emission development
 - Low carbon emission development with on-site mitigation to achieve net zero carbon emissions
 - Low carbon emission development with off-site mitigation to achieve net zero carbon emissions
 - Low carbon emission development with compensatory emissions to an appropriate carbon offsetting fund to achieve net zero carbon emissions.
- 3.109. The policy also states all major developments proposals will include evidence in a Sustainability Statement that the development has achieved the lowest carbon emissions that could practicably and viably be achieved.
- 3.110. Although a move towards delivering greater energy efficiency is supported, it is important that the Development Plan's response to climate change is realistic and consistent with national legislation and policy provisions, setting standards within a timetable which is collectively understood and deliverable across the development industry.
- 3.111. Energy efficiency and the need to make significant improvements towards the pathway to

net zero has been addressed at a national level through increasingly stringent Building Regulation requirements. In addition, from 2025 the Future Homes Standard will also require new homes to produce at least 75% lower CO2 emissions than current energy efficiency requirements. The recent Ministerial Statement on Local Energy Efficiency Standards dated 13th December 2023 was clear that Local Plans should not be placing onerous requirements on developers which exceed the requirements of national Building Regulations.

- 3.112. The inclusion of Policy SO8.2 is a duplication of national building regulations and is therefore unnecessary for purposes of the Plan. The policy should therefore be deleted with Policy SO8.3 addressing the requirement of net zero carbon development.

POLICY SO8.3: SUSTAINABLE DESIGN

- 3.113. Policy SO8.3 deals with sustainable design. It sets out that all development proposals must meet or exceed standards set out by the Home Quality Mark and all non-residential development should meet or exceed BREEAM excellent rating.
- 3.114. It continues that all major development must demonstrate how the design will meet the requirements of Policy SO8.2 in achieving net zero carbon development. It also states proposals should maximise opportunities for on-site production and use of low and zero carbon energy and heat; incorporate or link to low and zero carbon energy and heat systems; take account of changes in the weather as a result of climate change; protect and improve existing woodlands and habitats and integrate new green and blue infrastructure with Sustainable drainage systems and pedestrian and cycle routes; provide a contribution to the creation of urban forests, woodlands and street trees; conform to the relevant local design code; and make efficient use of previously developed land. Proposals should utilise materials with a low environmental impact and maximise the reuse of material in construction; provide electric vehicle recharging infrastructure; and opportunities for walking and cycling and facilitate low emission bus service provision.
- 3.115. There should be no expectation placed on housebuilders and builders to exceed national standards which have already been through vigorous viability testing and provide certainty for both housebuilders and developers. In addition, although Net Zero Carbon is supported, the requirements in meeting this standard should be consistent with national building regulations.
- 3.116. As set out above, Policy SO8.2 should be deleted given this is unnecessary and a duplication of national policy. There is no evidence that the policy has been subject to any form of viability assessment to establish what impact it would have on potential development. As drafted the policy requires contributions which may not be justified such as providing contributions to the creation of urban forests, woodlands and street trees when a development may be providing elements on site. Where no proportionate evidence base exists this should therefore be removed.
- 3.117. The policy also includes reference to making efficient use of previously developed land when not all sites will involve previously developed land. This is also contrary to the Local Plan's spatial strategy which comprises a review of Green Belt land to deliver strategic housing sites. The policy as currently drafted is therefore unjustified, not supported by national or local policy and not supported by any evidence base.

POLICY SO8.5: AVOIDING AIR, WATER, NOISE OR LIGHT POLLUTION AND SOIL CONTAMINATION

- 3.118. Policy SO8.5 deals with avoiding air, water, soil, noise and light pollution.
- 3.119. The proposal sets out all major development proposals and will set out how any air, water, soil, noise and light pollution that may arise from the development will be avoided. It states the impact on air quality and on air quality management areas should be assessed and where it is not possible to avoid adverse impacts proposals must mitigate any impact through measures contained within air quality action plans and transport plans and through green infrastructure provision. Water quality should be protected and development will not be permitted without confirmation that the existing or improved sewage and wastewater treatment facilities can accommodate the new development. Sewer resources should be protected and safeguarded. Public lighting and signing should be designed and maintained in a way that will limit the impact of light pollution on local amenity, nature conservation and intrinsically dark landscapes and skies. The noise environment should be maintained and improved through good design.
- 3.120. The policy approach refers to development proposals which will cause unacceptable on-site or off-site risk or harm to human health or the natural environment, not being permitted. This requirement is difficult to establish. Any proposal can have some impact on the natural environment and the scale of this impact should be assessed rather than a blanket requirement that states any unacceptable impact will result in a refusal. Provision of water and waste water facilities is subject to a separate legal framework and therefore reference to improved sewage and waste water treatment facilities should be deleted.

