



Statement of Common Ground between Cannock
Chase District Council and Richborough in
relation to Land south of Lichfield Road

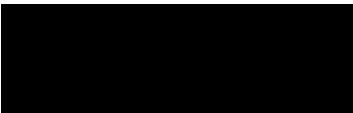
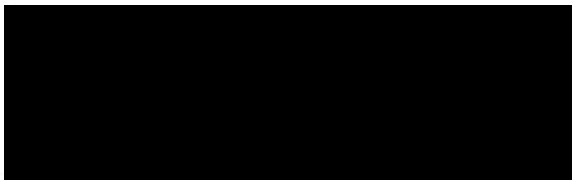
Cannock Chase Local Plan (2018-2040)

November 2024

1. Parties Involved

- Cannock Chase District Council (CCDC)
- Richborough

2. Signatories

Signed: 	Signed: 
Name: Dean Piper	Name: David Onions
Position: Head of Economic Development & Planning	Position: Executive Director
Organisation: Cannock Chase District Council	Organisation: Pegasus on behalf of Richborough
Date: 21.11.2024	Date: 13.11.2024

3. Purpose of Statement of Common Ground

This SoCG sets out details of the agreement between Cannock Chase District Council (CCDC) and Richborough in relation to the proposed strategic allocation in the Local Plan, referred to as Land south of Lichfield Road, Heath Hayes (SH1). Both parties have worked jointly on the proposed allocation and are committed to delivering quality development over the Plan period.

4. Planning Area Covered by SoCG

This SoCG covers the area included as the proposed strategic allocation as south of Lichfield Road (SH1) which is divided into a parcel for residential development and a primary school (site C116a) and a parcel which will deliver community parkland (C116b) in the Local Plan. The land is shown on the attached proposed Concept Diagram and currently comprises agricultural land in the Green Belt (Figure 1).

5. Background

The site currently comprises agricultural land has been promoted by Pegasus on behalf of Richborough for residential development and a community parkland.

The site featured as part of an indicative wider area for growth mark as 'Option C2 areas suggested as possible Green Belt urban extensions at Cannock/Hednesford/Heath Hayes & Norton Canes' in the Issues and Options consultation document published in February

2018. It was identified as 'preferred option SH1' originally for a site capacity of 875 dwellings in the Preferred Options consultation document published in March 2021. Finally, the site was subject to proposed allocation for 700 dwellings in the Reg 19 Proposed Submission consultation document published December 2023 accompanied by a site specific policy SH2, concept diagram which identified the community parkland. The allocation would involve the removal of the housing allocation from the Green Belt.

The Local Plan process has provided opportunities for public engagement as well as comments from statutory consultees including infrastructure providers over the course of the development of the Local Plan.

6. Engagement

Meetings have been held between the two parties to discuss strategic matters over the course of development of the Local Plan culminating in a wider meeting with Taylor Wimpey who are the developers promoting the other proposed strategic allocation for residential development in Heath Hayes at Land east of Wimblebury Road (SH2), as well as representatives from the Education and Highways Departments of Staffordshire County Council (SCC) on 23rd November 2023. This enabled discussion of the cumulative infrastructure impacts and issues such as timing of delivery and policy clauses prior to finalising the Reg 19 document for consultation.

Further discussions have continued between CCDC and Pegasus/ Richborough during 2024 to discuss preparatory work for the next stages including submission of the plan and potential pre-application engagement.. Correspondence has also continued outside formal meeting dates via email and phone calls and both parties have been open to discussion and engagement throughout the latter stages of development of the Local Plan.

7. Agreed Strategic Matters

Land use principles

Both parties agree that the proposed allocated site SH1 can deliver residential development of at least 700 dwellings at a minimum density of 35dph. The site will provide land sufficient to deliver a new 2FE Primary School. The site will deliver affordable housing, open space and biodiversity net gain either on or off site as well as contributions towards infrastructure necessary to mitigate the impact of the development. Variations to the location of development in the indicative Concept Diagram may be required. These will be justified and determined through the development management process.

Access

The general locations of indicative access points on the Concept Diagram are agreed.

The parties worked collectively with SCC and Taylor Wimpey to consider the cumulative impact of site proposals SH1 and SH2 on the local highway network. 'The Impact of Preferred Option Developments on Five Ways Roundabout – Revised Report with Lower Levels of Housing (Draft Regulation 19 Local Plan Sites)' [T7] dated 3rd October 2022 is part of the agreed evidence base to inform mitigation proposals.

