



Cannock Chase Council:  
Cannock Chase Local Plan  
Representation Form



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

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

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

**Planning and Legal Framework for Sustainability Appraisal**

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

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

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

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

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

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

With respect to the content of the SA, RPS concerns on behalf of Taylor Wimpey and its land interests at Wimblebury Road and Policy SH2 are provided below.

<sup>1</sup> Cogent Land LLP v Rochford District Council [2012] EWHC 2542

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

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

<sup>4</sup> NPPF 2023, paragraph 35b

**The SA is deficient in terms of how it has considered reasonable alternatives**

**Overall housing growth options**

Appendix G presents the appraisal findings for the policy options the Council considered for inclusion in the Pre-Submission Reg 19 Plan, including those for housing growth in the District. Appendix G G33-G52 provides a commentary on the appraisal process relating to overall housing growth options and distribution options. For the overall housing growth options, the SA has appraised four options:

- A. Local Housing Need alone with no unmet need. Based upon current standard methodology the Districts' local housing growth for the plan period of 2018-2036 would be 5,112 net dwellings (284 net dwellings per annum).
- B. Local Housing Need figure plus unmet need of an additional 500 dwellings giving a total housing growth figure of 5,612 net dwellings for the District (2018-2036) or 312 net dwellings per annum
- C. Local Housing Need figure plus unmet need of an additional 1,500 dwellings giving a total housing growth figure of 6,612 net dwellings for the District (2018-2036) or 367 net dwellings per annum
- D. Local Housing Need figure plus unmet need of additional 2,500 dwellings giving a total housing growth figure of 7,612 net dwellings for the District (2018-2036) or 423 net dwellings per annum

It is evident that the SA has appraised options that include a range of uplifts for unmet housing need from elsewhere in the wider housing market area<sup>5</sup>. This is supported in principle. However, no appraisal has been undertaken within the SA on options based on an uplift in local housing need to help increase the supply of affordable housing to help address the needs from within the native population. Given local affordability issues also impact on Cannock Chase district, an appraisal of options to tackle this through increasing the housing figures in the Plan is reasonable.

The SA does not adequately consider options for helping to address affordable housing need through increases to the housing figures and so is currently deficient with regards to consideration of reasonable alternatives. Neither the Pre-submission Reg 19 Plan nor the SA provide any explanation as to why these would not comprise reasonable alternatives. The SA is not soundly based and arguably not legally compliant.

RPS on behalf of Taylor Wimpey has made this point on the need for an uplift to the housing requirement figure in Policy SO3.1 and suggested an uplift of 10-15% would seem appropriate. This would also make some allowance for lapses in consent or non-delivery of commitments.

**Soundness matters relating to the appraisal findings for Policy SH2 from the SA**

Some commentary is provided below regarding the assessment of the site in the SA.

***SA Objective 8: Sustainable Transport***

According to the SA the significance of the effects on sustainable transport objectives from delivering Policy SH2 is predicted to be worse post-mitigation, than with no mitigation. RPS questions the logic and thus, the soundness, of the appraisal of Policy SH2 against this objective.

The SA includes at Table 5.17 (page 279) a summary of the sustainability effects of Policy SH2. For Sustainable Transport (SA8) the scoring provided is +/- which suggests that *"The option is likely to have an equal mixture of both minor or both significant positive and negative effects on the SA objective(s)."*

The reason for this ranking is given thus (at Para 5.239):

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<sup>5</sup> Greater Birmingham and Black Country Housing Market Area includes Cannock Chase as one of 14 council areas across the West Midlands region

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*“The policy requires that the development considers the cumulative impact of Local Plan allocations through a Transport Assessment and Travel Plan and mitigates adverse impacts relating to air quality in the context of the Five Ways junction. The development of the site is to incorporate the delivery of the new Wimblebury Road (sic) Relief Road to help address congestion at this location. The provision of a new relief road will have benefits in terms of addressing local congestion, but may also result in induced demand and increased car use in the area, unless it is delivered to incorporate substantial sustainable transport improvements, such as bus lanes and cycle routes.”*

The need for a comprehensive Transport Assessment and Travel Plan is noted and agreed.

The position in respect of the improvements that can be delivered in terms of a link road through the SH2 site is discussed below. That has a clear and positive impact on the deliverability of the local plan. However, the suggestion that this might result in induced demand and increased car usage in area is wholly unevidenced. The link road would remove trips from the roundabout, thus reducing capacity and reducing any mitigation required at the roundabout, which is itself constrained and would most likely require third party land.

The new link road would remove the need for nearly all trips travelling between Wimblebury Road and A5190 (E) to travel through Five Ways. In addition, a number of trips travelling between Hednesford Road and A5190 (E) would benefit from transferring to the new link, whereas trips from areas of Hawks Green to Burntwood would not.

A series of counts at and around Five Way roundabout were undertaken in September 2021 to understand the volumes of traffic going through the junction, and also the Wimblebury Road/ Brickworks Road junction. Staffordshire County Council (SCC) has undertaken an assessment of trips that would transfer to the new link road through the use of DfT’s Trafficmaster dataset. This includes an OD level dataset, with the latest available being from 2018.

Through the analysis of the data, it was forecast by SCC that 100% of trips travelling between Wimblebury Road and A5190 (E) (i.e. in both directions) would move to the new link road and therefore could be removed from the Five Ways junction. For trips travelling between Hednesford Road and A5190 (E) the analysis of the Trafficmaster OD dataset uncovered that between 55.1% and 62.4% of trips (depending on the peak hour and direction of travel) could be removed from the Five Ways count. In absolute terms this equates to around 400 two-way trips per hour. Furthermore, no new or induced traffic was forecast as a result of this detailed process.

It is clear from the traffic modelling undertaken in collaboration with the Highway Authority that whilst the scheme will alleviate congestion impacts arising from the proposed development it will not create additional unconstrained demand on the network. There can therefore be no induced or additional car usage in the area, contrary to the views with the SA.

Furthermore, the commentary in the SA (paragraph 5.244) states,

*“The transport requirements of the policy are likely to help support modal shift in the Plan area and improved access to services and facilities for new residents at the site. However, the requirements are not considered substantial enough for significant positive effects to be recorded in relation to these issues. Furthermore, the delivery of a new relief road on part of the site may result in induced demand and increased car use in the area, unless it incorporates substantial sustainable transport improvements. Therefore, the minor positive effects previously recorded for the site in relation to SA objectives 8: sustainable transport is combined with a minor negative effect.” (RPS emphasis).*



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The findings in relation to Policy SH2 regarding the effects on sustainable transport objectives is erroneous and without basis in evidence. The draft policy includes a requirement for Transport Assessment and Travel Plan. This will identify measures to help support sustainable travel modes alongside car journeys utilising the new relief road. There is clear potential for public transport and other non-vehicular travel options, for example through provision of new bus services that can utilise the new relief road. Furthermore, the Council accepts that without the relief road, traffic congestion at the Five Ways junction will worsen for all road users in this part of the district in the future.

When taken together, it is reasonable and logical to conclude that the new link road and other sustainable travel measures secured through implementation of Policy SH2 will lead to an overall positive effect. However, the fact that Policy SH2 includes delivery of a new road, which the Council accepts is critical to delivery of the wider transport network improvements as part the overall Plan, is being counted against Policy SH2 in the appraisal. This is unfair and unwarranted and should be addressed through revisions to the SA prior to submission or through the examination process.

Accordingly, the score for Policy SH2 should be modified to '+'. This would also be consistent with the SA scoring for Policy SH1, which does not include any new strategic transport infrastructure but will nevertheless benefit from the delivery of the new link road.

### **SA Objective 12: Historic Environment**

According to the SA the significance of the effects on historic environment objectives from delivering Policy SH2 is predicted to remain 'significant negative (- -) even after post-mitigation. RPS questions the evidential basis and thus, the soundness, of the appraisal of Policy SH2 against this objective.

Paragraph 5.248 of the SA states in relation to Policy SH2:

*"5.248 The site is relatively close to the Grade II Listed New Hall Farmhouse. The Cannock Chase Heritage Impact Assessment noted the potential for this designated heritage asset to be significantly impacted by development within the site. This work recommended that woodland to the south east of the Listed Building should be retained to mitigate harm. Policy SH2 requires that the development form and layout minimises the visual impact on the remaining Green Belt. However, it does not refer to the Listed Building. Therefore, the uncertain significant negative effect previously recorded for the site in relation to SA objective 17: historic environment, remains applicable. The effect remains uncertain given that the specific design of the development which might proceed at this location is unknown at this stage."* (RPS emphasis)

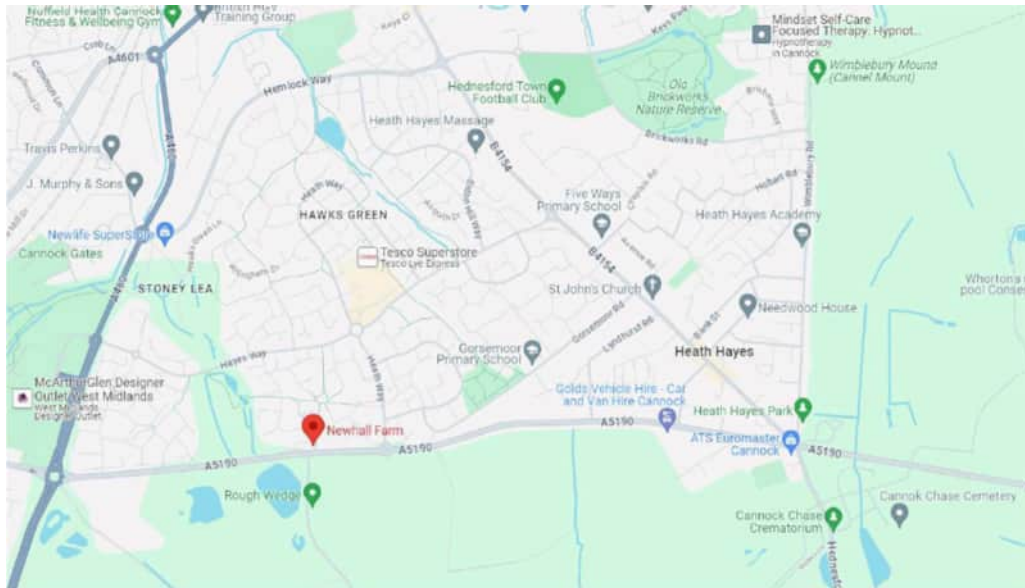
The appraisal assumes that the site allocation related to Policy SH2 is located 'relatively close' to New Hall Farmhouse. The Council's Heritage Impact Assessment (HIA) is correct in saying the building is Grade II listed, and rightly states it is located adjacent to the A5190 (Lichfield Road). However, the building is actually situated directly opposite Newlands Lane, which is approximately one mile west of the Five Ways junction. The building is completely divorced from Policy SH2 site and is separated by a large amount of existing built-up development that comprises Heath Hayes area of Cannock town. The HIA references the New Hall Farmhouse in its assessment of site 116a, which is part of Policy SH1. Furthermore, none of the land that forms part of Policy SH2 is assessed in the HIA.

The SA has erroneously and incorrectly referenced the HIA by linking the heritage assessment of the building to Policy SH2. This is clearly in error as the reference should presumably be to site SH1 in isolation. The appraisal of Policy SH2 is unsound (not justified) and should be amended to reflect the correct historic and heritage context of the site. There is no heritage impact given the HIA has excluded this site from the assessment. This is clearly an error and needs rectifying through the final SA.

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The map below shows the location of the New Hall Farmhouse (googlemaps).



Accordingly, the SA scoring for the policy under SA Objective 17 should be modified to 'negligible or no effect' (0) against this objective.

*(Please continue on a separate sheet if necessary)*

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

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

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

The appraisal finding for SA Objective 8: Sustainable Transport (Table 5.16 of the SA) should be modified to minor positive '+'.

