



Department for
Communities and
Local Government

Our Ref: APP/K3415/A/14/2224354

Mr Richard Brown
CBRE Ltd
55 Temple Row
Birmingham B2 5LS

13 February 2017

Dear Mr Brown

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL MADE BY IM PROPERTIES DEVELOPMENT LIMITED, THE GREAVES
FAMILY AND THE HOLLINSHEAD FAMILY
LAND AND BUILDINGS OFF WATERY LANE, CURBOROUGH, LICHFIELD WS13 8ES
APPLICATION REF: 14/00057/OUTMEI**

1. I am directed by the Secretary of State to say that consideration has been given to the report of John L Gray, DipArch, MSc, Registered Architect, who held a public local inquiry on 10-13 and 17-20 March 2015 and closed in writing on 26 January 2016 into your clients' appeal against the decision of Lichfield District Council ('the Council') to refuse planning permission by notice dated 16 January 2014 for the removal of buildings and other structures and construction of up to 750 dwellings, primary school, care village, neighbourhood facilities to include retail development (Use Classes A1, A2, A3, A4, A5), community building (use Class D1), parking, comprehensive green infrastructure comprising formal and informal open space, footpaths, cycleways, water areas (also including sustainable drainage systems) and landscaping, new access points to Watery Lane and Netherstowe Lane and improvements to Netherstowe Lane (all matters reserved except points of access) in accordance with application ref: 14/00057/OUTMEI dated 20 May 2014.
2. On 24 September 2014 this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because the appeal involves proposals for residential development of over 150 units or a site of over 5 hectares, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be dismissed.
4. For the reasons given below, the Secretary of State disagrees with the Inspector's recommendation. He has decided to allow the appeal and grant planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Matters arising since the close of the inquiry

5. On 23 May 2016 the Secretary of State referred back to the parties to invite representations on: the five year land supply position; the Court of Appeal judgment in the cases of *Suffolk District Council v Hopkins Homes Ltd & Secretary of State for Communities and Local Government* and *Richborough Estates Partnership LLP v Cheshire East Borough Council & Secretary of State for Communities and Local Government* [2016] EWCA Civ 168; the adoption by Lichfield District Council of its Community Infrastructure Levy Charging Schedule on 19 April 2016, and the impact of the proposal on the integrity of the Cannock Chase SAC, alone or in combination with impacts from other development. The Secretary of State has taken the representations received (listed at Annex B below) into account in reaching his decision. As these representations were circulated to the parties the Secretary of State does not find it necessary to reproduce them here. Copies may be obtained on written request to the address at the foot of the first page of this letter.
6. In September 2016 the Council published on its website its Strategic Housing Land Availability Assessment 2016 and Five Year Housing Land Supply Paper 2016.

Policy and statutory considerations

7. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
8. In this case, the development plan consists of the saved policies of the Lichfield District Local Plan (1998) (LP), and the Lichfield District Local Plan Strategy 2008-2029 (2015) (LPS). The Secretary of State considers that the development plan policies of most relevance to this case are those set out at IR22-28.
9. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), as well as the Community Infrastructure Levy (CIL) Regulations 2010 as amended.
10. In accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA), the Secretary of State has paid special regard to the desirability of preserving listed structures or their settings or any features of special architectural or historic interest which they may possess.

Main issues

11. The Secretary of State agrees with the Inspector that the main issues are those set out at IR232.

Highway matters

12. For the reasons set out by the Inspector at IR233-240, the Secretary of State agrees that walking and cycling distances are longer than could be desired, but also that the appeal site is better placed than many other locations in the Lichfield area. He considers that there would be appropriate public transport provision, owing in particular to the improvement in bus connectivity proposals. Having considered paragraph 32 of the Framework, he does not consider that permission should be refused on transport grounds in this case.

Landscape character

13. For the reasons set out at IR241–246, the Secretary of State agrees that the landscape and visual harm from development should not weigh heavily against the appeal proposals.

Trees and hedgerows

14. For the reasons given at IR248-250, the Secretary of State agrees that while translocation of the historic hedgerows would be a poorer conservation option than retaining the hedgerows in their historic location, the visual character of the hedgerow need not be lost. He further agrees that the proposed access using an improved Netherstowe Lane remains the least harmful of the proposed options.
15. For the reasons given at IR251-2, the Secretary of State agrees with the Inspector that trees T134 and T125 should be accepted as veteran trees. For the reasons given at IR253-255 the Secretary of State agrees that even were harm to the root systems of the trees avoided, their appearance would be harmfully diminished. The Secretary of State concludes, in agreement with the Inspector (IR258) that there would be harm to the ancient hedgerow along the west side of Netherstowe Lane. He further agrees that the loss of the hedgerow on the east side of the road would be modestly harmful. He further agrees that one could only be confident that hedgerow trees, including T134 and T135, would survive only if very limited works to widen the road were carried out, and that it is unclear that, even if acceptable in highway terms, these would leave the trees unharmed.