It is agreed that additional traffic movements on the local highway network can be mitigated. The parties are committed to working with SCC and other stakeholders including

developers acting for proposed allocation SH2 to ensure necessary improvements to the Five Ways junction are delivered when required to mitigate the impact of the proposed development.

Infrastructure

It is acknowledged by both parties that Land south of Lichfield Road forms part of the wider growth proposals for Heath Hayes alongside Land east of Wimblebury Road and that both the provision of a new school on site SH1 and provision of the WRRR on site SH2 are critical infrastructure items necessary to realise the full potential for growth across both sites.

Richborough will continue to engage constructively with CCDC over the timing of delivery of critical elements of infrastructure. CCDC will coordinate discussions with Richborough, SCC and Taylor Wimpey through the progression of planning applications with the aim to align infrastructure provision and avoid potential short term capacity issues wherever possible.

It is agreed that all parties will work together positively and expeditiously to agree an appropriate mechanism for equitable and timely infrastructure delivery.

Deliverability

Land required for the proposed allocation south of Lichfield Road, Heath Hayes (SH1) is available and can be delivered over the Plan period. The proposed allocation area is under the control of Richborough through a Promotion Agreement. Richborough is committed to delivering development in this location. Initial meetings have already been held prior to pre-application discussions and the submission of an outline application. These initial discussions have included dialogue with SCC Highways, SCC Education, and representatives from all relevant CCDC teams.

A Planning Performance Agreement to scope the level of support for each stage and identify key officers and resources will also be drawn up between CCDC and the site promoter. This will ensure that the development management process is focussed on the delivery of the outline planning permission which will deliver the site.

Trajectory

The estimated start date for development is in year 2027/28 It is estimated that 100 houses could be completed per annum with 2 house builders present on the site. Building will be phased over a 8 year period in line with the delivery trajectory below.

	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	33/34	34/35
Delivery (dpa)	0	0	25	75	100	100	100	100	100	100

Viability

The Reg 19. Local Plan policy wording for proposed allocation SH1 seeks to achieve a policy compliant application with regard to elements including general housing mix, affordable housing provision and other requirements such as high quality, energy efficient design.

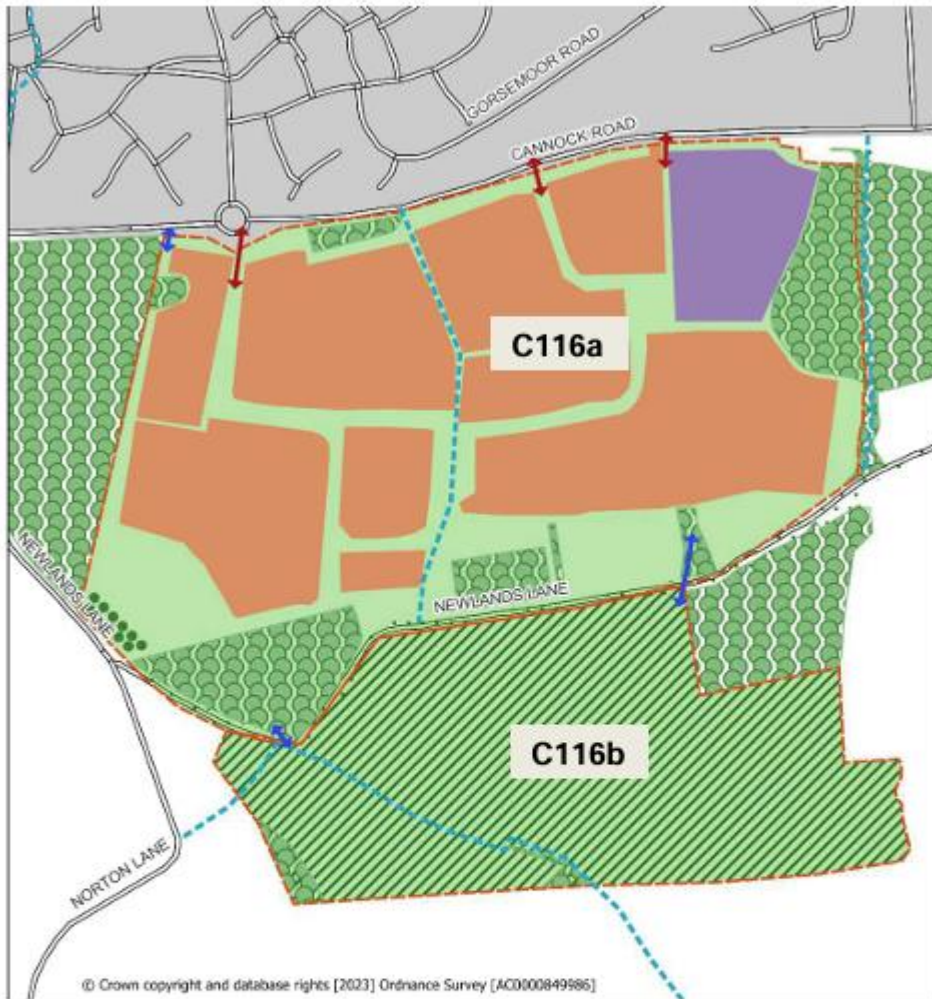
The latest iteration of the Councils Local Plan Viability evidence produced by Aspinall Verdi published in 2024, after the Reg 19 document was subject to consultation presents different conclusions and recommendations from the original evidence produced in 2022. The Council accepts that build costs have risen and other factors have decreased the viability of development across the District at this point in time.