The appraisal finding for SA Objective 17: Historic Environment (Table 5.16 of the SA) modified to 'negligible or no effect' (0).

This would then leave the only significant negative effect being against SA.3 previously developed land, which equally applies to all greenfield sites.

*(Please continue on a separate sheet if necessary)*

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

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

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

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

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

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

*(Please tick one box)*

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

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

*(Please continue on a separate sheet if necessary)*

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

Signature: [REDACTED]

Date: 18/3/24



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RPS on behalf of Taylor Wimpey has made representations to Policy SH2 – which establishes the basis of a deliverable local plan site allocation. The Local Plan Viability work and Infrastructure Funding Statement published at the Reg 19 consultation draft currently omits viability information specifically relevant to strategic Policy SH2.

Appended to the SH2 representation is a separate viability response (prepared by Savills) which provides further details regarding the lack of clarity on site-specific viability information, in particular the lack of site-specific viability testing in the Aspinall Verdi Whole Plan Viability Report.

Given the current lack of clarity on this point, an objection is made to paragraph 6.90-6.91 (Viability Assessment) seeking further clarification on this matter.

*(Please continue on a separate sheet if necessary)*

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Modify paragraph 6.90 and / or 6.91 of the Plan to clarify the approach on viability as referenced above

*(Please continue on a separate sheet if necessary)*

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

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Yes, I wish to participate in hearing session(s)  
(Please tick one box)

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

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(Please continue on a separate sheet if necessary)

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Signature:		Date:	12/3/24
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**Plan period**

Paragraph 2.1 of the CCLP19 document explains the decision to extend the plan period by one year to 2040. RPS broadly welcomes this approach. This should ensure the Plan, when adopted, plans for the development needs of the District for a minimum of 15 years, in accordance with the NPPF (assuming adoption is during 2025). Should the examination process be extended this may need to be revisited.

*(Please continue on a separate sheet if necessary)*

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n/a

*(Please continue on a separate sheet if necessary)*

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

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

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

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(Please tick one box)



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

n/a
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*(Please continue on a separate sheet if necessary)*

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

Signature:	
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Date:	12/3/24
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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](http://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:	Paul Hill, RPS
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#### Q1. To which document does this representation relate? (Please tick one box)

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

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

Para-graph:		Policy:	SH2	Site:	SH2	Policies Map:	
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#### Q3. Do you consider the Cannock Chase Local Plan is:

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

For office use	Part B reference	B0081BB
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**Policy SH2 - Land East of Wimblebury Road, Heath Hayes**

Whilst RPS on behalf of Taylor Wimpey fully support the principle of the allocation and Policy SH2, the following response raises a number of soundness concerns relating to the draft policy wording and supporting text. This representation is accompanied by a number of technical reports to support the suitability and deliverability of the policy, which are listed at the bottom and which are also appended to this representation. The response follows the structure and order of the policy and supporting as set out in the Regulation 19 Plan. In addition, there are a number of minor 'consequential' modifications that are included in the suggested modifications (QU.5) but which, due to their significance, may not be specifically referred to under the matters of soundness set out in this question but which nonetheless are intended to aid the reading of the policy.

RPS would welcome further engagement with the Council on the matters raised in this submission, with a view to preparing a Statement of Common Ground (SoCG) which then would be submitted as part of the examination process.

**Supporting text**

**Proposed Use / Indicative Dwelling Yield**

The preamble to the policy (pages 165 – 166) refers in a number of places to the proposed capacity figure (400). Notably, as stated in the policy and under the section 'Proposed Use' of the preamble the figure of 400 is caveated as 'approximately' whilst under 'Indicative Dwelling Yield' the figure is expressed as a maxima ('up to').

The current approach, as drafted, is not soundly-based (not consistent with national policy) as it could create confusion amongst decision-makers or stakeholders regarding how the 400 dwelling figure should be treated for the purposes of determining any planning applications on the site. RPS recommends the various references to the dwelling figure with respect to Policy SH2 should be modified to all reflect the 'approximately' and not 'up to'. This will ensure sufficient consistency is provided in the policy and supporting text and thus remove any potential confusion and ambiguity when it is applied, in accordance with national policy.

*For clarity: this aspect of the response should be read alongside the soundness concerns raised in regard to the first bullet point in the first paragraph of the draft policy wording (set out further below with reference to 450 dwellings).*

**Description of Site**

Under the section 'Description of Site' the last sentence of the first bullet point states:

*"The entire site is released from the Green Belt for residential development, and associated infrastructure."*

Given this is the pre-submission version of the Plan, the policy needs to be written as at the point of adoption. Consequently, any references to the 'release of the site from the Green Belt' should be re-

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moved as the site (at the point of adoption) will not be in the Green Belt. Wording, as drafted, is not effective and so is not soundly-based. It should also be noted that part of the site is not Green Belt (existing safeguarded land).

RPS recommends the last sentence of the first bullet point under 'Description of site' be deleted from the Plan. Alternatively, if the wording is to be retained, then the word 'is' should be replaced with 'has been'.

There are a number of instances where the incorrect reference is given to WWRR as opposed WRRR.

The supporting text then states:

*"The site is close to 2 locally designated Site of Biological Importance"*

RPS would like clarification on which Sites of Biological Importance (SBI) the Council is referring to as these are not specifically identified under the draft policy. The lack of clarity means the draft policy is ambiguous and so is not effective or consistent with national policy. RPS recommends that the policy be modified to provide greater clarity on which SBIs are being referred to and provide a soundly-based justification as to why they should be specifically identified in the draft policy. Any such modifications would need to be published for consultation in line with the regulations to enable opportunity for consideration of the modifications, and submission of a response if necessary. Alternatively, the sentence above and the reference to 'Areas of Biological Importance' in the draft policy wording should be deleted.

## Net developable area

The supporting text includes a reference to 'Net developable area (indicative): 11ha'. The inclusion of the NDA as 'indicative' in the supporting text is supported. Nonetheless, determining the final NDA that is achievable is more appropriately addressed at the planning application stage when all necessary survey and technical work has been carried out to inform the detailed layout, and which suitably address the site-specific policy requirements in Policy SH2 and other relevant policies.

The draft policy, as written, whilst referred to as 'indicative' it could nonetheless be applied as a prescriptive limitation in the actual capacity that is achievable without sufficient regard to the potential for an alternative NDA that may be achievable following the necessary technical work to inform the planning application. This is consistent with RPS response to draft Policy SO3.2, which also raises concerns with regards to the prescriptive nature of proposed housing mix set out under that policy. Without sufficient flexibility, the status of the NDA for the site could be applied in an unnecessarily prescriptive manner, whilst undermining the potential for increasing the capacity of housing achievable on the site. The wording in the supporting text, as drafted, is not soundly-based (not effective).

RPS recommends that the text referencing 'net developable area' is modified to include additional text:

*"final NDA to be determined at the planning application stage"*

## Policy SH2

### **First bullet point, first paragraph (Number of Dwellings)**

In the first bullet point to the draft policy, it states:

*"Approximately 400 dwellings..."*

RPS has submitted representations on the draft policy on housing choice (Policy SO3.2) dealing with housing mix, and also the reference to 'net developable area' made in the supporting text to draft Policy SH2. Both these separate submissions contend that the current wording is not clear and could be applied in an overly prescriptive with regards to the final dwelling capacity deliverable on the site. RPS argues that greater flexibility is required and should be built into the housing mix and site-specific policy to allow for



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alternative quantum of homes and that also accord with the development plan as a whole. Representation also propose an alternative housing mix for the site, which should be inserted into draft Policy SH2.

Whilst referred to as an 'approximate' quantum of homes in the draft policy, RPS nevertheless contend there is potential to deliver more than 400 dwellings as part of the detailed proposals once brought forward at the planning application and which can also achieve the wider policy objectives of the Plan. The original figure of 400 dwellings, was provided to the Council as an indicative dwelling capacity figure, but this was based on the Council's previous Reg 18 housing mix.

RPS consider the figure should be increased to **approximately 450 dwellings**, which is a quantum more applicable to the Reg 19 housing mix.

In this context, setting the capacity at approximately 400 dwellings does not allow sufficient flexibility and so is not soundly-based (not justified) and the figure should be approximately 450 dwellings.

In addition, the first bullet point to the draft policy, also states:

*"...land will be released from the Green Belt."*

Given this is the pre-submission version of the Plan, the policy needs to be written as at the point of adoption. Consequently, any references to the future release of the site from the Green Belt should be removed as the site (at the point of adoption) will not be in the Green Belt. Draft policy is not effective and so not soundly-based. RPS recommends the wording 'will be' referred to the first bullet point should be deleted.

Also the site area needs amending to 18ha not 17.9ha

## **Second bullet point, first paragraph (Wimblebury Road Relief Road WRRR & Safeguarded Land S1)**

The second bullet point in the first paragraph of the draft policy states:

*"The route indicated on the Policies Map will connect site SH2 and the allocated Safeguarded Site identified as S1." (RPS emphasis)*

RPS objects to the draft wording as written because the precise route of the WRRR has yet to be defined and will be only be defined at the planning application stage. The status of the route as shown on the concept plan is currently indicative. The draft wording does not clearly explain this and so is not effective. The draft wording should be modified accordingly. The draft wording should be modified as follows:

*"The WRRR will connect Wimblebury Road and Cannock Road. The indicative route indicated shown on the Policies Map will connect site SH2 and the allocated Safeguarded Site identified as S1."*

Additionally, part of WRRR is located beyond both Policy SH2 allocation and S1 Safeguarded Land allocation and proposed to be retained in Green Belt land. It is important to ensure that any future planning application for delivery of SH2 including the full extent of WRRR does not need to demonstrate Very Special Circumstances. It is important the policy acknowledges this and it is covered by NPPF paragraph 150:

c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;

In addition, RPS objects to the safeguarding of the land designated as site S1 - East of Wimblebury Road, Heath Hayes (southern site) on the basis that the whole land parcel is deliverable and not simply the land

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required to deliver the link road. As we set out in separate submissions, the Plan should go further and allocate additional housing land now to help address the pressing need for housing in the district, which includes affordable housing. Site S1 can help meet this need now.

### **Third paragraph (Density and Mix)**

This element of the policy refers to “*Residential development will be delivered at a minimum density of 35dph...*” to be provided on the site. Paragraph 125a makes clear that minimum densities should be considered ‘*where there is an existing or anticipated shortage of land*’. There is no shortage of land in Cannock Chase District, and so this criteria is not relevant to the Plan. Similarly, draft Policy SO1.2 merely refers to density but does not express this as a minimum, whilst draft Policy SO3.1 seeks the provision of ‘*average site density*’ of 35dph in suburban areas; there are no strategic policies elsewhere in the Plan that require minimum density development.

The requirement that the site must deliver a minimum of 35dph is not justified and so is not soundly based. The above criteria should be deleted to make the policy sound.

RPS also wish to submit a site-specific housing mix to be inserted into the draft policy, which the promoter (Taylor Wimpey) consider to be suitable and achievable based on local market intelligence, a mix that is broadly compatible with the proposed mix set out under draft Policy SO3.2, and would also deliver the policy-compliant level of affordable housing. The proposed dwelling mix for the site is as follows:

- 1-bed 5%
- 2-bed 30%
- 3-bed 45%
- 4-bed 20%

### **Fourth paragraph (Building Performance Standards)**

The fourth paragraph of the draft policy states:

*“Development should 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.”*

RPS notes that issues relating to building performance standards, energy use, and low carbon objectives are addressed under draft Policy SO8.2 (Achieving Net Zero Carbon Development), and draft SO8.3 (Sustainable Design) – see separate representations made by RPS on these.

