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and examinations

# **Report on Cannock Wood Parish Neighbourhood Plan 2022 – 2039**

**An Examination undertaken for Cannock Chase Council with the support of Cannock Wood Parish Council on the October 2022 submission version of the Plan.**

Independent Examiner: Andrew Freeman BSc (Hons) DipTP DipEM FRTPI

Date of Report: 19 September 2023

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## Main Findings - Executive Summary

From my examination of the Cannock Wood Parish Neighbourhood Plan (the Plan) and its supporting documentation, including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- the Plan has been prepared and submitted for examination by a qualifying body – Cannock Wood Parish Council;
- the Plan has been prepared for an area properly designated – Cannock Wood Parish – Figure 1 on Page 4 of the Plan;
- the Plan specifies the period to which it is to take effect – 2022 - 2039; and
- the policies, as proposed to be modified, relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

## 1. Introduction and Background

### Cannock Wood Parish Neighbourhood Plan 2022 - 2039

- 1.1 Cannock Wood is a civil parish and village within the administrative area of Cannock Chase District in Staffordshire. The built-up area of Burntwood lies to the south of the Parish whilst the town of Rugeley is some 6 km away to the north. Lichfield is slightly further away in an east-southeasterly direction.
- 1.2 The Parish is wholly located within the Cannock Chase Area of Outstanding Natural Beauty (AONB). With the exception of the village of Cannock Wood, all of the Parish is designated as Green Belt. It is essentially a countryside area, crossed by a network of footpaths and bridleways, and characterised by farming and horse pasture. It is home to two Ancient Monuments at Castle Ring and Courtbanks Covert. Both sites are also Sites of Biological Importance whilst Courtbanks Covert is an Ancient and Semi-natural Woodland.
- 1.3 Early discussion on preparing a neighbourhood plan took place over a period extending from late 2017 to May 2019. The Parish Council then applied to Cannock Chase Council for neighbourhood area designation. This was approved on 6 June 2019. Since then, a variety of engagement events have taken place culminating in the draft Cannock Wood Parish

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Neighbourhood Plan October 2022. This contains a vision, 12 objectives and 14 detailed policies.

### The Independent Examiner

- 1.4 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Cannock Wood Parish Neighbourhood Plan by Cannock Chase Council, with the agreement of Cannock Wood Parish Council.
- 1.5 I am a chartered town planner and former government Planning Inspector with over forty years' experience. I have worked in both the public and the private sectors. I am an independent examiner and do not have an interest in any of the land that may be affected by the draft Plan.

### The Scope of the Examination

- 1.6 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
  - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
  - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.7 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ("the 1990 Act"). The examiner must consider:
- Whether the plan meets the Basic Conditions.
  - Whether the plan complies with provisions under Section 38A and Section 38B of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act"). These are:
    - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
    - it sets out policies in relation to the development and use of land;
    - it specifies the period during which it has effect;
    - it does not include provisions and policies for 'excluded development'; and
    - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.

- Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) (“the 2012 Regulations”).

1.8 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

### The Basic Conditions

1.9 The “Basic Conditions” are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with and not breach European Union (EU) obligations (under retained EU law)<sup>1</sup>; and
- meet prescribed conditions and comply with prescribed matters.

1.10 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Neighbourhood Development Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.<sup>2</sup>

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<sup>1</sup> The existing body of environmental regulation is retained in UK law.

<sup>2</sup> This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

## 2. Approach to the Examination

### Planning Policy Context

- 2.1 The Development Plan for this part of Cannock Chase Council, not including documents relating to excluded minerals and waste development, is the Cannock Chase Local Plan (Part 1) 2014 – Core Strategy. In addition, there is an emerging Local Plan in the form of the Cannock Chase Local Plan 2018 – 2039.
- 2.2 The emerging Local Plan has not, as yet, been formally published under the Regulation 19 public consultation stage.<sup>3</sup> In this regard, I note that the Planning Practice Guidance (PPG) advises that where a neighbourhood plan is brought forward before an up-to-date local plan is in place, the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in the emerging neighbourhood plan; the emerging local plan; and the adopted development plan, with appropriate regard to national policy and guidance.<sup>4</sup> Notwithstanding this, the Basic Conditions require me to examine the Plan against the extant adopted strategic development plan policies.
- 2.3 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF).<sup>5</sup> The PPG offers guidance on how this policy should be implemented.