The original 2022 Viability Assessment [EC9] recommended affordable housing targets which varied according to area of the District and site type (brownfield or greenfield). The updated 2024 Viability Assessment [EC10] recommends that for development to be viable when taking into account all factors including policy requirements in the Reg 19 Local Plan, the targets for affordable housing will have to be lowered in all categories of types and locations of sites in the District.

The Council and Richborough consider that the Examination is the appropriate forum for consideration of the implications of the updated evidence base. Subject to the latest evidence; Land south of Lichfield Road would deliver a minimum of 20% affordable housing to be policy compliant.

Figure 1 Concept Diagram (Cannock Chase Local Plan Pre Submission Reg. 19, Policy SH1)

Concept Diagram



Key

- | | |
|------------------------------|--|
| Site Boundaries | Indicative Vehicular Access Points |
| Existing Streets | Indicative Active Travel Access Points |
| Existing Urban Area | Indicative Location for Enhanced Screening |
| Existing Area of Woodland | Indicative Location for Residential Development |
| Existing Areas of Open Space | Indicative Location for New Primary School |
| Existing Pond | Indicative Location for Community Parkland |
| Existing PRoWs | Indicative Location for Areas of Blue-Green Infrastructure |

8. Agreed proposed modifications

Page	Section/ para/ policy	Proposed Change	Reason
159-164	Policy SH1 and supporting text	Amend all references of 'community park' to 'community parkland'	For accuracy
159	Supporting text	Amend wording under sub-heading 'Proposed Use: The development will deliver in the region of 700 dwellings, and provision for a new primary school and Community Parkland with primary access from A5190 Cannock -Lichfield Road'.	Factual correction
161	Policy SH1	Add additional word to last line of third paragraph under policy sub-heading 'Parcel C116a': '...with particular regard to impact on the Five Ways junction and mitigation of any <u>significant</u> adverse impact on air quality and traffic congestion'.	Align with NPPF
161	Policy SH1	Amend wording in 5 th paragraph under the policy sub-heading 'Parcel C116a': Development proposals at the outline planning application stage will be accompanied by a phasing strategy and details of a proportionate funding mechanism to deliver the necessary infrastructure to address the cumulative impact of site allocations SH1 and SH2 in combination, on the local transport network (including facilitating the delivery of the WRRR WWR in site SH2)	Factual correction

9. Matters of disagreement (uncommon ground)

Pegasus Group on behalf of Richborough have made extensive detailed representations on the Local Plan (**A0046** B0046C). Many of the representations concern local planning policies within the plan that are relevant to the site requirements in addition to commentary on the Sustainability Appraisal. Modifications have been suggested by Richborough to address a number of points of objection. This SoCG does not address all the representations made, except for specific concerns in relation to proposed Policy SH1. In the response to the Reg 19 consultation Richborough object to Policy SH1 as currently drafted.

The Council has provided a response to each of the points raised in the representation which was published at a meeting of Cabinet on 22nd August 2024. The Council's summary of the representation and response to the representation has been appended to this SoCG for clarity (Appendix 1).

CCDC does not agree that all of the suggested modifications by Richborough are required in order for the policy to meet the tests of soundness detailed in the NPPF. Any areas where agreement cannot be reached can be considered through the Examination.