In light of the relatively comprehensive policy coverage dealing with these matters, it is not necessary to include this draft criteria under this policy. The inclusion of this criteria merely duplicates other policies in the plan, contrary to paragraph 16f of the NPPF. Similarly, the wording is vague and ambiguous and does not provide the applicant or decision-maker with a sufficiently clear guidance when submitting or determining planning applications, contrary to paragraph 16d of the NPPF. For example, it is not clear in the policy how an applicant or the decision-maker should define ‘highest level’ when determining a planning application. Furthermore, building performance standards relating to cooling, ventilation and energy use are set out in the relevant building regulations (including Part L).

For the reasons stated above, RPS recommends that the fourth paragraph of draft Policy SH2 be deleted.

### **Fifth paragraph (Transport)**

the 5<sup>th</sup> paragraph of the draft policy, it states:

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*"A Transport Assessment and Travel Plan will be required to support the application and will need to consider the cumulative impact of Local Plan allocations, with particular to impact on the Five Ways junction and mitigation of any adverse impact on air quality and traffic congestion." (RPS emphasis)*

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

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

Paragraph 110 of the NPPF states, in relation to impacts on the transport network:

*"In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

*d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."*

And paragraph 111 then states in relation to highway grounds for refusal of proposals:

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

Paragraph 174 of the NPPF states:

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

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

In addition, paragraph 186 states:

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

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

However, the Council (through draft Policy SH2) is seeking to mitigate 'any adverse impacts' on air quality and traffic congestion. This is plainly contrary to the provisions of national policy highlighted above, which

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seek mitigation of ‘unacceptable’ or ‘significant adverse impacts’ on air quality and transport-related issues.

Similarly, national policy advises that the presence of Air quality Management Areas (AQMAs) should be ‘taken into account’ in plan-making and decision-making, and opportunities to improve air quality or mitigate impacts ‘should be identified’. However, the draft policy seeks to avoid ‘any adverse impact’ on AQMAs from new development. Again, this plainly contradicts national policy on how AQMAs should be accounted for in future proposals, and also goes beyond the provisions in paragraph 174.

Furthermore, to date it the case that no up to date strategic transport assessment has been prepared by the Council to assess the overall impacts of the Local Plan.

At present the IDP includes works at Five Ways junction, and these include the link road through the SH2 site, improvements to Five Ways junction and accessibility improvements in the vicinity of the site, including improvements to walk and cycle accessibility. These are costed at circa £5m and contributions are anticipated from SCC, CIL and proposed allocations SH1 & SH2.

Similarly, Staffordshire County Council (SCC) and the developers of two proposed allocation sites (Taylor Wimpey (SH2) and Richborough (SH1)) have worked together to review the impact of the two sites on the local highway network. This work culminated in the SCC report “The Impact of Preferred Option Developments on Five Ways Roundabout – Revised Report with Lower Levels of Housing (Draft Regulation 19 Local Plan Sites)” dated 3rd October 2022.

As part of that assessment work Taylor Wimpey, working collaboratively with SCC and the LPA identified the opportunity to provide a link road through their land holding to aid mitigation of cumulative development impacts at Five Ways junction. The findings and outcome of that report are supported by Taylor Wimpey.

The report confirms that the traffic impacts of the cumulative development included in the Local Plan can be accommodated locally.

Further afield SH2 is unlikely to have any material impact on the wider network. Residential trip rates have previously been agreed with SCC and these are summarised below..

### **Trip Rates for Houses Privately Owned**

Time Period	Vehicle Trip Rate			Vehicle Trip Generation		
	ARR	DEP	TOTAL	ARR	DEP	TOTAL
AM Peak (08:00-09:00)	0.125	0.375	0.500	51	154	205
PM Peak (17:00-18:00)	0.339	0.142	0.481	139	58	197

The distribution and assignment of development related traffic has been based on the 2011 Census Journey to Work using the Middle Super Output Area (MSOA) of Cannock Chase 009 in which the site is located.

The traffic has been assigned to the local road network using the most direct route (shortest journey time) informed by the Google journey planner. It is however noted that there are various alternative connecting roads that would likely be used by local traffic to avoid congestion issues.

The traffic has been distributed to the following routes set out in the table below.

### **Traffic Generation**

Destination	Percentage	Trips AM Peak Two-Way	Trips PM Peak Two-Way
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Wimblebury Road North	19%	39	37
• Brickworks Road	13%	27	26
• Wimblebury Road North	6%	12	12
Wimblebury Road South	81%	166	160
• A5190 East	18%	37	35
• A5190 West	40%	82	79
- A460 Eastern Way N	3%	6	6
- A460 Eastern Way S	18%	37	35
- A5190 Lichfield Road	17%	35	33
• B4154	4%	10	10
• Hednesford Road	18%	37	35

The development is forecast to generate the majority of vehicle trips towards the Five Ways junction (81%) and the A5190 West (40%) towards the A460 and Cannock. It can be seen in Table 3 that the development trips on the A460 Eastern Way and A5190 are modest. It is anticipated that an assessment of the A460 Eastern Way/ A5190 would be undertaken as part of planning submission, but otherwise with the overall dispersion of traffic across the network no wider improvements are likely to be required.

Taken together, the requirement under the draft policy criteria with reference to ‘any adverse impacts’ is not consistent with national policy and, in any event, is not justified on the available evidence outlined above, and thus is not soundly-based. The draft wording in the 5<sup>th</sup> paragraph should be modified as follows:

*“A Transport Assessment and Travel Plan will be required to support the application and will need to consider the cumulative impact of Local Plan allocations, with particular to significant impacts on the Five Ways junction and mitigation of any significant adverse impact on air quality and traffic congestion.”*

**Sixth paragraph (Cumulative Impact with Policy SH1)**

In the sixth paragraph of the draft policy, it states:

*“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.”* (RPS emphasis)

The principle of this approach is appropriate, and particularly the use of the term ‘No substantive’ housing completions. This is to ensure that funding comes forward from SH1 to mitigate its transport infrastructure impacts through WRRR on SH2 and funding comes forward from SH2 to mitigate its education impact for primary schooling on SH1. Any agreement between relevant parties regarding trigger points for funding and phasing of critical infrastructure must be addressed at the planning application stage as part of negotiations on the necessary planning obligations in line with the relevant regulations. The policy needs to acknowledge this point.

The sixth paragraph states:

*“Development will be subject to proportionate primary and secondary education contributions as requested by Staffordshire County Council, where evidenced by need.”*

The acknowledgment in the draft policy that any contributions towards education provision will need to be ‘proportionate’ between site SH2 and SH1 is welcomed. RPS notes the same wording is replicated in the draft wording to Policy SH1.

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Nonetheless, RPS has soundness concerns with this approach with respect to education. Notably, whilst the draft policy refers to primary and secondary provision, the draft criteria on education contributions do not include any reference to Early Years or Special Educational Needs and Disabilities (SEND), which should be clarified in the policy. Again, the draft wording is imprecise on this matter, contrary to paragraph 16d of the NPPF and so is not soundly-based. RPS would recommend that Policy SH2 includes reference to these elements, and the ability of the site to secure planning obligations commensurate to the development's net impact towards new education provision, where it can be evidenced that there is a need that fulfils the tests of Community Infrastructure Levy Regulation 122 (2).

RPS recommends the wording to draft Policy SH2 is modified to read:

*"Development will be subject to proportionate early years, primary, and secondary, and Special Education Needs and Disabilities (SEND) contributions, as requested by Staffordshire County Council, where evidenced by need. Planning obligations sought for education should be commensurate to the development's net impact towards new education provision, where it can be evidenced that there is a need that fulfils the tests of Community Infrastructure Levy Regulation 122 (2)."*

### **Eighth paragraph (Potential for Coalescence)**

The eighth paragraph of the draft policy states:

*"The design, layout and landscaping of the site is required to limit the perception of coalescence between Heath Hayes and Norton Canes and to minimise adverse impacts on the settings of both settlements."*  
(RPS emphasis)

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

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

Furthermore, the policy as drafted assumes there is some recognised value in maintaining a separation between Heath Hayes and Norton Canes settlements. However, the Council provides no evidence to substantiate that the land proposed for allocation (comprising the previously safeguarded land or the newly released site) has any relevance in this regard. Firstly, the final Green Belt Study (Appendix 1) includes an assessment of the newly released site (ref. C14). In respect of the Purpose 2 of the Green Belt (To prevent neighbouring towns merging into on another) the study found:

*"The parcel lies to the east of Cannock on the south western slope of Wimblebury Hill located to the north east of the parcel. The nearest settlement to this portion of Cannock's urban edge is Prospect Village. Measured from the residential development on the south western side of Sevens Road in Prospect Village, Prospect Village lies roughly 1.6km to the north east of Cannock"* (RPS emphasis)

There is no suggestion that the allocation site is located within the gap between Heath Hayes and Norton Canes, or that the release of the site for residential development would impact on the merging of any settlements as per the Green Belt purposes.

Secondly, the Council's latest Strategic Housing Land Availability Assessment (2023) includes an appraisal of the two parcels that comprise the allocation site SH2 (under refs. C84 and C279, SHLAA Appendix L). At no point in the SHLAA assessment for these two parcels does it identify the need to preserve the gap between Heath Hayes and Norton Canes as a constraint on development on site SH2.



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RPS objects to the inclusion of this highly restrictive and prescriptive criteria in the draft policy. The evidential basis for including the criteria has not been provided, it is not justified, and is not consistent with national policy (regarding significant adverse impacts) and so it is not soundly-based. RPS recommends that the eight paragraph of the draft policy be deleted.

## **Ninth paragraph (BNG)**

The draft policy makes reference to the Biodiversity Net Gain (BNG) requirement (min. 10%) and to an Ecological Impact assessment specific to the proposed site allocation, and states:

*“A Biodiversity Net Gain Assessment will be required to ensure a minimum of 10% net gain in biodiversity as a result of development, in accordance with Policy SO7.2. An Ecological Impact Assessment also will be required in accordance with Policy SO7.1”*

Matters relating to BNG and impact are applicable to all qualifying sites, including the proposed site allocation under this policy. For this reason, there is no necessity to repeat references to matters dealt with under separate policies; to do so would be contrary to national policy (paragraph 16f) whereby plans should avoid ‘unnecessary duplication’ of policies that cover the site allocation (in this case Policies SO7.1 and SO7.2), and so is not soundly-based. RPS recommend that the 9<sup>th</sup> paragraph of the draft policy be deleted.

## **Tenth paragraph (Recreation Provision)**

The tenth paragraph of the draft policy states:

*“The development will be required to contribute to new and/or enhanced open space, sports and recreational provision, including playing fields and allotments to meet locally defined minimum standards and benchmarks in line with policies (SO2.3, SO2.4). The Council will work with the developer to determine whether this should comprise improvements to Heath Hayes Park and allotments immediately south of the site. New surfaced walking/cycling routes will be created to facilitate recreational use of the site, connect any new green spaces and must be accessible to all users with alignment to existing Public Rights of Way.”*

The draft policy would require development to contribute to new and/or enhanced open space, sports and recreational provision, including playing fields and allotments to meet locally defined minimum standards and benchmarks in line with policies (with references made to Policies SO2.3, SO2.4). This repeats the provisions proposed under draft Policy SO2.3 almost word for word. There is no necessity to repeat references to matters dealt with under separate policies; to do so would be contrary to national policy (paragraph 16f) whereby plans should avoid ‘unnecessary duplication’ of policies that cover the site allocation (in this case Policy SO2.3), and so is not soundly-based. RPS recommends that the first sentence in the 10<sup>th</sup> paragraph of draft Policy SH2 be deleted.

The second sentence of the 10<sup>th</sup> paragraph then seeks improvements to Heath Hayes Park and allotments immediately south of the site, to be provided through contributions secured against the first element of this paragraph. The Council proposes to ‘work with the developer’ to determine whether a proportion of the contributions should be directed to the park and allotments.