### Submitted Documents

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Cannock Chase Parish Neighbourhood Plan 2022 - 2039, October 2022;
  - a map which identifies the area to which the proposed Neighbourhood Development Plan relates;
  - the Consultation Statement, September 2022;
  - the Basic Conditions Statement, October 2022;
  - the Screening Report of the Draft Cannock Wood Neighbourhood Plan Strategic Environmental Assessment and Habitats Regulation Assessment, March 2022;
  - Cannock Wood Character Assessment, March 2022;
  - Cannock Wood Design Code, March 2022;

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<sup>3</sup> [Planning Policy News | Cannock Chase District Council \(cannockchasedc.gov.uk\)](https://www.cannockchasedc.gov.uk/planning-policy-news)

<sup>4</sup> PPG Reference ID: 41-009-20190509.

<sup>5</sup> A revised version of the NPPF was published during the examination on 5 September 2023. It sets out focused revisions (to the previously published version of 20 July 2021) only to the extent that it updates national planning policy for onshore wind development. As such, all references in this report read across to the latest 5 September 2023 version.

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- all the representations that have been made in accordance with the Regulation 16 consultation; and
- the request for additional clarification sought in my letter dated 21 August 2023 and the response dated 31 August 2023 from Cannock Wood Parish Council.<sup>6</sup>

### Site Visit

- 2.5 I made an unaccompanied site visit to the Neighbourhood Plan Area on 2 September 2023 to familiarise myself with it and visit relevant sites and areas referenced in the Plan and evidential documents.

### Written Representations with or without Public Hearing

- 2.6 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum.

### Modifications

- 2.7 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

## 3. Procedural Compliance and Human Rights

### Qualifying Body and Neighbourhood Plan Area

- 3.1 The Cannock Chase Parish Neighbourhood Plan has been prepared and submitted for examination by Cannock Chase Parish Council, which is a qualifying body for an area that was designated by Cannock Chase Council on 6 June 2019.
- 3.2 It is the only Neighbourhood Plan for Cannock Wood Parish and does not relate to land outside the designated Neighbourhood Plan Area.

### Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2022 to 2039.

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<sup>6</sup> View at: <https://www.cannockchasedc.gov.uk/residents/planning/planning-policy/neighbourhood-planning>

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## Neighbourhood Plan Preparation and Consultation

- 3.4 Details of plan preparation and consultation are set out in the Parish Council's Consultation Statement, September 2022. Late in 2017, the Parish Council began exploring the potential advantages of preparing a neighbourhood plan. A clear majority of residents had concerns over the village's potential development. An application for neighbourhood area designation followed in May 2019 and was approved by Cannock Chase Council on 6 June 2019.
- 3.5 The principal stages of consultation included a detailed survey via a paper booklet delivered to every house and online. Results were published at the end of 2021. Draft objectives were drawn up and consulted upon in February 2022 followed by a drop-in event at the Village Hall. Consultation on informal draft policy took place in March 2022. The various engagement documents are listed in Appendix 1 of the Consultation Statement.
- 3.6 Formal consultation under Regulation 14 was undertaken between 30 May 2023 and 11 July 2023.<sup>7</sup> The Consultation Statement, at Appendix 3, records details of representations made by four residents and seven organisations and public bodies, and also actions taken.
- 3.7 Regulation 16 consultation took place between 3 July 2023 and 14 August 2023. Representations were received from seven individuals and organisations including Cannock Chase Council. I have taken these representations into account in preparing my report.
- 3.8 I am satisfied that, at both the Regulation 14 and the Regulation 16 stages, the consultation process met the legal requirements and there has been procedural compliance. Regard has been paid to the advice on plan preparation and engagement in the PPG.

## Development and Use of Land

- 3.9 With the exceptions of Paragraph 7 of Policy CW11 and Policy CW13 (which I respectively deal with in Paragraphs 4.34 and 4.38 below), the Plan sets out policies in relation to the development and use of land in accordance with Section 38A of the 2004 Act.