Appendix 1: CCDC Summary of Richborough representation B0046C and response to issues raised.

Respondent						
Richborough - Pegasus Group (Land to the south of Lichfield Road, Heath Hayes)						
1	2	3	4	5	6	7
Part A Ref	Part B Ref	Relevant Document	Part of the Document Referenced	Legally Compliant	Sound	Compliant with Duty to Cooperate
A0046	B0046C	Local Plan, SA	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 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	Yes	No	Yes
8						
Summary of Main Issue(s) Raised Within the Representation						
<p>Expresses general support for the plan, which can be made sound subject to modifications. Representations are made in promotion of site Land to the south of Lichfield Road, Heath Hayes which they support allocation for residential development in the Local Plan.</p> <p>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.</p> <p>District Profile - suggests deletion of references to climate change mitigation (pages 22/23) which exceed building regs requirements contrary to ministerial statement. Suggests deletion of para 4.11 as not justified - the District is able to meet its own housing need. General comments and support for the district profile and emphasises elements which relate to or would be supported by allocation of the promoted site</p> <p>Strategic objectives - general support for strategic objectives. Seeks greater clarity over the Vision which should be set out as policy. Should be clear how the objectives will achieve the overall vision by 2040. As part</p>						

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.

Spatial Strategy - 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. 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 supports development within or adjoining settlements. Greater emphasis should be placed on the role of strategic development sites in meeting housing requirements. Seeks greater emphasis of the release of Green Belt land, the significant benefits of planned infrastructure and the role of strategic sites in housing delivery. Seeks specific reference to Land to the south of Lichfield Road, Heath Hayes in the Spatial Strategy for Cannock/Hednesford/ Heath Hayes.

SO1 - The greater emphasis on the historic environment has slightly diluted emphasis on delivering high quality development. The term appropriate development lacks clarity and justification.

SO1.1 - General support for the policy but note that the provisions of the policy should also be reflected in SO1 in relation to the role of sensitive development to positively contribute to the historic environment.

SO1.2 - The policy should be refined further to make clear that different approaches to character may be required depending on the location within the district. Reference to 'Active Design' should be removed from the supporting text as policy provisions in the plan should not exceed national policy requirements through the introduction of non-statutory guidance within policy.

SO2 - objective supported by Richborough.

SO2.1 - 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. Notes community benefits of proposed site allocation SH1.

SO2.2 - certain elements are repetitive with other policies or 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. 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. 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.

SO2.3 - 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.

SO2.4 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.

SO2.5 - 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. Points reiterated about Active Design and seeks deletion of reference.

SO3 - 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.

SO3.1 - The housing target is supported in principle, but should be seen as a minimum due to the wider context of housing need in the HMA. Notes typographical error in Development Capacity Study which states 2,504 homes completed as opposed to 2,540 reported in the SHLAA. Seeks greater clarity regarding the 116

dwelling under construction reported in the Rugeley/Brereton area. Questions the windfall calculation stating it should be a reliable source of housing supply to be counted.

Notes there is a heavy reliance on historic housing completions and commitments to form overall supply leading to under delivery of homes in certain years outlined in the plan housing trajectory. The plan leaves little flexibility in terms of being adopted with a 15 year horizon as required by national policy. The shortfall across some years in the trajectory 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. 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.

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

Emphasises the emerging Local Plans for authorities in the Black Country are suggesting an ever growing shortfall and need for more housing to address wider unmet need.

SO3.2 - Suggests the only viable way to deliver more affordable housing (which is evidenced as needed in the HNA) is to increase the housing target to ensure more is delivered. 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 and would be in line with the recommendations of the HNA. There is also an error in the table where the number adds up to 105% as opposed to 100% in the HNA. 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). Little flexibility is provided in the policy which is contrary to recommendations of the HNA. 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 representation points to elements in the updated HNA and local and national policy which have not been tested through the Viability Assessment. Objects to inclusion of a phasing requirement which is considered not justified and contrary to national policy and should be removed.

SO3.3 - The introduction of the optional nationally described space standard (NDSS) to all new homes should accord with the provisions of the NPPF where there is flexibility for different solutions. objection is raised to all new build housing to be built to M4(2) standards, without any provision for exceptions on larger developments.

SO5.1 - 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. This policy should therefore be amended to ensure it remains consistent with national policy.

SO5.2 - Query 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. Therefore it may not be deliverable.