Paragraph 98 of the NPPF makes clear that:

*“Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate...” (RPS emphasis)*

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It is incumbent on the Council to provide the evidential basis for all proposed criteria in the development plan, in accordance with national policy. Neither the draft policy nor the supporting text make any reference to the requisite assessment work or other robust evidence that underpins the proposed criteria relating to Heath Hayes Park and allotments. Furthermore, it has also not been demonstrated that these contributions (and the provision of on-site open space facilities) would not threaten the deliverability or viability of development, contrary to paragraph 77 of the NPPF; this is particularly important given the proposal to secure a major new transport infrastructure scheme through delivery of the site allocation. Without the necessary evidence, the draft criteria is unjustified and inconsistent with national policy, and so is not soundly-based. RPS recommends that the second sentence in the 10th paragraph of draft Policy SH2 be deleted.

Alternatively, if the criteria is to be retained it should be made clear in the policy that, on adoption, any formal open space and / or recreational facilities will be provided through '*off-site contributions only*', directed to nearby facilities in the vicinity of the site.

The third sentence in tenth paragraph of the draft policy then states:

*"New surfaced walking/cycling routes will be created to facilitate recreational use of the site, connect any new green spaces and must be accessible to all users with alignment to existing Public Rights of Way."*  
(RPS emphasis)

RPS objects the wording because it is overly prescriptive in nature and does not recognise that the principal use of the site is for residential and not for recreation purposes, and so is not effective. National policy (NPPF paragraph 92) makes clear that planning policies should aim to healthy to healthy, inclusive and safe places promote social interaction, including street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods. Paragraph 100 also encourages the addition of links to existing public rights of way, but does not require this.

The draft criteria goes way beyond national policy by seeking to establish a requirement where such measures are encouraged. The wording as written is not consistent with national policy in this regard. Similarly, viability and feasibility considerations should also be taken into account. The draft criteria above is not soundly-based for the reasons given, and should be modified as follows:

*"Where viable and feasible, new surfaced walking/cycling routes should be created to facilitate recreational use of the site and connect any new green spaces. These should be accessible to all users with alignment and should connect to the existing Public Right of Way network."*

## **Concept Diagram**

Changes need to take place to the Concept Diagram. This is addressed in Transport and Accessibility Report. The Concept Diagram doesn't show the vehicular access point from the spine road to development on the eastern side of the spine road. Noted its only a concept diagram, but the concept of vehicular access from the spine road to these parcels is vital and needs incorporating.

## **Additional Supporting Information**

A number of supporting technical documents have been prepared in support of the proposed allocation of land East of Wimblebury Road (including the proposed safeguarded land), listed as follows:

1. Green Belt Assessments for SH2 and S1 (Appendix 1a and 1b - RPS)
2. Noise Assessment Report (BWB)
3. Air Quality Report (BWB)
4. Utilities Report (BWB)

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5. Flood Risk and Drainage Report (BWB)
6. Transport and Accessibility Report (DTA)
7. Archaeological and Heritage Assessment Report (EDP)
8. Education Report (EFN)
9. Landscape and Visual Matters Report (Randall Thorpe)
10. Viability Report (Savills)
11. Ecology Report( TEP)

*(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.

The draft Policy SH2 and supporting text should be modified in light of the soundness objections set out above, as follows:

***Strategic Site Specific Policy - Land east of Wimblebury Road, Heath Hayes***

***Site Reference: SH2***

***Address:*** East of Wimblebury Road at Bleak House, Wimblebury Road

***Proposed Use:*** The development of approximately ~~400~~ **450** dwellings, public open space and access from Wimblebury Road to Cannock Road. The development will deliver the Wimblebury Road Relief Road (WRRR) and contribute to off-site highway and sustainable travel improvements and associated off-site infrastructure including a primary school. The development will deliver a mix of housing sizes, types and tenure to ensure that there is a range of housing including affordable housing.

***Indicative Dwelling Yield:*** ~~up to~~ approximately 400 **450** dwellings

***Site Area (Hectares):*** Total ~~17.9~~ 18 hectares.

***Net developable area (indicative):*** 11ha ***(final NDA to be determined at the planning application stage)***

***Density minimum:*** 35dph

***Description of Site***

*The proposed allocation comprises:*

- The site covers a total area of ~~17.9~~ 18 hectares and extends along the eastern side of Wimblebury Road as indicated on the policies map. This site SH2 comprises an area of land previously outside the Green Belt and designated as safeguarded land for development in the Local Plan 2014 (6.4ha), and a further 11.5ha of greenfield land to its immediate east previously located within the Green Belt. The site is enclosed on its northern and eastern boundaries by woodland and adjoins Heath Hayes Park on its southern boundary. ~~The entire site is released from the Green Belt for residential development, and associated infrastructure.~~*
- The second element of the allocation comprises land required as indicatively shown on the policies map for the delivery of the WRRR which will connect from the roundabout at Wimblebury Road to a new junction on the A5190 Cannock Road, east of Five Ways junction. ~~The WRRR~~ WRRR is designed to divert traffic from the congested Five Ways junction.*

*The site is currently green field land used for agriculture but does not qualify as Best and Most Versatile land (BMV).*

*The site is located on the urban edge of Heath Hayes and is in accordance with the Spatial Strategy of the Local Plan being identified as one of the priority areas for new residential and commercial development.*

*Part of the site was previously safeguarded for development and therefore development of the wider land parcel will ensure that development is planned for comprehensively. The proposals will ensure strategic infrastructure is provided including the Wimblebury Road Relief Road. The WRRR ensures sufficient capacity is*

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*provided on the local highway network for the delivery of both this allocation and SH1 (Land south of Lichfield Road, Cannock). The WRRR will create appropriate highway capacity at the currently congested Five Ways Junction. The element of WRRR which is proposed to be retained within the Green Belt, would be assessed under NPPF paragraph 150 c which allows local transport infrastructure in the Green Belt to come forward as appropriate development.*

*As the whole land parcel is surrounded by woodland and a public park this will provide a sense of permanence to the boundary of the wider Green Belt.*

*The site is sustainably located and promotes active travel; the site is within walking distance of a primary school, Heath Hayes Local Centre and Heath Hayes Park and allotments. The site is also within walking distance of a number of bus stops, with those along the Hednesford Road (B4154) served every 30 minutes promoting the use of public transport to Cannock and more distant facilities.*

*The site is bounded by an existing plantation woodland which is also within the same ownership. The woodland was historically the location of Cannock Chase Colliery No.8 which included a railway line connecting the colliery to Burntwood to its south-east. Public rights of way are located within the woodland. It is anticipated that the existing woodland could be subject to improvements enhancing access to, and enabling recreation within, the retained Green Belt. The woodland also helps to screen the site from the wider Green Belt, helping to reduce the visual impact on the openness of the remaining Green Belt. Any potential new areas of public open space within the site will support green infrastructure and ecological network linkages.*

*The Chasewater and the Southern Coalfield Heaths SSSI lies close to the site's eastern boundary. ~~The site is close to 2 locally designated Site of Biological Importance.~~ The site is also hydrologically connected to Cannock Extension Canal SAC. The Cannock Chase SAC lies approximately 3.3km to the north of the site. Development will be subject to the adopted charge which supports management of the SAC. Specific assessments and mitigation measures are likely to be required to ensure habitats are protected and air and water quality are not adversely affected by development.*

*The site lies within a Coal Authority High Risk Development Area, and features some historic landfill, as well as previously forming part of an open cast coal and clay quarry; some mine shafts remain on site. As such, site surveys will be required and the site layout or construction plans may need to account for any ground constraints.*

*The development site and the adjoining safeguarded land to the south offers a unique opportunity to deliver the WRRR to divert traffic from the congested Five Ways junction which will help to ensure air quality does not worsen in an area formerly subject to an Air Quality Management Area.*

## **Site Boundary**

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## **POLICY SH2: LAND EAST OF WIMBLEBURY ROAD, HEATH HAYES**

*Land east of Wimblebury Road, shown as SH2 on the Policies Map is allocated for residential development. Development of site SH2 is subject to provision of the Wimblebury Road Relief Road (WWRRR) linking Wimblebury Road to Cannock Road, as shown on the Policies Map:*

- *Approximately ~~400~~ **450** dwellings will be located on ~~17.9ha~~ 18ha of land which comprises 6.4ha of safe-guarded land identified in the 2014 Local Plan and an adjacent 11.5ha of land ~~will be~~ released from the Green Belt.*
- *The WRRR will connect Wimblebury Road and Cannock Road. The route indicated on the Policies Map will connect site SH2 and the allocated ~~Safe-guarded~~ Site identified as S1.*

*CCDC will work with the site promoter to agree an illustrative masterplan for the site alongside the broad parameters shown on the Concept Plan, including a design code for the site. 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.*

*Residential development will be delivered at a minimum density of 35dph and provide the appropriate mix of housing types (**see below**) and tenure, including affordable housing and adaptable housing in compliance with local and national housing policies.*

**The provision of housing delivered on the site will accord broadly to the following dwelling mix:**

**1-bed dwellings - 5%**

**2-bed dwellings - 30%**

**3-bed dwellings - 45%**

**4-bed dwellings - 20%**

*CCDC will work with the site promoter to agree an illustrative masterplan for the site alongside the broad parameters shown on the Concept Plan, including a design code for the site. 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.*

*Residential development ~~will~~ should be delivered at an minimum average density of 35dph and provide the appropriate mix of housing types and tenure, including affordable housing and adaptable housing in compliance with local and national housing policies.*



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~~Development should 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.~~

*Vehicular access will be from Wimblebury Road and via the provision of the WRRR which will connect to Cannock Road. A Transport Assessment and Travel Plan will be required to support the application and will need to consider the cumulative impact of Local Plan allocations, with particular to impact on the Five Ways junction and mitigation of any adverse impact on air quality and traffic congestion.*

*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 WWWR in site SH2) and with regard to education provision (including delivering a new 2FE primary school in site SH1). Proposals will be assessed with regard to the Infrastructure Delivery Plan. 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. Any agreement on funding and phasing of critical infrastructure will be agreed between the applicant, Local Planning Authority, and Staffordshire County Council at the planning application stage. Development will be subject to proportionate early years, primary, and secondary, and Special Education Needs and Disabilities (SEND) contributions, as requested by Staffordshire County Council, where evidenced by need. Planning obligations sought for education should be commensurate to the development's net impact towards new education provision, where it can be evidenced that there is a need that fulfils the tests of Community Infrastructure Levy Regulation 122 (2).*

*A Landscape Strategy will be required to ensure the development form and layout minimises any significant adverse visual impact on the remaining Green Belt and is designed taking into account site topography and existing defining features of the landscape. This Landscape Strategy will also address any requirement for new native woodland planning on the north-eastern and eastern boundaries where appropriate to assist with the site's visual containment.*

~~*The design, layout and landscaping of the site is required to limit the perception of coalescence between Heath Hayes and Norton Canes and to minimise adverse impacts on the settings of both settlements.*~~

~~*A Biodiversity Net Gain Assessment will be required to ensure a minimum of 10% net gain in biodiversity as a result of development, in accordance with Policy SO7.2. An Ecological Impact Assessment also will be required in accordance with Policy SO7.1.*~~

*The development will be required to contribute to new and/or enhanced open space, sports and recreational provision, including playing fields and allotments to meet locally defined minimum standards and benchmarks in line with policies (SO2.3, SO2.4). The Council will work with the developer to determine whether this should comprise improvements to Heath Hayes Park and allotments immediately south of the site. **Where viable and feasible, new surfaced walking/cycling routes will should** be created to facilitate recreational use of the site and connect any new green spaces. These ~~must~~ **should** be accessible to all users with alignment and **should connect** to the existing Public Right of Way network.*

*In accordance with national planning guidance, the impact of removing land from the Green Belt should be offset compensatory improvements to the environmental quality and accessibility of the remaining Green Belt land. The Planning Application should demonstrate consideration of how the accessibility of the Public Rights of Way in the adjacent surrounding woodland will be improved or enhanced.*

*Development should have no significant adverse impact on the environmental quality of the Chasewater and Southern Coalfields Heaths SSSI or the water quality of Cannock Extension Canal SAC. The Planning Applica-*

# Cannock Chase Council: Cannock Chase Local Plan Representation Form



tion will be supported by a Habitats Regulation Assessment and a Drainage Strategy which will outline necessary mitigation measures to avoid significant adverse impacts. Development proposals will also support the protection of habitats in adjacent Areas of Biological Importance.