## Excluded Development

- 3.10 The Plan does not include provisions and policies for "excluded development".<sup>8</sup>

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<sup>7</sup> In practice, the consultation period was longer, as detailed in the Parish Council's response to my request for additional clarification.

<sup>8</sup> See section 61K of the 1990 Act.

## Human Rights

- 3.11 Cannock Wood Parish Council is satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998). From my independent assessment, I see no reason to disagree.

## 4. Compliance with the Basic Conditions

### EU Obligations

- 4.1 The Neighbourhood Plan was screened for Strategic Environmental Assessment (SEA) by PlanSpace on behalf of Cannock Wood Parish Council, which found that it was unnecessary to undertake SEA. Having read the Strategic Environmental Assessment Screening Report, I support this conclusion.
- 4.2 The Cannock Wood Parish Neighbourhood Plan was further screened for Habitats Regulations Assessment (HRA), which also was not triggered. Although the site is in proximity to two Special Areas of Conservation and four other European designated nature sites, no sites are allocated within the draft Neighbourhood Plan. Natural England has indicated that it has no specific comments to make.<sup>9</sup> From my independent assessment of this matter, I have no reason to disagree with the conclusions of the Screening Report.

### Main Issues

- 4.3 Having regard for the Cannock Wood Parish Neighbourhood Plan, the consultation responses and other evidence, and the site visit, I consider that there are seven main issues relating to the Basic Conditions for this examination. These concern:
- Design and Local Character
  - Historic Environment
  - Natural Environment
  - Highway Safety
  - Community Assets
  - Public Realm and Open Space
  - Green Belt.
- 4.4 Before I deal with the main issues, I have a few observations to make with regard to the representations. First, the Cannock Wood Parish Neighbourhood Plan should be seen in the context of the wider planning system. This includes Cannock Chase Council's Core Strategy as well as the NPPF and PPG. It is not necessary to repeat in the Neighbourhood Plan matters that are quite adequately dealt with elsewhere.<sup>10</sup> Having

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<sup>9</sup> Email dated 31 March 2022, Page 32 of the Screening Report.

<sup>10</sup> See NPPF, Paragraph 16 f).

said that, there may be scope to give emphasis to matters particularly relevant in the context of Cannock Wood.

- 4.5 Secondly, the Neighbourhood Plan does not have to deal with each and every topic raised through the consultation. In this regard, the content of the Neighbourhood Plan and the scope of the policies is largely at the discretion of the qualifying body, albeit informed by the consultation process and the requirements set by the Basic Conditions.
- 4.6 Thirdly, my central task is to judge whether the Neighbourhood Plan satisfies the Basic Conditions. Many of the representations do not demonstrate or indicate a failure to meet those conditions or other legal requirements. Similarly, many of the suggested additions and improvements are not necessary when judged against the Basic Conditions.
- 4.7 The following section of my report sets out modifications that are necessary in order to meet the Basic Conditions. Some of the proposed modifications are factual corrections.<sup>11</sup> Others are necessary in order to have closer regard to national policies and advice. In particular, plans should be succinct and contain policies that are clearly written and unambiguous.<sup>12</sup> In addition, the policies should be supported by appropriate evidence.<sup>13</sup>

#### Issue 1 – Design and Local Character

- 4.8 The opening policy of the Neighbourhood Plan is Policy CW1: Housing Design. There is an error at the beginning of the policy whereby the words “1. All residential proposals including extensions must:” are missing.<sup>14</sup>
- 4.9 Paragraph 1.a of the policy requires residential proposals to respond positively to the Character Assessment. There is cross-reference to Policy CW2: Local Character. However, the Character Assessment itself is referenced in Appendix 1. For clarity, the text should be amended.
- 4.10 At Paragraph 1.d, there is a requirement to avoid reducing gaps between the “main settlement boundary” and clusters of buildings outside the boundary. The settlement boundary is shown on Figure 1 and, for clarity, should be referenced in the policy. The same terminology as in Figure 1 should also be used.
- 4.11 Paragraph 1.f refers to considering the need for external lighting and the current local guidance of Cannock Chase AONB on lighting. The provision could be read as telling applicants to make provision for external lighting

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<sup>11</sup> Modifications for the purpose of correcting errors is provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act.