SO5.3 Queries aspects of the policy and whether it is possible for Local Plan to promote take up of ultra-low emission vehicles. Notes that hydrogen vehicles have yet to be demonstrated to be viable. Highlights potential conflict between changes to the road network to enhance public transport and reduce environmental impacts as this may result in adverse impacts such as increased congestion and adverse air quality. This should be reviewed.

SO5.4 - 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.

SO5.6 - general support for policy approach to new footpaths and cycleways.

SO5.7 - 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.

SO7 - 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".

SO7.1 - Richborough supports the general principles set out in Policy S07.1, 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. Highlights typographical error at para 6.272 "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).

SO7.2 - Suggests deletion of policy as it is an unnecessary duplication of national policy on BNG.

SO7.3 - 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. 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.

SO7.6 - 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. The Policies Map includes a '*Proposed Recreational Footpath Cycle Route*'. 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. 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.

SO7.7 - The proposed amendments to the Green Belt are supported, but there is evidence to justify further Green Belt release in order to meet local and HMA housing need. Ricborough supports the amendment to the Green Belt proposed at Land south of Lichfield Road, Heath Hayes, Cannock. 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.

SO7.8 Disagrees with the blanket approach that new homes should contribute to the delivery of sports and recreation opportunities as this should only be required where capacity is lacking and it is proportionate and reasonable to the impact of development. 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.

SO8.1 - General support expressed. 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.

SO8.2 - 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.

SO8.3 - 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.

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.

SO8.5 - 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.

SO8.6 - As drafted, the policy could potentially be applied to any proposal rather than specifically applied to proposals involving the reuse of previously developed land and it should therefore be amended.

SH1: Support allocation of the site, however 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.
- Reference should be made to the road number (A5190) when referring to the 'primary access' to Strategic Site Allocation SH1 as well as in the site name.
- 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.
- Supports approach for Masterplan, planning performance agreement and broad design parameters.
- Considers the housing mix should be considered separately to Policy SO3.2 as too restrictive
- Objects to the requirements in relation to building performance standards for cooling, ventilation and energy use and suggests this is not consistent with national policy.
- The policy should emphasise the AQMA for Five Ways has been removed. The modelling work shows the WRRR will ensure conditions do not worsen with growth.
- Objects to the wording restricting completions until transfer of land for the school suggesting its vague and lacks precision of what is required for delivery in the first phase of development. Suggests alternate wording.
- Disagrees with wording relating to agreements with the LPA and SCC over infrastructure funding and phasing, suggesting this is considered through legal agreements at planning application stage.
- Seeks further clarity over the 10% BNG requirement and considers the community parkland should be taken into account.
- Suggests alternative proposed policy wording to address the matter of Green Belt and visual impact which they state is flexible whilst concise, with the accompanying Concept Plan further supporting the narrative with clear 'design parameters'.
- The policy should 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.
- Suggests the term Community Park is misleading and should be altered to Community Parkland to recognise its size and function.
- 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.

- Concerned that the wording in relation to both Strategic Allocations SH1 and SH2 does not impede delivery of any one site.

The representation challenges the scoring of the site in the Sustainability Appraisal and disputes scores for the following objectives: SA1, SA2, SA5, SA6, SA10, SA12, SA13, SA17.

9

Summary of Main Proposed Modification(s)

The proposed modifications are set out in the detailed representation which has been summarised above. They consider the Local Plan can be made sound subject to the various modifications identified within these representations.

10

Cannock Chase Council Response

District Profile - The District Profile represents a series of key issues for the District and contains facts and references to evidence to support this. The general support for this section is noted. It is not considered any information in this section, or in the supporting text requires deletion to make the plan sound as it comprises a series of factual statements and general summaries and observations, is accurate based on available information and does not represent policy.

Strategic objectives - The Vision and Priorities are identified in the Councils Corporate Plan and is documented in Para 4.1 - 4.3. These have informed the Strategic Objectives - and each policy links to these 8 objectives, which ultimately will deliver the Councils Vision. The Vision and Objectives have not been formatted in the same style as the plan policies however they differ in nature as they set out the overarching aims of the plan. SO1 seeks high quality design and SO3 places strong emphasis on housing provision.