The development will incorporate new or enhanced attenuation ponds and SUDS features within the green-space to provide suitable drainage systems on the site and help with flood mitigation downstream in Norton Canes, subject to the findings of a site-specific flood risk assessment.

The planning application will be accompanied by an Employment and Skills Plan to demonstrate how the development will contribute to the training and employability of local residents, especially young people.

## Concept diagram



### Key

- |                              |  |
|------------------------------|--|
| Site Boundaries              | Indicative Vehicular Access Points                         |
| Existing Streets             | Indicative Strategic Infrastructure Route                  |
| Existing Urban Area          | Indicative Active Travel Access Points                     |
| Existing Area of Woodland    | Indicative Active Travel Routes & Connections              |
| Existing Areas of Open Space | Indicative Location for Residential Development            |
| Existing Pond                | Indicative Location for Areas of Blue-Green Infrastructure |
| Existing PRoWs               |  |

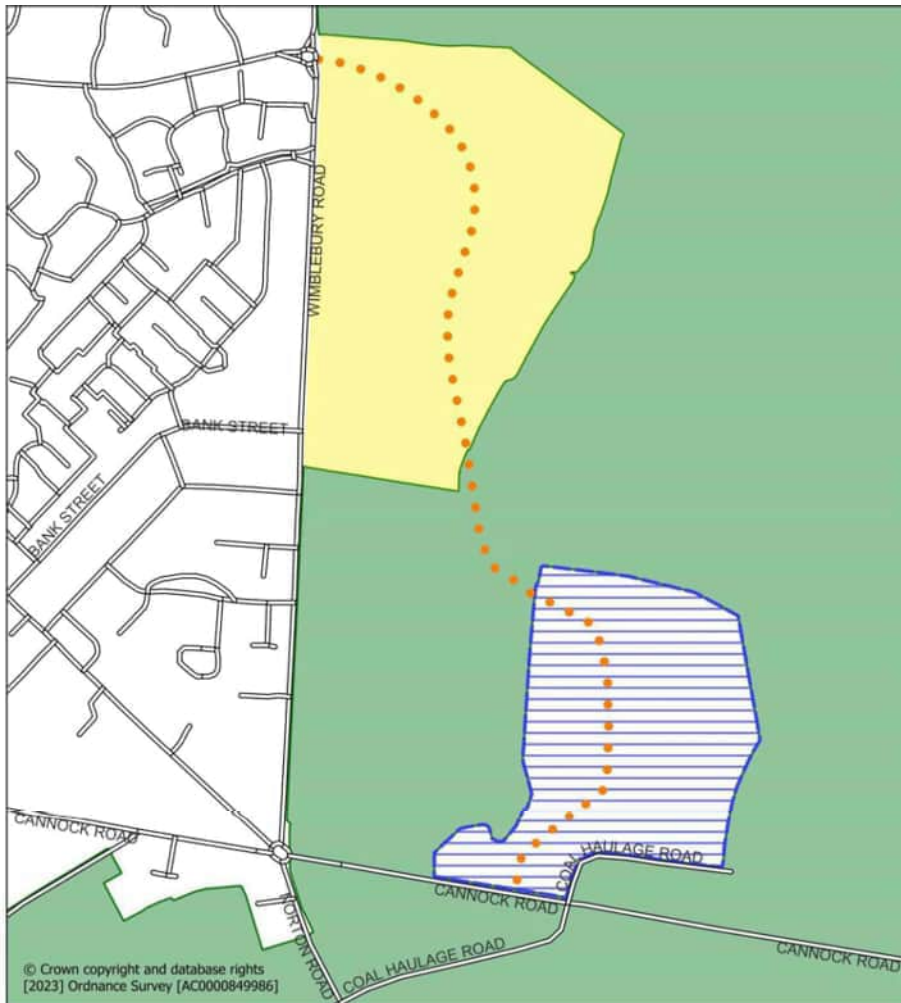
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## Concept Diagram

As addressed above changes need to take place to the Concept Diagram to show the vehicular access points from the spine road to development on the eastern side of the spine road.

## WRRR Plan



### Key

- Existing Streets
- Indicative Strategic Infrastructure Route - Wimblebury Road Relief Road
- Residential Strategic Site (Site SH2)
- Safeguarded Land (Site S1)
- Green Belt

(Please continue on a separate sheet if necessary)

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

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

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

*(Please tick one box)*

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

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

*(Please continue on a separate sheet if necessary)*

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

Signature:		Date:	18/3/24
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**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.

**Local Plan Vision & Objectives**

This part of the plan details the Spatial Priorities (paragraph 5.1) which includes '*Ensuring infrastructure delivery to support growth.*' Identifying and coordinating the provision of infrastructure is a key economic objective that underpins the achievement of sustainable development (NPPF Sept 2023, para 8a). It is also necessary for plan-making to align growth and infrastructure when applying the presumption in favour of sustainable development (NPPF 2023, para 11a). Furthermore, strategic policies should also make sufficient provision for infrastructure, including transport and other relevant provision when setting out the pattern and scale of development in the area (NPPF 2023, para 20).

RPS supports this approach.

Nonetheless, this chapter of the plan also contains a considerable amount of detail relating to the spatial strategy and with reference to sub-areas within the district, including Cannock, Hednesford and Heath Hayes.

Some of this commentary is expressed as if it were 'policy' wording, but is not presented in a specific policy or policies (usually within a separate box or typology). It is unclear how the commentary in Chapter 5 referring to spatial strategy matters relates to the rest of the Plan, notably strategic policies concerned with the scale and distribution of development.

The lack of clarity here could create confusion or uncertainty for the user in how this Chapter should be read alongside those policies, which risks undermining the effectiveness of the Plan as a whole.

Additionally the spatial strategy for Cannock/Hednesford/Heath Hayes indicates the following:

*Opportunities to deliver net zero carbon development will be prioritised and other types of development which can contribute to the delivery of a net zero carbon District will be encouraged.*

This text is not indicated for other parts of the plan within the overall spatial strategy section. It is not clear why Cannock/Hednesford/Heath Hayes has been signalled out. It is additionally unclear what is meant by 'net zero being prioritised'. Given this, it is suggested that the above text is deleted to make the Plan justified and effective.

*(Please continue on a separate sheet if necessary)*

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

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RPS recommends that any text in this Chapter which is expressed as 'policy' wording should be set out under specific spatial policies, or removed entirely from the Plan.

Additionally, the spatial strategy text for Cannock/Hednesford/Heath Hayes stating the following should be deleted:

*"Opportunities to deliver net zero carbon development will be prioritised and other types of development which can contribute to the delivery of a net zero carbon District will be encouraged."*

*(Please continue on a separate sheet if necessary)*

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

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

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

*(Please tick one box)*

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

To properly represent our client and to provide opportunity to respond to discussions at the hearing.

*(Please continue on a separate sheet if necessary)*

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

Signature: [REDACTED]

Date: 12/3/24



Making a representation: We cannot accept anonymous representations. You must provide your contact details but only your name and comments will be published on the website. Your personal data will be held securely and processed in line with our privacy notice [www.cannockchasedc.gov.uk/privacynotices](http://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:	Paul Hill, RPS
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#### Q1. To which document does this representation relate? (Please tick one box)

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

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

Para- graph:		Policy:	SH1	Site:	SH1	Policies Map:	
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#### Q3. Do you consider the Cannock Chase Local Plan is:

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

For office use	Part B reference	B0081CC
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**Q4. Please give details of why you consider the Cannock Chase Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.**

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

**Policy SH1 Land south of Lichfield Road, Cannock**

RPS on behalf of Taylor Wimpey have no concerns to the principle of Policy SH1. However, given the need for the cumulative impacts of both SH1 and SH2 to be considered, the following response raises soundness concerns relating to draft Policy SH1.

**Sixth paragraph (Education)**

Firstly, the sixth paragraph states:

*“Development will be subject to proportionate primary and secondary education contributions as requested by Staffordshire County Council, where evidenced by need.”*

The acknowledgment in the draft policy that any contributions towards education provision will need to be ‘proportionate’ between site SH1 and SH2 is welcomed. RPS notes the same wording is replicated in the draft wording to Policy SH2.

Nonetheless, RPS has soundness concerns with this approach. Notably, whilst the draft policy refers to primary and secondary provision, the draft criteria on education contributions do not include any reference to Early Years or Special Educational Needs and Disabilities (SEND), which should be clarified in the policy. Again, the draft wording is imprecise on this matter, contrary to paragraph 16d of the NPPF and so is not soundly-based. RPS would recommend that Policy SH1 includes reference to these elements, and the ability of the site to secure planning obligations commensurate to the development’s net impact towards new education provision, where it can be evidenced that there is a need that fulfils the tests of Community Infrastructure Levy Regulation 122 (2).

RPS recommends the wording to draft Policy SH2 is modified to read:

*“Development will be subject to proportionate early years, primary, and secondary, and Special Education Needs and Disabilities (SEND) contributions, as requested by Staffordshire County Council, where evidenced by need. Planning obligations sought for education should be commensurate to the development’s net impact towards new education provision, where it can be evidenced that there is a need that fulfils the tests of Community Infrastructure Levy Regulation 122 (2).”*

**Seventh paragraph (WRRR)**

Secondly, the acronym for the Wimblebury Road Relief Road is incorrectly drafted. The policy currently states ‘WWWR’, but should be written as ‘WRRR’.

And thirdly, the seventh paragraph of the draft policy, also states:

*“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.”* (RPS emphasis)

The principle of this approach is appropriate, and particularly the use of the term ‘No substantive’ housing completions. This is to ensure that funding comes forward from SH1 to mitigate its transport infrastructure impacts through WRRR on SH2 and funding comes forward from SH2 to mitigate its education

# Cannock Chase Council: Cannock Chase Local Plan Representation Form



impact for primary schooling on SH1. Any agreement between relevant parties regarding trigger points for funding and phasing of critical infrastructure must be addressed at the planning application stage as part of negotiations on the necessary planning obligations in line with the relevant regulations. The policy needs to acknowledge this point.

## **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.

Modify the wording to draft Policy SH1 is modified to read:

*“Development will be subject to proportionate early years, primary, and secondary, and Special Education Needs and Disabilities (SEND) contributions, as requested by Staffordshire County Council, where evidenced by need. Planning obligations sought for education should be commensurate to the development’s net impact towards new education provision, where it can be evidenced that there is a need that fulfils the tests of Community Infrastructure Levy Regulation 122 (2).”*

Modify the acronym for the Wimblebury Road Relief Road to read ‘WRRR’.

Retain policy requirement for “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 at the planning application stage.”

*(Please continue on a separate sheet if necessary)*

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

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

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

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Yes, I wish to participate in hearing session(s)  
(Please tick one box)

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

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

(Please continue on a separate sheet if necessary)

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

Signature: [Redacted]

Date: 12/3/24



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

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

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

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

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

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

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

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

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

The criteria should be reworded to reflect national policy.

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

*(Please continue on a separate sheet if necessary)*

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

The 4<sup>th</sup> bullet point should be modified to read:

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

(Please continue on a separate sheet if necessary)

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

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

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

(Please tick one box)

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

To properly represent our clients interests and be able to responded to any issues raised at the hearings.