POLICY SO8.6: BROWNFIELD AND DESPOILED LAND AND UNDER-UTILISED BUILDINGS

- 3.121. Policy SO8.6 deals with brownfield and despoiled land. It states that development proposals, where appropriate and in line with the provisions of the relevant Local Design Guide, will prioritise the use of suitable brownfield land for homes and other uses and make efficient use of underutilised land and buildings particularly within designated settlement boundaries.
- 3.122. Richborough supports the use of brownfield land however the policy should be amended to make clear that it relates to developments of such sites and should not be applied against greenfield sites, whereby contributions could be sought to deliver improvements to other PDL sites. As drafted, the policy could potentially be applied to any proposal rather than specifically applied to proposals involving the reuse of previously developed land.

4. Strategic Site Specific Policy

Housing Site Allocation Policy SH1: Land south of Lichfield Road, Cannock

- 4.1. Richborough supports the allocation of strategic housing allocation SH1, land south of Lichfield Road, Heath Hayes in delivering much needed housing to meet the housing requirements of district. The allocation will deliver a residential led scheme for in the region of 700 dwellings with provision for a new primary school as well community parkland south of Newlands Road. The proposed allocation will also contribute towards the delivery of Wimblebury Road Relief Road (WRRR) alongside strategic housing allocation SH2, Land east of Wimblebury Road, Heath Hayes.
- 4.2. The site which is split into two parts comprises at its northern parcel approximately 32.5 hectares (and defined within the Policy as parcel C116a) proposed for residential-led development to the south of Lichfield Road, Heath Hayes and bound by Newlands Lane to the south. Its southern parcel comprising approximately 14.8 hectares (and defined within the Policy as parcel C116b). lies to the south of Newlands Lane and which will remain designated as Green Belt is proposed as community parkland to be delivered alongside the proposed residential development.
- 4.3. The size and form of the site along with proposed use as identified above is reflected with Policy SH1 which is supported. However, there are a number of elements within the Policy which require revision and therefore Richborough **object** to the Policy as currently drafted. The supporting text in relation to the 'Proposed Use' however requires revisiting to ensure reference is also made to contributions towards the WRRR alongside housing allocation SH2.
- 4.4. To avoid confusion, reference should be made to the road number (A5190) when referring to the 'primary access' to Strategic Site Allocation SH1. This should also be reflected within the name of the Strategic Site Allocation itself to ensure clarity and consistency through the Plan. At page 159 of the Plan, the address for Allocation SH1 is described as '*South of A5190, Lichfield Road, Cannock*'.
- 4.5. The site currently comprises pastoral farmland with some areas used for seasonal crop production. It is not considered to represent best or most versatile agricultural land. The land is interspersed with connecting native hedgerows and bounded by mixed species woodland blocks. The landform of the site gently falls from north to south with a topographical range of approximately 171 AOD to 159 AOD (Above Ordnance Datum i.e. height relative to the average sea level).
- 4.6. The site boundaries and immediate surroundings comprise:
 - To the north, the site adjoins the existing residential edge associated with Cannock Road (A5190), including the Severn Trent compound to the north-east
 - To the east – the boundary is well defined by a mixed woodland block, a Public Right of Way and the north – south route of Newlands Brook
 - To the south – the site adjoins the vegetated Newlands Lane which has been closed to traffic

- To the west – the boundary is formed by a mixed woodland block with Newlands Lane beyond