Spatial Strategy - The Spatial Strategy has not been formatted in the same style as the plan policies however it differs in nature as it is designed to provide a context and overview for the policies in the Local Plan. It does however emphasise the most sustainable locations for growth and development. The use of the term centres is a recognisable reference to locations where services and facilities are concentrated and where development should be prioritised. It is also recognised in Para 5.9 that residential and employment sites have been identified within the Local Plan to meet identified needs, these will be within the existing urban area or accessible and sustainable locations within the Green Belt.

SO1 - Additional emphasis on the historic environment was added following the response at Preferred Options stage, it was not intended that this would result in a dilution of emphasis on delivering high quality development. The term appropriate could be supplemented by additional wording such as appropriate to the context and setting but was kept simple to remain concise.

SO1.1 - The wording in SO1 recognises the role of sensitive development stating 'new development is designed to provide the highest quality of built form and public realm which will enhance the District's distinctive heritage and natural assets'.

SO1.2 - The policy will be supported by Design Guides which will provide more detailed consideration of character in different areas of the District aiding implementation of the policy. Many of the principles of Active Design can be achieved through consideration of design, layout and open space within the development as well as connectivity to areas adjoining the site. The plan has been subject to viability testing and the policy wording does not set explicit requirements which would have a bearing on the viability of any proposal.

SO2 - Support welcomed.

SO2.1 - Whilst sub-headings could potentially have helped to clarify the differentiation; the first part of the policy addresses the loss of existing facilities and the second half addresses new facilities. The policy recognises that major development must contribute towards new community facilities to meet the needs arising from the development. Whilst this may benefit existing residents as noted in the representation, the authority can only seek to address the impact of the development - serving the need of new residents and therefore the policy is in accordance with national policy and legislation.

SO2.2 - Policy SO2.2 helps signpost the reader to other relevant policies which set requirements for information within Design and Access Statements. This could be moved to the supporting text if the Inspector considers this necessary to make the plan sound. The reference to unacceptable on-site and off-site risks with regard to human health and the natural environment is more fully considered in Policy SO8.5: Avoiding Air,

Water, Soil, Noise and Light Pollution (this sentence links to that policy). One of the central corporate priorities is to mitigate the impact of Climate Change and this has influenced the policy direction in the Local Plan. Evidence to support this approach has derived from the Staffordshire Climate Change Adaption and Mitigation Report (2020). The plan has been subject to viability testing which is set in Local Plan Viability Report (2022) which will be subject to a further update this year. The Ministerial Statement was released after the Local Plan had been developed and approved for consultation, more recent national guidance will be considered through Examination of the Plan.

SO2.3 - The policy reads 'Major development proposals will follow the principles of 'Active Design' in order to deliver a form of development that will encourage healthier and more active lifestyles.' It is unclear how this has a direct or unacceptable impact on viability, as many of the principles can be achieved through consideration of design, layout and open space within the development as well as connectivity to areas adjoining the site. The plan has been subject to viability testing and the policy wording does not set explicit requirements which would have a bearing on the viability of any proposal.

SO2.4 - The policy clearly supports development proposals that will deliver allotments and community gardens for the purpose of growing food, and it is acknowledged this could be part of a wider mix of uses including residential but this is not the only means by which such proposals can come forward.

SO2.5 - The policy seeks to support the principles of Sport England's Active Design Guide and therefore aligns some aspects of the local planning policy with these principles. Principle 8 of the Guide promotes active buildings inside and out considering aspects such as convenient cycle parking and making staircases in large developments inviting and integral to the design to discourage use of elevators, for example. The plan has been subject to viability testing and the policy wording does not set explicit requirements which would have a bearing on the viability of any proposal.

SO3 - The Strategic Objectives are designed to deliver the Council's vision, which in this case is 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.

SO3.1 - The SA tested growth scenarios above the minimum housing need requirement. The major issue is the extent of Green Belt release required to meet housing need which has negative implications for a number of SA objectives.

There is already a buffer of 7% above the total housing requirement (which includes the contribution to the HMA) and any additional allocations beyond those in the Local plan would result in additional Green Belt release as there are no other sites available for housing. The evidence base provides the methodology for calculations and assumptions made with regard to housing calculations, most notably the Development Capacity Study and the SHLAA. These evidence-based documents are linked, therefore should be read together if wanting to examine the source of data, as all sites are listed in the SHLAA. It is not considered that the Development Capacity has inconsistencies or is inaccurate. The windfall calculation is evidence based and the method is documented in full in the 2023 SHLAA. The density requirements were informed by evidence. The approach to density is set out in the Green Belt Topic Paper, and the highest achievable density for each area has been selected to avoid further Green Belt release. Biodiversity Net Gain can take various forms including green roofs and green walls or balconies therefore it does not necessarily impact land requirements, and some brownfield sites will be exempt.