(Please continue on a separate sheet if necessary)

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Signature: [REDACTED]

Date: 12/3/24





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

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

The first criterion should be amended as follows:

*“Development proposals will be designed to enhance the quality of the townscape and landscape, and will retain and enhance the distinct and separate character of each of the district’s settlements. Not all areas are separate.”*

RPS objects the use of the term ‘separate’ as it assumes that all settlements are by their nature separate in spatial or visual terms from other settlements. This is not always the case. Furthermore, the association between settlements may form a positive aspect of their respective characters. Similarly, the requirement to demonstrate that a settlement has a separate character to all other settlements goes beyond national policy (there is no mention to such a requirement in the NPPF).

On this basis, the reference to ‘separate’ character is not justified on the available evidence and not consistent with national policy. The words ‘and separate’ should be deleted from the policy.

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

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

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

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

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

*(Please continue on a separate sheet if necessary)*

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

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

Modify draft policy SO1.2 as follows:

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

*(Please continue on a separate sheet if necessary)*

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

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

*(Please tick one box)*

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

*(Please continue on a separate sheet if necessary)*

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Signature: [REDACTED]

Date: 18/3/24



Cannock Chase Council:  
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**POLICY SO2.2: SAFEGUARDING HEALTH AND AMENITY**

The overall premise of including a policy that addresses development uses relating to safeguarding the existing amenity of local communities is broadly acknowledged.

However, this policy includes four, further criteria in relation to the content of D&AS (community facilities, Policy SO2.1; green infrastructure, Policy SO2.5 (not SO2.4 as stated); lower carbon development, Policy SO5.3; and risk or harm to human health, Policy SO8.5) but which nonetheless are addressed in other policies of the CCLP19.

RPS contends these additional criteria merely repeat draft criteria set out elsewhere in the CCLP19 and would not add anything material to the development plan as a whole (if adopted).

*(Please continue on a separate sheet if necessary)*

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RPS recommends the last four criteria of the draft policy are deleted.

*(Please continue on a separate sheet if necessary)*

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

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

*(Please tick one box)*

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

<i>(Please continue on a separate sheet if necessary)</i>
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Signature:	
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Date:	12/3/24
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**PROVISION OF OPEN SPACE, SPORTS AND RECREATIONAL BUILDINGS AND LAND, INCLUDING PLAYING FIELDS (POLICY SO2.3)**

This policy sets out criteria for the management of existing open space and criteria for the provision of open space as part of new development.

Under 'New Provision', the policy states:

*"Major development proposals will provide new and/or enhanced open space, sports and recreational buildings and land, including playing fields to meet the demands that will be generated by the development." (RPS emphasis)*

The wording as drafted recognises that any new provisions of open space must be related to the proposed development. This accords with national policy under paragraph 57 and 58 of the NPPF dealing with the developer contributions.

The policy then states:

*"Where there are anticipated deficiencies, financial contributions to appropriate projects will be sought to enable the impacts of the new development to be mitigated. Where practicable, the required facilities will be phased and delivered as an integral part of the development." (RPS emphasis)*

Any financial contribution would need to be secure via a suitably worded planning obligation, in accordance with paragraph 57 of the NPPF, and footnote 26 which refers separately to Regulation 122(2) of the Community Infrastructure Levy 2010. The purpose of planning obligations is further clarified in the PPG, which states:

*"...planning obligations will be appropriate for funding a project that is directly related to that specific development." Paragraph: 004 Reference ID: 23b-004-20190901 Revision date: 01 09 2019 (RPS emphasis)*

The draft wording suggests that monies will be sought from applicants where the Council (or presumably any other party) indicates there may be a current or future shortfall in provision of open space or other recreational uses. The nature of these deficiencies is not clarified within the policy, but points to contributions being sought to address existing deficits in addition to those contributions (either on-site provision, or through off-site contributions) required to meet the additional demands generated by that specific development.

This approach goes beyond the remit of national policy and guidance which ensures that contributions (inc. financial) are fair and transparent and are relevant and related to the development as per the Regulations. It also contradicts the NPPF-compliant criteria included at an earlier part of the policy and which RPS has highlighted above.

Whilst the overall approach under this policy is generally supported, the draft wording specifically highlighted in relation to 'anticipated deficiencies' is not consistent with national policy and is not

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justified. Furthermore, the inclusion of this wording means there is an inconsistency within the policy that needs to be rectified to ensure it is effective.

It is noted that the table underneath paragraph 6.59 has no title or number. It is not clear how this table relates to the policy as there is no direct reference. This should be rectified. It should also be indicated how these standards have been established and make it clear that where a deficiency in one typology is realised this maybe able to be compensated by an overprovision in another typology.. The policy should be clear that if there is an overprovision against one typology in an area (when new development is accounted for) there is no basis to seek new provision either on site or off site.

There is no reference to the November 2023 Open Space Assessment – but on the basis this document produced by Red kite is the basis for the table in the plan, the Inspector’s attention is drawn to pages 94-95 which actually indicate over provision against certain typologies.

*(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.

RPS recommends that the draft wording in Policy SO2.3 is modified to ensure it is consistent with national policy dealing with financial contributions. To this end, RPS would recommend the following modification, with no replacement text required:

~~“Where there are anticipated deficiencies, financial contributions to appropriate projects will be sought to enable the impacts of the new development to be mitigated. Where practicable, the required facilities will be phased and delivered as an integral part of the development.”~~

The table underneath paragraph 6.59 has no title or number.

It is not clear how this table relates to the policy as there is no direct reference in the policy.

Reference to minimum standards is not clear and should be deleted.

It should also be indicated how these standards have been established and make it clear that where a deficiency in one typology is realised this maybe able to be compensated by an overprovision in another typology.

*(Please continue on a separate sheet if necessary)*

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**Q6. If your representation is seeking a modification to the Regulation 19: Pre-Submission Draft of the Cannock Chase Local Plan, do you consider it necessary to**





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

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

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

This policy also includes criteria that merely repeat or cross-reference to other policies in the CCLP19; these being Policies SO5.1, SO5.4, and SO7.8).

Whilst the overall approach that recognises active design is broadly supported, the criteria in the draft policy should serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area, in accordance with paragraph 16 of the NPPF. RPS contends that merely adding references to other policies adds unnecessary duplication, and so the policy as drafted is not consistent with national policy.

*(Please continue on a separate sheet if necessary)*

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

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RPS recommends that the third, fourth and fifth criteria of the draft Policy SO2.5 are deleted.

*(Please continue on a separate sheet if necessary)*

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

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

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

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(Please tick one box)



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

<i>(Please continue on a separate sheet if necessary)</i>
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**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.

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

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**POLICY SO3.1: PROVISION FOR NEW HOMES**

The draft policy also recognises:

*...There is a need to identify new locations adjacent to existing settlements to accommodate the balance of dwellings which cannot be built on sites within the existing urban areas of the District...” And, as a result, the policy states: “...Therefore, strategic housing allocations including some or entire release of land within the Green Belt have been identified.”*

RPS supports the acknowledgment under draft Policy SO3.1 that the housing needs cannot be met solely on sites outside the existing Green Belt.

RPS objects to the 5,808 total plan requirement figure. Whilst this might be derived from the SM figure, this will not address the chronic need for affordable homes in Cannock Chase and will not deliver one of the Strategic Objectives of the Plan. Based on the Jan 2024 Housing Needs Assessments (JG Consulting) there is a requirement for 290 affordable homes per annum in Cannock. Given SM is the minimum starting point, RPS would suggest an uplift of 10-15% against SM is provided to go some way to assisting with addressing the future affordable homes need in the district.

The policy also seems to set out how supply will come forward to meet this need. It is not clear how tables A-C, presumably with additional supply from allocated sites and windfalls deliver on that need and for example how lapses in permission have been accounted for. The additional 10-15% should assist with any lapses in permission or non-delivery of allocated sites etc.

RPS objects to *Development will achieve an average site density of 50dph in Cannock, Rugeley and Hednesford town centres and 35dph in the suburban areas.* Clarification should be provided this just relates to unallocated/windfall sites, given the presence of site specific policies for the allocated sites.

*(Please continue on a separate sheet if necessary)*

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Add 10-15% to the overall housing requirement

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Change the following text - Development on un-allocated sites will achieve an average site density of 50dph in Cannock, Rugeley and Hednesford town centres and 35dph in the suburban areas.

*(Please continue on a separate sheet if necessary)*

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

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

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

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

*(Please tick one box)*

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

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

*(Please continue on a separate sheet if necessary)*

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Signature: [REDACTED]

Date: 12/3/24



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

**POLICY SO3.2: HOUSING CHOICE**

RPS broadly supports the inclusion of a housing mix policy, which can help guide applicants when preparing their applications “...to ensure that there is a range of housing to meet the needs of existing and future residents...” (2<sup>nd</sup> paragraph).

That said, the sixth paragraph of the draft policy requires all proposals to provide a broad mix in accordance with the housing mix defined in the Local Housing Needs Assessment 2023 (or subsequent updates) and the recommended mix in Table E to the policy. By including the word ‘*must*’ this implies that any alternative mix of housing might lead to refusal of a planning application if the proposed mix does not mirror that set out in Table E. This is clearly contrary to the purposes of the policy, which is to deliver a wide choice of high quality homes (market and affordable) and local circumstances and evidence may justify an alternative approach.

Similarly, it should be recognised that the Local Housing Needs Assessment is a snapshot in time and should not be taken to represent the appropriate mix that must be applied over the entire plan period to 2040. Notably, the LHNA also does not recommend prescribing any particular mix of housing in its recommendations to the Council.

The policy criteria highlighted above is overly prescriptive and does not provide sufficient flexibility to allow applicant to respond to changing market demands over the course of plan period. The draft wording is not positively prepared, contrary to national policy, and so is not soundly-based.

In addition, RPS notes that the first row to Table E totals 105%. This may be due to rounding, but clearly this is not effective and needs to be corrected.

Objection is made to the following paragraph:

*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.*

Housebuilders, developers, landowners need certainty at the time a planning permission issued and the above criterion does not provide for this certainty, which has the genuine potential for stopping development and sales of land and housing. It should be deleted.

*(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

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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.

RPS recommend the word 'must' be replaced by 'should' in the sixth paragraph of draft Policy SO3.2

The proposed mix for market housing (Table E) should be modified to total 100%

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 up-dated viability evidence which may result in an increase of the affordable housing requirement.

Housebuilders, developers, landowners need certainty at the time a planning permission issued and the above criterion does not provide for this certainty which has the genuine potential for stopping development and sales of land and housing. It should be deleted.

Amend the following criterion: All proposals for housing must provide a broad mix of housing suitable for different household types taking into account the evidence base from the Councils Housing Need Assessment 2023 (or subsequent updates) and recommended housing mix set out in Table E, which should be used as a guide.

*(Please continue on a separate sheet if necessary)*

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

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

*(Please tick one box)*

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

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

*(Please continue on a separate sheet if necessary)*

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*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.*

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

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

**POLICY SO3.3: DELIVERING HIGH QUALITY HOUSING**

This policy seeks to establish local standards for accessible and adaptable dwellings as part of new housing developments. These cover M4(2) Accessible and Adaptable dwellings, and M4(3) for wheelchair user dwellings in the Building Regulations 2010 (amended).

RPS notes that paragraph 6.117 of the CCLP19 the Council justifies their approach is linked to evidence from the Local Housing Needs Assessment (updated in 2023) which points to an increase of 445 households who may need wheelchair accessible dwellings (1,815 to 2,260) from 2021 to 2040. The requirements for M4(2) and M4(3) homes are based on the recommendations of the Housing Need Assessment, but no information is provided in the CCLP19 on this.