- 4.7. The policy sets out that Cannock Chase District Council will work with the site promoter to agree an illustrative Masterplan for the site alongside broad parameters shown on the Concept Plan, including a design code for the site, whilst a planning performance agreement will also be drawn up between the Council and site promoter.
- 4.8. This approach is supported by Richborough alongside the details of Concept Plan included at Policy SH1. An Illustrative Masterplan for the site is appended to these representations.
- 4.9. The Policy sets out a number of design parameters for the delivery of both parcels C116a and C116b as part of the site's allocation. Although the site's allocation is supported by Richborough there are however a number of comments in relation to the provisions of the site specific policy which require further revision.
- 4.10. With regards to housing mix this should be considered separately to Policy SO3.2 having regard to site specifics. The prescriptive nature of Policy SO3.2 may potentially constrain the delivery of aspirational homes. Being restricted to only a very limited number of larger homes will potentially inhibit the opportunity to retain residents of certain socio economic sectors on what is an attractive site in a semi-rural setting. In applying local policy on housing type and mix, regard should be had to the strategic nature of the allocation and the benefits of providing aspirational homes as part of an overall site-specific housing mix and this should be conveyed within the wording of the policy. The policy should also recognise that over the course of the site build-out the desirability/need for certain types of dwellings could change and again this brings things back to the need for flexibility. The design code for the site will provide the design parameters in which character areas, including details of design, layout and housing mix are defined. It is important therefore that the policy is reviewed along with Policy SO3.2 to reflect the need for greater flexibility.
- 4.11. The policy as currently drafted requires the development to *'include the highest level of building performance standards for cooling, ventilation and energy use and achieve the lowest viable carbon emissions that can practically and viably be achieved'*. As currently written the policy wording is not consistent with national policy. As set out in relation to Policies SO8.2 and SO8.3. it is important that there is no expectations to exceed the requirements of national Building Regulations. Reference to *'lowest viable'* and *'that can practically and viably be achieved'* should therefore be removed.
- 4.12. The policy sets out that consideration should be given to the Five Ways junction in relation to both highways and air quality impacts. As identified within the supporting policy text it is important that the Policy should emphasise that the A5190 around the Five Ways Island is not however subject to an Air Quality Management Area. In addition, the Revised Five Ways Remodelling Analysis – Lower Housing Numbers, sets out in relation to strategic housing allocation SH1 and SH2 that the delivery of the Wimblebury Road Relief Road (WRRR) will deliver enough headroom for the proposed housing sites to be delivered without making the overall traffic situation at Five Ways roundabout any worse than it would be in 2038 without development.
- 4.13. With regards the transfer of land within SH1 for the new primary school, whilst it is recognised that an agreement will need to be undertaken between the applicant, LPA and County the inclusion of *'No completions shall take place on SH1 until the school site has been transferred*

in accordance with the requirements of the County Council as set out in a S106 agreement' seems unnecessary and potentially restrictive whilst also vague in relation to what constitutes the 'completion' of housing. A strategy/timeframe for the delivery of the primary school will be covered as necessary under the legal framework of the s106 with the requirements of all parties in agreement. The wording of the policy *'The school site and access, as shown on the concept plan, shall form part of the first phase of development and be transferred to the County'* lacks precision in terms of what is required for delivery within the first Phase of development. A more appropriate form of wording would be *'Land identified for the Primary School will be transferred to SCC, including any temporary access arrangements, prior to the commencement of development'*. This ensures greater clarity for the reader in relation to the Council's intentions in relation to the transfer of land to the County Council to enable a new primary school to be delivered by the County rather than any expectation that a school building will be delivered on behalf of the developer as part of the proposed housing development. This understanding of the land transfer follows discussions with the County Council and CCDC.

- 4.14. With regards to the delivery of infrastructure the Policy sets out that *'No substantive housing completions should occur until the funding and phasing of critical infrastructure is agreed by the applicant, Local Planning Authority and Staffordshire County Council'*. The inclusion of this wording is considered unnecessary and should be deleted given this will be addressed within a s106 Agreement at the application stages, providing greater accuracy and certainty in relation to the delivery of development and site specific matters relating to SH1 and SH2.
- 4.15. It is important that there remains flexibility within the policy to ensure that the delivery of SH1 does not rely on the delivery of SH2 and vice versa. In addition, further clarity needs to be provided by the County in relation to the costing of the Relief Road and how they see costs being apportioned between SH1 and SH2.
- 4.16. The policy wording should provide further clarity in relation to the delivery of 10% BNG as part of the allocation. The wording of the policy should refer to the positive contribution of enhanced habitat creation through the community parkland will meet the 10% BNG requirements for the proposed development of Parcel C116a/C116b.
- 4.17. With regards to BNG, the policy continues that *'New native woodland planting on the south western boundary of parcel C116a will provide visual containment to prevent urbanisation of Newlands Lane. Established wooded areas bordering Newlands Lane should be retained to protect its rural character and the wider Green Belt'*. It would seem more appropriate to include this alongside the text in relation to 'Landscape Strategy'.
- 4.18. The site allocation includes the retention of Green Belt land to ensure the delivery of Green Belt enhancement in accordance with the provisions of the NPPF. The Concept Plan which accompanies the allocation also identifies broad design parameters, including the retention and creation of landscaping. This should be reflected more clearly within the wording of the policy itself. The retained community parkland, alongside retained and proposed landscaping will also act as a buffer, containing the site from the wider Green Belt.
- 4.19. The wording of the policy should therefore be revisited as follows:
- 'The development will be required to reflect the broad parameters identified on the Concept Plan, including the Community parkland alongside the retention and planting of strategic woodland at the boundaries of the site to provide visual containment and separation from the wider Green Belt and adjoining settlements. Consideration will be given to site topography and existing defining features of the landscape through the proposed design.'*