<sup>12</sup> NPPF, Paragraphs 15 and 16 d).

<sup>13</sup> PPG Reference ID: 41-041-20140306.

<sup>14</sup> See the Parish Council’s response to my request for additional clarification.

(rather than questioning whether lighting is necessary). For clarity, the paragraph should be re-worded and specific reference added to the Cannock Chase AONB document.

- 4.12 Paragraph 1.g addresses the inclusion of energy conservation features and the like. In my experience, it will be important to ensure that such measures do not materially affect the character or appearance of the area or the host property. Words to this effect should be added.
- 4.13 The second part of the policy concerns all residential proposals including extensions. Paragraph 2.j is concerned with the creation or maintenance of an active frontage. However, an amendment to the wording is necessary to make clear that the active frontage should face the street.
- 4.14 The third part of the policy deals with all housing proposals, except extensions and, at Paragraph 3.a, requires provision of "an appropriate housing type and tenure to the population". Whilst there is reference to the Housing Needs Assessment, I find the guidance therein slightly ambivalent. For clarity, the policy and the accompanying text should include advice that is more specific.
- 4.15 The second Paragraph 3.b (the paragraphs need re-numbering) requires proposals to show how building, landscaping and planting creates attractive green spaces. A positive demonstration, in all cases, could be unnecessary and disproportionate. For clarity, the emphasis would be on creating attractive green spaces in appropriate circumstances.
- 4.16 Under Paragraph 3.d, "Every option should be investigated before discharging water into a public sewerage network". Again, this could be an unnecessary and disproportionate approach and could be avoided if there were an early demonstration that such an approach would be inappropriate in the particular circumstances. An amendment to the wording is appropriate.
- 4.17 Paragraph 3.e of the policy requires that copies of drainage strategies should be provided to the Parish Council (and the District Council) for their records. However, in taking decisions on planning applications, such a requirement could not be confidently applied. This stems from the fact that applicants cannot be *required* to deposit such copies with the Parish Council. The policy should be amended, albeit that the supporting text could say that the Parish Council requests that copies of any existing and proposed drainage strategies be provided to the Parish (as well as the District Council) so that records can be retained at a local level.
- 4.18 Necessary amendments to Policy CW1: Housing Design are expressed in proposed modification **PM1**.
- 4.19 Policy CW2 deals with local character and applies to all development proposals. The opening sentence of the policy states, "Proposed development should respond to, protect and enhance the character of the

immediate surroundings". However, there is no evidence to suggest that both protection *and* enhancement are necessary. Reference to protection *or* enhancement is included in proposed modification **PM2**.

## Issue 2 – Historic Environment

- 4.20 Policy CW3 sets out a policy for safeguarding non-designated heritage assets as identified in the policy. As evidence in support of the policy, the Neighbourhood Plan refers to the Historic Environment Assessment published in June 2015 and prepared jointly by Cannock Chase AONB and Historic England. However, I find that the document does not cover the subject matter of the policy.
- 4.21 In response to my request for further information, the Parish Council has supplied further information in support of the policy. In addition, on the site visit I had the opportunity to see the various properties that have been designated under the policy. In the circumstances, adequate evidence is available in support of the provisions. However, the source of the evidence should be corrected and given as "various sources including advice from Historic England" (proposed modification **PM3**).
- 4.22 Under Policy CW4: Historic Environment, proposals affecting any part of the historic environment are to be accompanied by a heritage statement. The statement would be required in all circumstances. However, I can envisage circumstances where the submission of a heritage statement would not be justified, for example, if there were no negative effects at all. The requirement should be qualified so that submission is required "as appropriate" (proposed modification **PM4**).