The same paragraph in the CCLP19 acknowledges that whilst the number of people who may require wheelchair accessible dwellings, this does not directly correlate with specific housing needs as some households will be living in a home that is suitable for wheelchair use, whilst others may need improvements to accommodation, or a move to an alternative home. Given the acceptance that the demand for accessible homes do not necessarily feed through to an equivalent provision for such housing (which RPS agrees), it is completely unjustified to require as a matter of principle that such provision is made on all new build developments (for M4(2) dwellings) and 5% of wheelchair user dwellings. It is plainly evident, and likely more reasonable, to assume that only a proportion of people who access new housing will need their home to be an accessible or adaptable home.

Despite this, for accessible and adaptable dwellings, the draft policy states that all new build housing 'must' be built to M4(2) standards. The policy will also require at least 5% of housing on major development sites that 'must' be wheelchair user dwellings equivalent to M4(3) of the Building Regulations. The policy does allow for 'exceptions', but these only relate to 'minor development sites', but is unclear on how such exceptions would apply to major or strategic sites. The wording as draft is not justified and is not effective in relation to the treatment of exceptions, notably in relation to viability.

Similarly, there is no basis in national policy requiring all new homes to be built to accessible and adaptable standards. Footnote 52 of the NPPF states:

*"Planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties. Policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified." (RPS emphasis)*

The national policy to which this footnote is linked (paragraph 135) also qualifies the provision of accessible and adaptable dwellings, stating:

*"Planning policies and decisions should ensure that developments:*

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users"*

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The national policy is applicable to all developments, whether they are minor or major in scale. It also seeks the provision, rather than requires it. The draft policy wording clearly goes beyond the remit of the provisions set out in the NPPF.

RPS contend that the draft Policy SO3.3 is neither justified nor consistent with national policy requiring all dwellings to meet M4(2) standards. It is also not clearly justified why the 'exceptions' defined under this policy are only applicable to minor developments and not major developments.

*(Please continue on a separate sheet if necessary)*

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RPS recommends that the two references in the draft policy to 'must' should be modified to 'should' or 'encourage' such provision.

*(Please continue on a separate sheet if necessary)*

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

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

*(Please tick one box)*

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

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

*(Please continue on a separate sheet if necessary)*

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**POLICY SO3.4: GYPSIES AND TRAVELLERS AND TRAVELLING SHOW PEOPLE**

Request a minor change to make it very clear the delivery of new sites will not relate to other site allocations in the local plan.

b) The delivery of sites with planning permission, **gypsy and traveller** allocated sites and other sites granted planning permission during the Plan period in accordance with the criteria set out within this Policy. Additional pitches and plots will be delivered within the District at the following locations to meet the following local needs for at least the first five years of the Plan (from adoption):

*(Please continue on a separate sheet if necessary)*

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Insert the wording highlighted in bold above.

*(Please continue on a separate sheet if necessary)*

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

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(Please tick one box)



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

<i>(Please continue on a separate sheet if necessary)</i>
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**POLICY SO5.1: ACCESSIBLE DEVELOPMENT**

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

Bullet points 8 to 11 of the draft policy cross-refer to six other policies that also address transport and transport-related issues. The inclusion of such references merely duplicates policy elsewhere and so are repetitive in nature and add nothing to the application of the draft policy or the CCLP19 as a whole. (N.B. RPS has made refs to other related policies).

This is contrary to paragraph 16(f) of the NPPF where plans should avoid unnecessary duplication of policies.

This policy requires all major development proposals to meet certain accessibility requirements that will clearly be less relevant to certain sites. This is inconsistent with NPPF para 114a which notes that sustainable transport opportunities are related to the type of development and its location. DfT Circular 01/2022 also recognises that certain employment sectors are reliant on access to the SRN.

I would recommend that the first paragraph is modified as follows:

*All major development proposals will be in locations that can provide convenient access for all sections of the community to work, shopping, health, education, cultural, leisure, green space and other facilities, where relevant to the type of development and its location.*

*(Please continue on a separate sheet if necessary)*

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

See added section above

*(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

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*modification(s). You should not assume that you will have a further opportunity to make submissions.*

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

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

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

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

*(Please tick one box)*

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

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

Signature:	
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Date:	18/3/24
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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](http://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:	Paul Hill, RPS
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#### Q1. To which document does this representation relate? (Please tick one box)

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

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

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

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

For office use	Part B reference	B0081N
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**Q4. Please give details of why you consider the Cannock Chase Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.**

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

**POLICY SO5.3: LOW AND ZERO CARBON TRANSPORT**

The second criterion would apply to all development and should be amended as follows:

All major developments will set out as part of the Design and Access Statement how they will:

- Support changes to the road network where they are related to the reduction of environmental impacts and the enhancement of public transport. **Suggest deletion of this criterion as its unclear what the aim is. Wording is very imprecise - doesn't pass NPPF para 16**
- Include the provision of electric vehicle charge points and, where appropriate and proportionate, other infrastructure that may be required for alternative low and zero carbon transport options, designate parking spaces for low emission vehicles, and facilitate low emission bus service operations. **This goes beyond building regulations and there is no specified evidence to support it.**
- Support, as appropriate, sustainable freight distribution by road and rail. **Should be deleted as this criterion would be inappropriate for all applications unless freight distribution proposals (where appropriate is imprecise).**
- Ensure that the design and layout of the development will reduce reliance on private vehicles while promoting walking, cycling and public transport (as required by Policy SO5.1 'Accessible Transport').

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

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See suggested changes above.

*(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.***

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

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

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

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

*(Please tick one box)*

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

<i>(Please continue on a separate sheet if necessary)</i>
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***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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**Q4. Please give details of why you consider the Cannock Chase Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.**

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

**POLICY SO7.4: PROTECTING, CONSERVING AND ENHANCING LANDSCAPE CHARACTER**

Third bullet point

The third bullet of the first paragraph of draft policy states:

*“All development proposals in the District will protect, conserve and enhance landscape character by:*

*Locating and designing the development to respect the surrounding scenic quality and providing sensitive edges to the adjacent areas.” (RPS emphasis)*

RPS objects to this wording highlighted in this criteria on the grounds it is unclear and unspecific to where this requirement would be applicable. As drafted, this criteria would be applicable to all development regardless of the particular locational circumstances or significance of any landscape character and sensitivity issues in relation to those proposals. It is clearly the case that the significance or relevance of these factors will be location-specific to a particular proposal. As drafted, the criteria does not recognise these considerations. Similarly, the landscape character of Cannock Chase is not uniform in nature or aspect, and so a blanket policy approach such the one proposed in draft Policy SO7.4 is not justified.

Accordingly, the draft policy is not soundly-based. The criteria should recognise that any design response should appropriate to the particular location and surroundings of the proposal, taking into account the sensitivity of adjacent development.

Sixth bullet point

The sixth bullet point states:

*“Creating new green infrastructure within the development which links to the ‘Strategic Green Space Network’ (as required by Policy SO7.8).” (RPS emphasis)*

RPS objects to the draft criteria because, as drafted, because the policy fails to recognise that not all development sites may have an opportunity to do provide ‘links to the Strategic Green Network’. The policy does not allow for such circumstances and so offers no guidance to the decision-maker or the applicant regarding how proposals should respond to this requirement. The draft policy is not effective and so is not soundly-based. The wording should be modified accordingly.

*(Please continue on a separate sheet if necessary)*

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



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**Cannock Chase Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.**

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

The following criteria should be modified in line with the soundness concerns identified above:

“Locating and designing the development to respect the surrounding scenic quality and providing edges appropriate to the adjacent development areas.”

“Where appropriate and viable, creating new green infrastructure within the development which links to the ‘Strategic Green Space Network’ (as required by Policy SO7.8).

*(Please continue on a separate sheet if necessary)*

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

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

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

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

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

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

*(Please tick one box)*

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

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

*(Please continue on a separate sheet if necessary)*

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

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

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

**POLICY SO7.5: PROTECTING, CONSERVING AND ENHANCING THE CANNOCK CHASE NATIONAL LANDSCAPE**

The first paragraph of draft policy states:

*“The protected landscape areas of Cannock Chase National Landscape are shown on the Policies Map and will receive the highest degree of protection from damaging or inappropriate development.” (RPS emphasis)*

RPS objects to the draft policy because the wording, as written, does not adequately reflect national policy which deals with development within or in the setting of designated landscape areas. In this regard, paragraph 176 of the NPPF states:

*“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.”*

The provisions of paragraph 177 of the NPPF are also of relevance to this policy where proposals are located within the setting of the National Landscape, but which has largely been ignored in the draft policy.

In addition the second paragraph is inconsistent with the NPPF which doesn't insist on adverse impacts to be avoided only for significant adverse impacts to be avoided.

*Development proposals within or on land forming the setting of the National Landscape will be expected to positively contribute to the special qualities of the National Landscape. Development proposals which, individually or cumulatively, adversely impact on the landscape and scenic beauty of the National Landscape or its setting will be resisted.*

NPPF para 32 advises that significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered).

The draft policy above is not consistent with national policy and should be modified accordingly.

*(Please continue on a separate sheet if necessary)*

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

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

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

The draft policy should be modified as follows:

~~“The protected landscape areas of Cannock Chase National Landscape are shown on the Policies Map and will receive the highest degree of protection from damaging or inappropriate development~~ In accordance with national policy, great weight will be given to conserving and enhancing landscape and scenic beauty within the National Landscape.”

Development proposals within or on land forming the setting of the National Landscape will be expected to positively contribute to the special qualities of the National Landscape. Development proposals which, individually or cumulatively, significantly adversely impacts on the landscape and scenic beauty of the National Landscape or its setting will be resisted.

The same significant adverse wording should be applies to all other appropriate policy areas in the Plan.

*(Please continue on a separate sheet if necessary)*

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

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

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

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

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

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

*(Please tick one box)*

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

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

*(Please continue on a separate sheet if necessary)*

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

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

**Policy S07.2 Biodiversity Net Gain**

Amend the policy as follows:

Biodiversity net gain should be provided on-site wherever possible or on land adjacent or functionally related to the site. Off-site measures will only be considered where it can be demonstrated that, after following the mitigation hierarchy, all reasonable opportunities to achieve measurable net gains onsite have been exhausted or where greater gains can be delivered off-site where the improvements can be demonstrated to be deliverable. The delivery of net gains in biodiversity will be designed to support the delivery of a District-wide biodiversity network based on the designated biodiversity sites and in accordance with guidance set out in Policy S07.1: 'Protecting, Conserving and Enhancing Biodiversity and Geodiversity' and the Local Nature Recovery Strategy, when adopted.'

Demonstrating the value of the habitat (pre and post-development) with appropriate and robust evidence will be the responsibility of the applicant/developer. Proposals which do not demonstrate that the post-development biodiversity value will exceed the predevelopment value of the onsite habitat by a 10% net gain will be refused.

This would assist with ensuring that 10% BNG is provided in a more flexible manner on land that is functionally related to it or adjacent to it having the same overall positive effect.

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The draft policy should be modified as identified above

*(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**

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**participate in examination hearing session(s)?**


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

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

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

<i>(Please continue on a separate sheet if necessary)</i>
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***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.*

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

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

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

The first paragraph of the draft policy states:

*“The Green Belt area within the Cannock Chase District, as shown on the Policies Map, will receive the highest degree of protection from development. Development will protect the character and openness of the Green Belt.”* (RPS emphasis)

RPS objects to the first draft criteria because this is another case of where the policy does not adequately reflect national policy in respect to safeguarding the Cannock Chase Green Belt. In particular, the draft criteria does not recognise that the essential ‘character’ of the Green Belt is its openness and its permanence as expressed in paragraph 137 of the NPPF. If the purpose of the draft policy is to reflect national policy then at least it should properly reflect the NPPF as it is written. Furthermore, the inclusion of terms such as ‘character’ has connotations with ‘landscape character’ which is wholly inappropriate as this has no bearing on the purposes of the Green Belt or its openness.