The trajectory will be tested at Examination and has been developed using the most up to date assumptions on build out rates. The aim is to deliver the right number of homes within the plan period to meet identified need both locally, and with a contribution towards the unmet need of the HMA.

SO3.2 - The Local Plan has tested housing scenarios but there are competing priorities. Delivering more housing overall (to increase affordable housing provision) would require further Green Belt release. Therefore, through testing in the SA, the Council have justified the housing target. The error in Table E is noted and will be rectified through a modification. The policy promotes the optimum mix for the majority of sites, as set out in Table E (based on evidence set out in the HNA) but provides a mechanism to deviate from this if evidenced. It is acknowledged that the Viability Assessment requires updating to align with the latest evidence but this is not considered to present an issue with the policy direction, as it does not substantially differ. The Council would not seek to require more affordable housing than the ratio's set in the policy, however if a

successful argument is made to provide less due on a site due to economic circumstances at the time through viability evidence, but then development is not delivered until years later and the economy has improved then this position should be reviewed so that the right level of affordable housing is provided. It is considered that this would only be used exceptionally, and that the Council would not want to stall or hinder delivery due to uncertainty.

SO3.3 - The justification for NDSS is provided in the supporting text for the policy (6.115) where it sets out that poor design will not be tolerated, health and wellbeing of residents will be prioritised and it supports working from home which in turn reduces commuting, helping to support net zero carbon objectives. The Local Plan has been subject to viability testing in the Viability Report 2022 and NDSS has been taken into consideration.

The policy reflects the evidence in the Housing Needs Assessment which suggests that there is a clear need to increase the supply of accessible and adaptable dwellings and wheelchair user dwellings as well as providing specific provision of older persons housing. Given the evidence, the Council could consider (as a start point) requiring all dwellings (in all tenures) to meet the M4(2) standards and around 5% of homes meeting M4(3) – wheelchair user dwellings in the market sector (a higher proportion of around a tenth in the affordable sector) (pg 173,HNA). It is considered the use of the terms 'should' or 'encourage' will not result in clear delivery of accessible homes.

In terms of the exceptions for minor development, small developments are more likely to be constrained, particularly brownfield urban locations and therefore the policy wording provides additional flexibility for these.

SO5.1 - The text is seeking to ensure proposals avoid an unacceptable impact on the highway network and those types of development will not be supported unless the issue can be mitigated. This is not intended to be in conflict with the provisions in the NPPF relating to para 115 as it does not directly state that developments will be refused on highways grounds. It was intended to encourage developers to address unacceptable impacts on the highway network in their application so that the development is supported.

SO5.2 - The supporting text, in particular 6.173 provides more information about the intentions of the policy. Whilst it is recognised internet infrastructure is most applicable to developers with regard to communications infrastructure, the industry and technology have undergone significant advances. The plan lasts a period of 15 years and therefore the policy seeks to ensure new development makes consideration of any known technological advance which is reasonably likely to require implementation and to account for this.

SO5.4 - Support noted.

SO5.6 - Support noted.

SO5.7 - Parking standards will be considered as part of the Design Guidance which will be developed to support the Local Plan, once adopted. It is acknowledged that guidance cannot have implications on development viability. If standards were to have any bearing on viability the Council will consider the appropriate legal mechanism to adopt these.

SO7.1 - The authority sought to provide clarity on the approach to protecting, conserving and enhancing biodiversity and geodiversity but accept elements are also expressed in national planning policy, however the NPPF is a material consideration in decision making whereas Local Plan policies have full weight. Any typo's may be resolved through modifications.

SO7.2 - The authority sought to provide clarity on the approach to Biodiversity Net Gain but accept elements are also expressed in national planning policy. The key alignment is that percentage of BNG sought. The policy aims to set out expectations for development in relation to BNG and to provide this within the Local Plan rather than directing to external guidance.

SO7.3 - The Cannock Chase SAC mitigation payment is an established cross boundary mechanism for collecting contributions in a 15km zone around the SAC to mitigate the impact of recreational pressure. The policy text makes reference to this but is worded more flexibly in case the scheme is amended, as work is ongoing to determine other impacts of development on the SAC such as the impact of congestion on air quality. Guidance exists on the Councils website to outline specific information regarding the payment and how this applies. Consideration will be given to any mitigation measures outlined in a development proposal through a Habitats Regulation Assessment.