## Issue 3 – Natural Environment

- 4.23 This issue covers matters that include the landscape and the Area of Outstanding Natural Beauty (AONB); biodiversity and geodiversity; and tranquillity and light pollution.
- 4.24 Policy CW5 lists views and vistas that are to be conserved. The policy states, "The list is not exhaustive and the policy applies to any views and vistas that might be affected by development proposals and these should be considered when determining planning applications". However, to be the subject of the policy, there would have to be evidence supporting the listing. Also, inclusion would have to be tested through the examination process. As such, the policy should not apply to non-listed views and vistas and the related reference should be removed.
- 4.25. More particularly, there are several viewpoints and vistas that are located outside the designated Neighbourhood Plan Area. These are Views and Vistas Nos 7, 8 and 9 as referred to in Table 2 and shown on Figure 5. Since the Neighbourhood Plan can only include policies that relate to land

within the designated area<sup>15</sup>, the views and vistas will have to be amended (with consequential amendments to the supporting text). Necessary modifications to Policy CW5 are included in proposed modification **PM5**.

- 4.26 In Policy CW6: Protect and Enhance Landscape Heritage, the words "ancient woodland and any development boundary" have been included in error at the end of the second paragraph.<sup>16</sup> In addition, "Scheduled Ancient Monuments" should be referred to as "Ancient Monuments". Corrections would be effected through proposed modification **PM6**.
- 4.27 Policy CW7 is concerned with protecting, conserving and enhancing the Cannock Chase Area of Outstanding Natural Beauty. The policy refers to contributing to various "objectives" in the AONB Management Plan. However, it is incorrect to call the listed matters "objectives". Rather they are chapter headings within the Management Plan under which overall objectives are identified. The matter would be corrected through proposed modification **PM7**.
- 4.28 The matter of protecting and enhancing biodiversity and geodiversity within the Parish is dealt with in Policy CW8. With regard to impacts on any protected and priority species and opportunities for Biodiversity Net Gain (BNG) in paragraph 2 of the policy, there is a requirement to seek advice from Natural England and other relevant agencies. However, there is no evidence to suggest that advice must be sought in all cases. A variation in the wording would be appropriate.
- 4.29 Paragraph 4 of the policy states, "Detailed advice and evidence will be sought to inform the design of any buffer area". This is intended to be a requirement applicable to applicants.<sup>17</sup> However, the requirement would be made clear if alternative wording were used.
- 4.30 In terms of Biodiversity Net Gain, the policy would require a minimum gain of at least 20% in the Green Belt areas of the Parish. I appreciate that this figure is above the 10% tested by Cannock Chase Council (although not in relation to minor developments that are more likely to take place in the Green Belt). Be that as it may, it appears to me that the Parish Council has carefully researched the matter. The research concludes that the viability of developments would not be significantly impacted by a 10% uplift above the mandatory minimum. Having reviewed the research, I see no reason to disagree.
- 4.31 In the circumstances, I conclude that the Parish Council's approach to BNG meets the Basic Conditions. In reaching this conclusion, I do not consider that there would be any overriding difficulty in administering the scheme or in the delivery of off-site provision, if necessary. Necessary

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<sup>15</sup> Section 38A(2) of the 2004 Act.

<sup>16</sup> See the Parish Council's response to my request for additional clarification.

<sup>17</sup> See the Parish Council's response to my request for additional clarification.

amendments on other matters relating to Policy CW8 are set out in proposed modification **PM8**.

- 4.32 The final matter under the Natural Environment heading concerns Policy CW9: Tranquillity and Light Pollution. The policy advises contact with Cannock Chase AONB for further guidance on lighting. More specifically, the relevant document is Light Pollution and Dark Skies in the Cannock Chase AONB – A Good Lighting Guide. For clarity, specific reference should be made to this document. See proposed modification **PM9**.

#### Issue 4 – Highway Safety

- 4.33 Policy CW11: Highway Safety states that development proposals should demonstrate that there is no significant detrimental impact on traffic safety. To require a positive demonstration in all cases would be unnecessary and disproportionate. For clarity, the requirement should be “as appropriate”.

- 4.34 The policy continues by saying that the numbers of traffic signs should not exceed what is necessary and shall be the minimum size necessary to meet the requirements of safety. Traffic signs come under the remit of the highway authority and are regulated outside the planning system. Attempts to make them subject to development management policies would be inappropriate. The policy provision should be deleted.<sup>18</sup>

- 4.35 Necessary modification to Policy CW11 are set out in proposed modification **PM10**.