The draft criteria is not consistent with national policy regarding the characteristics of the Green Belt. The draft wording should be modified accordingly.

*(Please continue on a separate sheet if necessary)*

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

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

The draft policy should be modified as follows:

*“The Green Belt area within the Cannock Chase District ~~is, as shown on the Policies Map. ,~~ In accordance with national policy, development proposals within the Green Belt must retain the essential characteristics of the Green Belt, which are their openness and their permanence ~~will receive the highest degree of protection from development. Development will protect the character and openness of the Green Belt.”~~*

*(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.***

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

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

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

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

*(Please tick one box)*

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

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

*(Please continue on a separate sheet if necessary)*

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

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

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

**Policy SO7.7 Amendments to the Green Belt**

This policy identifies those sites that are proposed for release from the Green Belt in the District to assist in meeting housing and employment need up to 2040. One of these sites identified for release is *Land east of Wimblebury Road (SH2)*. RPS welcomes amendments proposed to the Green Belt as part of the Plan.

However, it must be recognised that Policy SH2 is the only policy in the Plan that retains some safeguarded land, all the other safeguarded sites from the previous Cannock Local Plan have now been built out. The policy should therefore acknowledge that not all (approximately half) of SH2 is Green Belt, as suggested below.

In addition, the policy also lists those Green Belt sites that are proposed in this Local Plan to accommodate growth requirements of the District beyond the plan period (post-2040) or following a review of this Plan. This effectively constitutes 'safeguarded land' as defined in national policy (paragraph 143 in the NPPF 2021, and para 148 in the NPPF 2023). One of the sites safeguarded for longer-term development is *East of Wimblebury Road Heath Hayes (southern site) (S1)*. RPS also welcomes this proposal.

Nonetheless, the final paragraph of the policy states that:

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

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

Firstly, national policy does not refer to 'mitigation' as a remedy for addressing the loss of Green Belt land. Instead, it refers to '*offsetting through compensatory improvements*' (NPPF 2021, paragraph 142; NPPF 2023, paragraph 148). The full wording in the NPPF states:

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

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

Secondly, the draft policy states the mitigations '*will*' be made in '*all*' cases. As written, the draft policy is seeking to apply the six measures as '*mandatory*' to all development sites regardless of the local context or particular circumstances and considerations relating to development sites where compensatory measures may be appropriate. The wording is overly restrictive and prescriptive and offers no flexibility in how individual proposals can suitably implement compensatory improvements appropriate to specific sites and adjacent locations. The wording in the NPPF is not prescriptive or mandatory, but is framed as

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guidance for plan-makers. Similarly, the draft wording provides a 'shopping list' of potential solutions, but the policy does not direct any of these to specific site allocations in the Plan.

On this basis, the draft wording is inconsistent with national policy and so is not soundly-based. RPS needs to be modified to remedy this issue.

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

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Amend the first paragraph as follows:

SH2 - Land east of Wimblebury Road (in part)

The last paragraph should be modified as follows:

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

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

*(Please continue on a separate sheet if necessary)*

**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

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participate.

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

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

To properly represent our client and be able to respond verbally to issues raised at the hearings.  <p style="text-align: right;"><i>(Please continue on a separate sheet if necessary)</i></p>
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**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:	12/3/24
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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](http://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:	Paul Hill, RPS
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#### Q1. To which document does this representation relate? (Please tick one box)

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

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

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

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

For office use	Part B reference	B0081T
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**Q4. Please give details of why you consider the Cannock Chase Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.**

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

**POLICY SO8.2: ACHIEVING NET ZERO CARBON DEVELOPMENT**

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

The draft wording seeks to encourage development that can deliver higher performance standards and lower emissions. However, the term highest level is imprecise and should be removed.

In addition the next paragraph of the draft policy states:

*“All major development proposals will deliver, in priority order:*

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

This element of the draft policy is clearly much more prescriptive in nature, but in practical terms it would contradict the preceding criteria. It is also inconsistent with national policy which does not require or mandate the delivery of zero carbon development as a matter of principle, and so is not soundly-based. National policy encourages the ‘transition to a low carbon future’ (NPPF 2023, para 157).

Requiring Zero Carbon developments and the cascade approach of the policy with a specific local evidence base is inconsistent with national policy.

*(Please continue on a separate sheet if necessary)*

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

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The policy should be deleted.

*(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

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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.**

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

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

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

*(Please tick one box)*

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

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

*(Please continue on a separate sheet if necessary)*

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

Signature: [REDACTED]

Date: 18/3/24



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

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

**POLICY SO8.3: SUSTAINABLE DESIGN**

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

The 3<sup>rd</sup> paragraph of the draft policy states:

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

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

In contrast, the NPPF 2023 makes clear:

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

And goes on to state:

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

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

*(Please continue on a separate sheet if necessary)*

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

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RPS recommends that the 3<sup>rd</sup> paragraph of draft Policy SO8.3 is modified by deleting the words ‘must’, ‘will’ and ‘required’ and replaced with wording that is consistent with national policy. RPS suggests the word ‘should’ appropriate in this context. Consequential changes are required should amendments be made to SO8.2

*(Please continue on a separate sheet if necessary)*

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

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

*(Please tick one box)*

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

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

*(Please continue on a separate sheet if necessary)*

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

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

**POLICY SO8.7: SAFEGUARDING MINERAL RESERVES**

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

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

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

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

Exemption Criteria 3 under Appendix 6 of SMLP refers to:

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

The application of this criteria is clearly relevant to those sites that have previously been assessed prior to their allocation for non-mineral development in a development plan, for example for residential development and found to be suitable for allocation, notably East of Wimblebury Road (under draft Policy SH2).

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

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

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

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(Please continue on a separate sheet if necessary)

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

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

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

(Please continue on a separate sheet if necessary)

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

(Please tick one box)

Cannock Chase Council:  
Cannock Chase Local Plan  
Representation Form



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

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

*(Please continue on a separate sheet if necessary)*

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

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### Part B: Representation

Name and Organisation:	Paul Hill, RPS
------------------------	----------------

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

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

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

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

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

For office use	Part B reference	B0081W
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**Cannock Chase Council:  
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**Q4. Please give details of why you consider the Cannock Chase Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.**

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

**Delivery / Infrastructure Delivery Plan (IDP)**

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

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

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

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

***Incorrect reference to funding arrangements with regards to transport infrastructure and Wimblebury Road Relief Road (WRRR)***

In this context, the IDP identifies the ‘*Wimblebury Road Relief Road*’ project as one piece of transport infrastructure, involving private sector delivery of the WRRR in association with site allocations SH2 and SH1. Much of the detail around funding sources and phasing set out in the IDP in relation to the WRRR is broadly supported. However, issues relating to ‘*Indicative funding gaps*’ in relation to the WRRR remains to be determined. Consequently, it is incorrect to state that the funding arrangements, in particular the funding gap, for the WRRR is known (stated as ‘None’).

The IDP as drafted could create the impression that funding arrangements for the WRRR has been resolved, which is not the case. This could cause confusion for the decision-maker when determining future planning applications that must be approved in order to secure delivery of the WRRR, which could undermine the deliverability of the Plan. As drafted, the IDP does not reflect the reality on the ground and so is not effective.

In addition, the IDP refers to ‘*£5m approx Current scheme not costed*’ for the Five Ways Junction improvement works. However, no evidence is provided to justify a specific costing at this stage. The reference to ‘*£5m approx.*’ should be deleted.

*(Please continue on a separate sheet if necessary)*

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**Cannock Chase Council:  
Cannock Chase Local Plan  
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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.

Modify the IDP section 'Physical Infrastructure – Transport - General' as follows:

Delete the word 'None' under the "Wimblebury Road Relief Road", and replace with "Unknown"

The reference to '£5m approx.' under 'costs' (IDP page 6) should be deleted.

*(Please continue on a separate sheet if necessary)*

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

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

*(Please tick one box)*

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

*(Please continue on a separate sheet if necessary)*

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Signature: [REDACTED]

Date: 18/3/24





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Cannock Chase Local Plan  
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**Policy SO7.1 PROTECTING, CONSERVING AND ENHANCING BIODIVERSITY AND GEODIVERSITY**

The 7<sup>th</sup> paragraph of the draft policy states:

*“Development proposals which are likely to result in the loss or deterioration of irreplaceable habitats (including ancient woodland, ancient or veteran trees and lowland fen) will be refused. Such proposals will not be permitted, unless where there are wholly exceptional reasons, and a suitable compensation strategy exists.” (RPS emphasis)*

This draft criteria is broadly similar to paragraph 180c of the NPPF, which states that:

*“...development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>63</sup> and a suitable compensation strategy exists;” ...*

The draft policy is clearly inconsistent with national policy and no evidence has been provided that demonstrates the local plan criteria should go beyond that which is set out in national policy. The word ‘will’ is not soundly based and should be modified accordingly.

*(Please continue on a separate sheet if necessary)*

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The criteria above should be modified as follows:

*“...Development proposals which are likely to result in the loss or deterioration of irreplaceable habitats (including ancient woodland, ancient or veteran trees and lowland fen) ~~will~~ should be refused. Such proposals ~~will~~ should not be permitted, unless where there are wholly exceptional reasons, and a suitable compensation strategy exists...”*

*(Please continue on a separate sheet if necessary)*

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**Cannock Chase Council:  
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*modification(s). You should not assume that you will have a further opportunity to make submissions.*

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

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

Name and Organisation:	Paul Hill, RPS
------------------------	----------------

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

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

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

Para- graph:	6.333	Policy:		Site:		Policies Map:	
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#### Q3. Do you consider the Cannock Chase Local Plan is:

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

For office use	Part B reference	B0081Y
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Cannock Chase Council:  
Cannock Chase Local Plan  
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Paragraph 6.333 of the Reg 19 Plan states:

*“When the development sites south of Lichfield Road and Wimblebury Road are completed potential will exist to expand the community park to the south of Lichfield Road with new areas of green infrastructure....”*

The Plan provides no evidence to show how ‘*expansion of the community park to south of Lichfield with new areas of green infrastructure*’ can be achieved through building out the Wimblebury Road allocation site. The wording as drafted is not justified or effective, and so is not soundly based. It should be deleted.

*(Please continue on a separate sheet if necessary)*

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Delete the first sentence of paragraph 6.333.

*(Please continue on a separate sheet if necessary)*

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

Cannock Chase Council:  
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Yes, I wish to participate in hearing session(s)  
(Please tick one box)

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Signature: [REDACTED]

Date: 12/3/24

# Cannock Chase Council: Cannock Chase Local Plan Representation Form



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Name and Organisation:	Paul Hill, RPS
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- Sustainability Appraisal of the Cannock Chase Local Plan 2018-2040
- Habitats Regulations Assessment of the Cannock Chase Local Plan 2018-2040

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

Para- graph:		Policy:	SO8.5	Site:		Policies Map:	
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**Q3. Do you consider the Cannock Chase Local Plan is:**

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

For office use	Part B reference	B0081Z
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Cannock Chase Council:  
Cannock Chase Local Plan  
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**POLICY SO8.5: AVOIDING AIR, WATER, NOISE OR LIGHT POLLUTION AND SOIL CONTAMINATION**

The first paragraph of the draft policy states:

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

*All major development proposals will:*

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

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

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

Paragraph 180 of the NPPF Dec 2023 states:

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

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

In addition, paragraph 192 states:

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



# Cannock Chase Council: Cannock Chase Local Plan Representation Form



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

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

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

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

*(Please continue on a separate sheet if necessary)*

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

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

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

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

*(Please continue on a separate sheet if necessary)*

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Cannock Chase Council:  
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Representation Form



submissions.

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

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*(Please tick one box)*

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

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

*(Please continue on a separate sheet if necessary)*

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

Signature:		Date:	18/3/24
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