SO7.6 - The policy is considered sound as drafted but any modifications such as the suggestions in relation to the use of the term Community Parkland will be considered by the Inspector if required to make the Plan sound. The policy aims to promote connectivity through the development and, where applicable and feasible promote connectivity to PROW's or local maintained and publicly accessible footpath/cycle paths to promote active travel.

SO7.7 - Support noted. The Council has justified the housing target through the SA and Green Belt Topic Paper. The compensatory offer of the Community Park attached to site SH1 has been a factor in the site selection process. An amendment to one score in the site selection methodology would not alter the outcome at this stage.

SO8.1 - The reference in the supporting text is to the recommendations from the evidence base jointly commissioned by the County Council with the District authority and other local authorities in Staffordshire. The findings of the Staffordshire Climate Change Adaption and Mitigation Strategy have been considered in the development of the final policy approach.

SO8.2 - It is unclear what element of the policy is being referred to. The reference to sports provision relates to resisting the loss of the Strategic Green Space Network.

SO8.3 - The plan has been subjected to testing of the financial impact of policies in the Viability Report 2022. The contribution is not specified as financial and states 'the creation of urban forests, woodlands or street trees as an integral part of the development or as part of a linked-off site scheme'. This could be encompassed through proposals for BNG. It is accepted that not all development sites contain previously developed land but the reference was intended to present a link to Policy SO8.6.

SO8.5 - The Council does not consider it to be an unreasonable position to seek to avoid unacceptable impact on the natural environment. Assessments such as HRA's would be considered to inform any decision. The policy seeks to protect water quality which is justified by evidence in the form of the Water Cycle Study and responses from statutory consultees, regardless of any separate legal framework.

SO8.6 - The policy does apply to all sites 'where appropriate' i.e. where there are any previously developed areas. The policy does not seek contributions.

SA - The supporting material is acknowledged, however as previously detailed under the response to SO7.7 slight adjustments to the scoring are unlikely to have altered the outcome as the SA and site selection method as these assessments present an overview to help determine the most sustainable options for development but are not akin to a points-based system. The cited benefits of the scheme did not justify allocation over alternative options.

Policy SH1: The 'proposed use' section of the supporting text does note that the development will contribute to the delivery of the WRRR, as does the policy for site SH2, therefore there is consistency across both policies. Comment noted with regard to use of the road number to help clarify the primary access. The best and most versatile land is defined by the Government as Grades 1, 2 and 3a. The site is in use for agriculture and is identified as Grade 3 but it is recognised this is a high level assessment of land value for agriculture. Support for elements of the policy are acknowledged. The policy does not restrict the ability to deviate from the standard housing mix set in Policy SO3.2, if as outlined in the policy it is justified by evidence. Evidence to support the approach to achieving more sustainable design and construction has derived from the Staffordshire Climate Change Adaption and Mitigation Report (2020). The plan has been subject to viability testing which is set in Local Plan Viability Report (2022) which will be subject to a further update this year. It is not necessary for the policy to specify that the AQMA has been removed around Five Ways junction and this has been referenced in other parts of the Local Plan. Air quality and congestion remain an issue that should be addressed in development proposals and it is recognised the work undertaken to date to inform the mitigation solutions. The wording was informed by discussion with all stakeholders and through advice from Staffordshire County Council as the Education authority. If the wording required refinement this can be considered at Examination. It is important that work continues with regard to determining the funding and phasing of critical infrastructure to inform the IDP and ensure that both sites are able to be delivered prior to application stage. The policy is not explicit with regard to BNG at this stage as this is a newly emerging

requirement which will be informed by the habitats and natural features on site. The policy is considered sound as drafted but any modifications such as the suggestions in relation to visual impact or the use of the term Community Parkland will be considered by the Inspector if required to make the Plan sound. Open Space and sports provision will be a consideration of the emerging masterplan and IDP and will be coordinated with consideration of site SH2, although these sites are not directly adjacent to each other and each will require provision of open space to serve new residents. Implementation of both sites is a priority for the Council and care has been taken not to use wording which would restrict the delivery of either site, whilst acknowledging the joint obligations for infrastructure of the two site allocations.

11

Proposed Minor Modification(s)

Admin

Officer Ascribed Policy