#### Issue 5 – Community Assets

- 4.36 Policy CW12: Community Assets and the accompanying Figure 9 make reference to Assets of Community Value (ACV). I find this to be confusing. Whilst it is appropriate for the Neighbourhood Plan to make provisions regarding community facilities, the identification and listing of Assets of Community Value follow a quite separate procedure under the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012.

- 4.37 As it is, the policy would cover community facilities that have been rejected for inclusion on the statutory ACV list maintained by Cannock Chase Council (Cannock Wood Methodist Church and The Rag Inn). To avoid any ambiguity, the policy and the accompanying figure should be amended such that they refer to “community facilities” irrespective of whether they are also listed as Assets of Community Value. Suitable amendments are addressed in proposed modification **PM11**.

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<sup>18</sup> Reference to this provision (as a desirable objective) could be added to the supporting text.

## Issue 6 – Public Realm and Open Space

- 4.38 Policy CW13: Public Realm and Open Spaces is supportive of proposals for alterations in the public realm (including playing fields). However, the reference to alterations is stated to include maintenance, cleaning, appearance, safety and condition of the public realm and open spaces. These are matters that would not normally require planning permission. For clarity, the wording of the policy should be amended as in proposed modification **PM12**.

## Issue 7 – Green Belt

- 4.39 Policy CW14: Village Boundary addresses development in the Green Belt beyond the settlement boundary of the village. It is stated that development will have to demonstrate exceptional circumstances. However, this ignores the fact that development may be “not inappropriate” and hence permissible in a Green Belt location. To accord with the NPPF, amendment of the policy is necessary (proposed modification **PM13**).

## Other Policies

- 4.40 There remains one policy that has not been the subject of commentary in the above report. This is Policy CW10: Footpath and Bridleway Improvements. To a greater or lesser extent, this topic is covered in NPPF Section 8 (Promoting healthy and safe communities). I find that there has been regard for national policy and that the Basic Conditions have been met.

## Other Matters

- 4.41 All policy areas have been considered in the foregoing discussion. With the modifications that I have recommended, the Plan would meet the Basic Conditions. Other minor changes<sup>19</sup> (that do not affect the Basic Conditions), including those suggested by Cannock Chase Council, as well as consequential amendments, corrections and up-dates, could be made prior to the referendum at the Councils’ discretion.

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<sup>19</sup> See PPG Reference ID: 41-106-20190509.

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## 5. Conclusions

### Summary

- 5.1 The Cannock Wood Parish Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

### The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Cannock Wood Parish Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

### Overview

- 5.4 It is evident that a considerable amount of time and effort has been devoted to the development and production of this Plan and I congratulate those who have been involved. The Plan should prove to be a useful tool for future planning and change in Cannock Wood over the coming years.

*Andrew S Freeman*

Examiner

## Appendix: Modifications

<b>Proposed modification number (PM)</b>	<b>Page no./ other reference</b>	<b>Modification</b>
PM1	Pages 24 and 25	<p>At the commencement of Policy CW1, insert "1. All residential proposals including extensions must:".</p> <p>Amend the end of Paragraph 1.a so that it reads "the Character Assessment (See Appendix 1 and Policy CW2: Local Character, below)".</p> <p>Amend the wording of Paragraph 1.d so that it reads "Avoid reducing the gaps between the settlement boundary (See Figure 1) and clusters of buildings outside the boundary."</p> <p>In Paragraph 1.f, replace the first sentence with "Consider the extent to which external lighting is needed as part of the siting and design of development."</p> <p>In Paragraph 1.f, replace the final sentence with "See also the Design Code and the Cannock Chase AONB publication A Good Lighting Guide (Appendix 1)."</p> <p>At the end of Paragraph 1.g, add "providing that there is no material harm to the character or appearance of the area or the host property".</p> <p>Replace Paragraph 2.j with the following: "Create or maintain an active frontage that faces outward onto the street and avoids presenting a blank elevation to the street."</p> <p>Replace Paragraph 3.a with the following: "Provide housing of a type and tenure appropriate to the needs of the population (See interpretation below and Housing Needs Assessment (Appendix 1))."</p> <p>In the text following Policy CW1, under the heading "Interpretation", replace the paragraph commencing "According to the Housing Needs Assessment" with the</p>