This will be required to ensure that the development form and layout minimises any adverse visual impacts of the development on the surrounding area’.

- 4.20. The above proposed policy wording is effective in addressing the matter of Green Belt and visual impact, it is flexible whilst concise, with the accompanying Concept Plan further supporting the narrative with clear ‘design parameters’. There should be sufficient flexibility within the policy to address changing circumstances. The recommendations of an LVIA will provide the necessary evidence at the application stage to inform the delivery of an appropriate ‘Landscape Strategy’ for the site ensuring any adverse visual impacts of development are minimised.
- 4.21. The policy sets out that *‘The Council will work with the developer to determine whether any provision is more appropriately located on land for the community park on the southern land parcel (C116b)’*. With regards to the delivery of sports provision within the community parkland, further consideration should be given however to its interrelationship with any sports/recreation requirements and biodiversity enhancements/BNG. It’s unclear how sports provision within the community parkland south of Newland Lane would sit alongside proposed ecological enhancement measures (including wet grassland/wet woodland and heathland habitats) and a requirement to deliver 10% BNG. As set out above however, a 2FE school on a site of 2.3 hectares would be sufficient to deliver playing fields which provides the opportunity for a dual use facility, negating any requirement to use land designated as community parkland within Parcel C116b for playing fields. The policy should therefore be reviewed to provide greater certainty in relation to the delivery of ‘open sports and recreation’ across the allocation, whilst also retaining sufficient flexibility, to ensure all the provisions of the policy can be delivered as required.
- 4.22. Reference to the delivery of a ‘community park’ within the policy does not give sufficient acknowledgement to the 14 hectares of open space which is to be delivered alongside the housing allocation, giving the impression of a much smaller communal park area for example. The policy should therefore be amended to refer to ‘Community Parkland’ to ensure the full extent of the site area proposed for parkland is clear. The Sustainability Appraisal findings at paragraph 5.78 identify the substantial open space benefits through the delivery of community parkland, having a significant positive effect in relation to recreation. Also acknowledged at para 5.191 the benefits to biodiversity in the Plan Area and the positive contribution in mitigating recreational pressures in relation to Cannock Chase SAC.
- 4.23. As currently worded the draft policy doesn’t provide a coordinated approach to open space & sports delivery between SH1 and SH2 to avoid duplication of provision which needs to be considered further across both site specific policies.
- 4.24. The intention of the site specific policies (SH1 and SH2) as currently written is for both developments to be responsible for working up a phasing strategy/proportionate funding mechanism (with both providing additional s106 contributions) to the delivery of highway and education infrastructure alongside the Infrastructure Development Plan. It is important however that the wording of these site specific allocation policies do not however impede the delivery of the other through the plan period.
- 4.25. Whilst these representations have objected to certain aspects of the SH1 allocation policy wording, it is important to note that Richborough is supportive of SH1 being allocated for residential-led development and will work closely with Cannock Chase Council to bring the site forward.

Sustainability Appraisal

4.26. The Cannock Local Plan Review consultation is supported by a Sustainability Appraisal, (incorporating Health Impact Assessment) prepared by LUC ('the SA'). The purpose of the SA is to document the SA process and enable the authority to demonstrate that they have identified, described and evaluated reasonable alternatives during the making of the Local Plan. The SA process has also appraised the draft development management policies and their likely outcomes. The potential sites are assessed in relation to each of the stated SA objectives as follows:

- **SA Objective 1:** Protect and enhance biodiversity, fauna and flora and geodiversity.
- **SA Objective 2:** Minimise pollution and protect and enhance air, water, and soil quality
- **SA Objective 3:** Ensure development makes efficient use of previously developed land and buildings.
- **SA Objective 4:** Adapt to the impacts of, and minimise factors contributing to, climate change.
- **SA Objective 5:** Reduce the risk of flooding.
- **SA Objective 6:** Protect, enhance and manage the character and quality of the landscape and townscape, maintaining and strengthening local distinctiveness and sense of place.
- **SA Objective 7:** Make sustainable use of resources and minimise waste generation.
- **SA Objective 8:** Encourage and facilitate the use of sustainable modes of transport
- **SA Objective 9:** Ensure all people are able to live in a decent home which meets their needs.
- **SA Objective 10:** Raise educational aspirations and attainment within the District and ensure that educational facilities are provided where they are required.
- **SA Objective 11:** Reduce crime and the fear of crime.
- **SA Objective 12:** Improve public health and ensure public health facilities are accessible for those in need.
- **SA Objective 13:** Protect, enhance, and create and ensure access to open spaces and facilities for leisure and recreation facilities are accessible for those in need.
- **SA Objective 14:** Provide easy access to community services and facilities to meet people's needs and avoid isolation.
- **SA Objective 15:** Help the continued regeneration of the local economy by protecting existing employment sites and ensuring there is adequate provision of new sites.

- **SA Objective 16:** Enhance the town centres in order to protect and improve their vitality and viability.
- **SA Objective 17:** Conserve and enhance the built historic environment (including heritage assets and their respective settings).

4.27. The significance of effects is scored as follows:

Symbol/Score	Description
++	The option is likely to have a significant positive effect on the SA objective(s).
++/-	The option is likely to have a mixture of significant positive and minor negative effects on the SA objective(s).
+	The option is likely to have a minor positive effect on the SA objective(s)
0	The option is likely to have a negligible or no effect on the SA objective(s)
-	The option is likely to have a minor negative effect on the SA objective(s)
--/+	The option is likely to have a mixture of significant negative and minor positive effects on the SA objective(s)
---	The option is likely to have a significant negative effect on the SA objective(s)
?	It is uncertain what effect the option will have on the SA Objective(s)
+/- or ++/--	The option is likely to have an equal mixture of both minor or both significant positive and negative effects on the SA objective(s).

SA Table 2.1: Key to Symbols and colour coding used in SA.

SA Appraisal: Land South of Lichfield Road, Heath Hayes

- 4.28. Policy SH1, Strategic Site Allocation at Land south of Lichfield Road is appraised at **Table 5.16**.
- 4.29. With regards to SA objective 1: Biodiversity and Geodiversity, the Sustainability Appraisal fails to acknowledge the extent of the biodiversity enhancements which will be brought forward through the delivery of the community parkland which is currently agricultural land and the delivery of a minimum of 10% Biodiversity Net Gain, as well ecological corridors/enhanced green infrastructure. This is also relative to SA Objection 2 in relation to pollution. With the community parkland and associated biodiversity enhancements providing significant environmental benefits over the existing farmed land which is categorised as neither best/most versatile land. In addition, the delivery of the WRRR will enable the proposed housing site to be delivered without making the overall traffic situation at Five Ways roundabout any worse than it would be in 2038 without development. The SA score should therefore as a minimum be revisited with a positive score following mitigation.
- 4.30. A sustainable drainage strategy would be introduced which would result in drainage betterment for the site and immediate surrounding area. The scoring for SA Objective 5 Flooding, should therefore be shown as a positive score following mitigation.
- 4.31. In terms of SA Objective 6 Landscape and Townscape the strengthening of existing landscaping through Parcel C116a and the creation of the community parkland buffer at Parcel C116b will contribute positively to enclosing the site visually in terms of any perceived coalescence and visual impact of the urban edge from the wider landscape and the proposals should therefore be scored positively rather than neutral.
- 4.32. Given the requirement to deliver the provision of land for a new 2FE Primary school along with CIL complaint education contributions within Policy SH1, it is unclear why there has been any uncertainty regarding the significant positive impact of the development on SA Objection 10 in relation to the provision of educational facilities.
- 4.33. Similarly to SA Objective 13 Recreation, SA Objective Health should also be scored with a significant positive effect to acknowledge the substantial open space benefits through the delivery of community parkland and associated green infrastructure links including both pedestrian and cycle routes, as well as access to playing fields and other areas of informal and information open space. The substantial biodiversity enhancements will also have positive implications for the health of residents living within a landscape led residential environment. The positive contribution in mitigating recreational pressures in relation to Cannock Chase SAC is also to be recognised under SA Objective 12 and 13.
- 4.34. With regards to SA Objective 17, Historic Environment, the substantial public benefits of the scheme would far outweigh any potential harm to the existing Grade II Listed Building and as such having regard to national policy the impact for purposes of the SA Appraisal is considered to be neutral at worst.
- 4.35. With the above scoring amends in mind a comparison of the SA Scoring in the evidence base report for post-mitigation matters for Site SH1 along with the suggested changes is set out as follows:

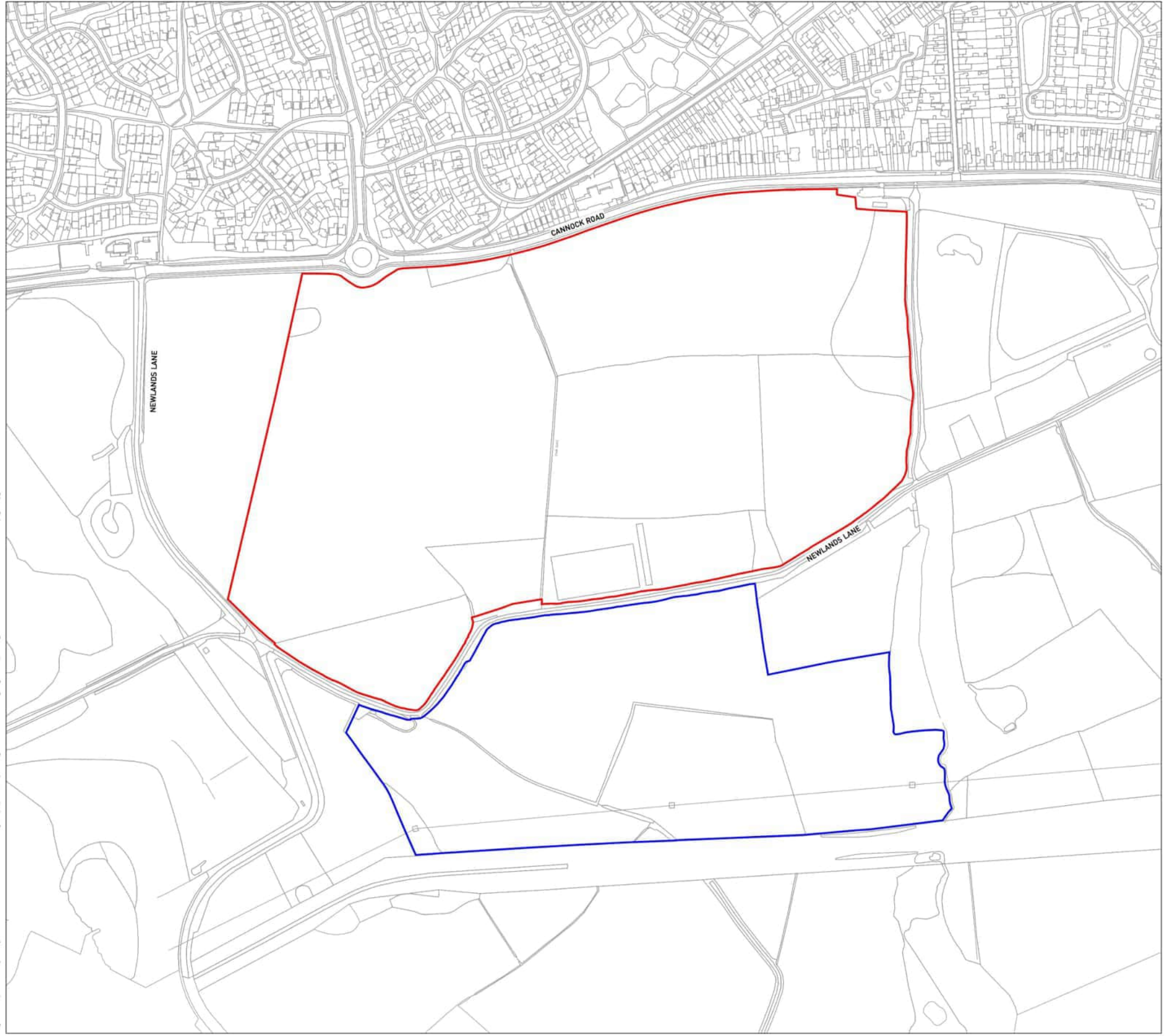
SA Objective	SA1: Biodiversity & Geodiversity	SA2: Pollution	SA3: Previously Developed Land	SA4: Climate Change	SA5: Flooding	SA6: Landscape & Townscape	SA7: Waste	SA8: Sustainable Transport	SA9: Housing	SA10: Education	SA11: Crime	SA12: Health & Wellbeing	SA13: Recreation	SA14: Services and Facilities	SA15: Employment	SA16: Town Centres	SA17: Historic Environment
SH1 (SA version)	+/-?	--?	--	+	0	0?	0	+	++	++?	0	+	++	+	0	0	-?
SH1 (Richborough Estates version taking into account comments made in this section)	++/-	+	--	+	+	+	0	+	++	++	0	++	++	+	0	0	0