		<p>following: "In terms of housing type and tenure, there is a need for small bungalows and starter homes. Two-bed homes are to be preferred over one-bed homes. Three-bed homes are still a popular option. There is some demand for large homes but numbers should be restricted. Greater detail can be found in the Housing Needs Assessment (Appendix 1).</p> <p>About 75-80% of affordable housing should take the form of rented tenures such as social and affordable rent (preferably the former) with the remaining percentage being provided as affordable routes to home ownership."</p> <p>Re-number the sub-paragraphs under Paragraph 3 to avoid repetition.</p> <p>Replace the second Paragraph 3.b with the following: "Create attractive green spaces through landscaping, planting and the arrangement of buildings."</p> <p>Replace the final sentence of Paragraph 3.d with the following: "Unless proved to be an inappropriate strategy, proposals shall avoid the discharge of surface water into the public sewerage network, in line with the surface water hierarchy."</p> <p>Delete Paragraph 3.e. Consider reflecting this requirement in the supporting text as an objective.</p>
PM2	Page 27	In the opening sentence of Policy CW2, change "protect and enhance" to "protect or enhance".
PM3	Page 31	Under the "evidence" heading following Policy CW3, replace the reference to the Historic Environment Assessment with "Various sources including advice from Historic England".
PM4	Page 32	In the second paragraph of Policy CW4, after "shall be accompanied" insert "as appropriate".

PM5	Page 34	<p>In Policy CW5, delete the following sentence: "The list is not exhaustive and the policy applies to any views and vistas that might be affected by development proposals and these should be considered when determining planning applications."</p> <p>In Table 2 and Figure 5, delete reference to Views and Vistas Nos. 7, 8 and 9.</p> <p>In Figure 5, and for View and Vista 2, reduce the length of the arrow pointing towards School Lane such that it does not extend beyond the boundary of the designated area.</p>
PM6	Page 38	<p>In the first paragraph of Policy CW6, delete the word "Scheduled" before "Ancient Monuments".</p> <p>At the end of the second paragraph, delete the words "ancient woodland and any development boundary".</p>
PM7	Page 45	<p>In Policy CW7, delete "following objectives of the AONB Management Plan (2019-2024 and subsequent plans):</p> <p style="padding-left: 40px;">a. Landscape character".</p> <p>Replace with: "overall objectives that are set out in the following sections of the Cannock Chase AONB Management Plan 2019-2024:</p> <p style="padding-left: 40px;">a. Landscape Character and Planning".</p>
PM8	Page 47	<p>At the beginning of the second paragraph of Policy CW8, insert "As appropriate,".</p> <p>Replace the final sentence in the fourth paragraph with the following: "The design of any buffer area shall be informed by detailed advice and evidence".</p>
PM9	Page 53	<p>Replace the final sentence of Policy CW9 with the following: "Further guidance is to be found in the Design Code and in the report Light Pollution and Dark Skies in the Cannock Chase AONB - A Good Lighting</p>

		Guide (Appendix 1)."
PM10	Page 58	At the start of the first paragraph of Policy CW11, replace "Development" with "As appropriate, development".  Delete Paragraph 7.
PM11	Pages 60 and 62	Change the title of Policy CW12 to "Community Facilities".  At the start of the policy, replace "Community assets" with "Facilities".  Change all other uses of the word "asset" or "assets" to "facility" or "facilities" (except in line 4).  Change "any others subsequently added" to "any others on".  Change the title of Figure 9 to "Community Facilities".
PM12	Page 63	Replace the final sentence of Policy CW13 with the following: "The policy also covers maintaining, cleaning and attending to the appearance, safety and condition of the public realm should planning permission be required".  From the first sentence, delete ", which include maintenance, cleaning, appearance, safety and condition".
PM13	Page 64	In line 4 of Policy CW14, after "Green Belt will have to", insert "be regarded as 'not inappropriate' or".