5. Conclusion

- 5.1. Richborough is supportive of the Local Plan Review Pre Submission (Regulation 19) consultation document in the main, subject to a number of amendments and clarifications set out within this representation.
- 5.2. In particular the housing requirement for the Plan period should be revisited to provide as much flexibility as possible in excess of the minimum Standard Method housing figure in order to support both current housing needs and growth within the district and across the wider housing market area up to and beyond 2040.
- 5.1. Richborough in particular supports the allocation of Strategic Housing Allocation SH1 Land south of Lichfield Road, Heath Hayes for a landscape-led residential development. There are clear exceptional circumstances to justify the release of the site from the Green Belt with appropriate compensatory measures proposed. These circumstances include the significant un-met housing need arising from both within Cannock Chase District and the wider GBBHMA, which continues to grow. This is combined with the fact that around 60% of the district lies within the West Midlands Green Belt and around 30% lies within the Cannock Chase Area of Outstanding Natural Beauty presenting limitations to growth, which brownfield development alone cannot address, having regard to other policy requirements of the Plan and national planning provisions.
- 5.2. The site is sustainably located adjacent to the existing urban area of Heath Hayes, which is identified as the main focus for development in the Plan's spatial strategy. This site is available and deliverable, presenting the opportunity to deliver much needed aspirational homes to meet the district's immediate housing requirements. The development of the site will offer a range of housing to meet a mix of housing needs, including affordable homes for families, first time buyers, as well as older and less physically able residents, all built to high design standards.
- 5.3. New homes will be delivered alongside significant infrastructure improvements, bringing clear benefits to the local community including both existing and prospective residents. This will include provision for a new primary school and playing fields, open space and a vast area of community parkland, as well as contributions towards the WRRR. In addition, the development (which is landscape-led retaining existing strategic landscape features adjoining and through the site) will also provide significant biodiversity enhancements alongside the proposed community parkland and will retain land to the south of the built form within the Green Belt.
- 5.4. Overall, the allocation of site offers significant sustainability credentials whilst contributing positively to ensuring positive strategic growth within the district and is wholly supported
- 5.5. Richborough support the Local Plan Review and whilst the Plan is currently unsound, can be made sound subject to the various modifications identified within these representations. Pegasus Group on behalf of Richborough therefore request to participate in the Hearing Sessions for the Local Plan Examination.



Appendix 1: Site Location Plan



KEY

- SITE LOCATION
32.448 HECTARES
80.178 ACRES
- ADJACENT LAND WITHIN APPLICANTS CONTROL
14.813 HECTARES
36.603 ACRES



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LAND OFF CANNOCK ROAD, HEATH HAYES, CANNOCK - SITE LOCATION PLAN

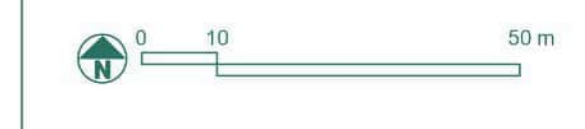




Appendix 2: Illustrative Masterplan



- Key**
- Allocation boundary
 - Community Parkland
 - Existing (retained) trees & hedgerow
 - Indicative proposed planting
 - Open space
 - Potential for equipped play/LEAP
 - Trim Trail 'events'
 - Indicative surface water attenuation basin
 - Indicative development cell
 - Potential locations of landmark buildings
 - Indicative Primary School location
 - Existing Public Right of Way
 - Proposed 2.4km circular walk
 - Other proposed footpath connections
 - Existing Foul Water Sewer & 8m o/a Easement



Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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