Curborough Grange

16. For the reasons given at IR259-265, and having considered paragraphs 131 to 134 of the Framework, the Secretary of State agrees that there is harm to the setting of the Grade II listed Curborough Grange, a farmhouse dating from the early to mid 18th century. He agrees that the farmland setting is an important aspect of the significance of the listed building, with the combination of the setting and the basic fabric of the buildings (farmhouse and farmstead) conveying the original function of a working farm. It is no longer a working farm and the traditional farmstead buildings to its east have been converted to dwellings. Overall, the Secretary of State agrees that the harm is 'less than substantial' for the purpose of paragraph 134 of the Framework.

Views of Lichfield Cathedral

17. For the reasons set out at IR266-268, and having applied paragraphs 131 to 134 of the Framework, the Secretary of State agrees that the harm to the setting of the Grade I listed Cathedral would be so slight as barely to cause any harm at all to the significance of the Cathedral as a listed building. He also agrees that, while there would be conflict with Policy CP14, there is only one publicly-available view of the Cathedral from Netherstowe Lane. However, having given special regard to the desirability of preserving the setting of the Cathedral, he gives considerable weight to the slight harm to the setting. He agrees with the Inspector that, as this harm is 'less than substantial', paragraph 134 of the Framework applies.

Housing Land Supply (HLS)

18. As part of the reference back exercise (referred to at paragraphs 5-6 above), the Secretary of State has taken into account the representations made by all the parties on this issue. He notes too that in September 2016, both the Lichfield District SHLAA 2016 and the Council's Five Year Housing Land Supply Paper 2016 were published on its website by Lichfield District Council. He has taken all the above evidence and the Inspector's analysis (IR 269-300) into consideration in his assessment of the HLS position.

Housing Requirement

19. The Council has a recently adopted Local Plan, the Lichfield District Local Plan Strategy 2008-2029 (LP) which was adopted on 17 February 2015. The Secretary of State considers that the LP provides a robust housing requirement figure of 10,030 dwellings for the plan period, or 478 dwellings per annum (dpa).

Addressing shortfall

20. Since the beginning of the plan period (2008), the Council has accumulated a shortfall of 1,943 dwellings. This is set out within the Five Year Housing Land Supply Paper 2016. There is a need for this shortfall to be met in addition to the on-going requirement for housing in the area.
21. There are two commonly used methods for addressing an accumulated shortfall. The 'Liverpool approach' apportions the shortfall across the remaining years of the plan period, whilst the 'Sedgefield approach', seeks to make up the shortfall during the next five years. The Secretary of State has had regard to the Guidance which advocates the 'Sedgefield approach' stating that Local Planning Authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible.
22. However, he notes that this was an issue recently considered by the Local Plan Inspector who found, following rigorous examination, that the 'Liverpool approach' was more appropriate in the case of Lichfield notwithstanding the advice in the PPG. The Local Plan Inspector's conclusion was reached having regard to past rates of delivery in the district, including prior to the recession, and the requirement for completions far in excess of the highest levels ever achieved in the district if the 'Sedgefield approach' were adopted. The Local Plan Inspector highlighted that plans are required to be realistic as well as aspirational and that the Local Plan would likely fail if the Sedgefield approach was used.

23. The Secretary of State further notes that the Local Plan Inspector recognised the potentially critical impact of using either the Liverpool or Sedgefield approaches, and the Guidance, before reasoning that the required housing trajectory using Sedgefield was highly likely to prove unrealistic due to the serious doubt about the necessary high rate of delivery over five years would be attainable in market terms.
24. The Secretary of State has carefully considered the parties' submissions in favour of the 'Sedgefield approach' being adopted. These are, in summary: That past rates of delivery were constrained by policy to direct development towards the urban area; That the Council has published increased housing projections; and that in the period since the LP Inspector considered this issue, it has become clear that the under-provision of housing in Birmingham will lead to increased housing demand in Lichfield.
25. Having carefully considered the parties submissions in favour of the 'Sedgefield approach' being adopted, the Secretary of State considers that these matters do not represent sufficient grounds to not follow the 'Liverpool approach' to addressing shortfall adopted within the LP following rigorous examination and, therefore, agrees with the LP Inspector for the reasons given by the LP Inspector that the shortfall should be apportioned across the remaining plan period.
26. Accordingly, the Secretary of State therefore finds that addressing the shortfall over the remaining plan period would give an annual requirement of 627 dpa, or 3,135 over the 5 year period.

Buffer

27. Paragraph 47 of the Framework requires that an additional buffer of 5% be added to this figure (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery, it states the buffer should be increased to 20% for the same reason, and to provide a realistic prospect of achieving the planned supply. Having carefully considered the evidence and the parties' submissions on the issue, the Secretary of State considers that a 20% buffer is appropriate in this case, given the historic under delivery of housing in the District and that the 20% buffer should also be added to the shortfall. This leads to a 5 year requirement of 3,762 dwellings or 752 dpa.

Supply

Windfalls

28. Paragraph 48 of the Framework and paragraph 3-24-2-140306 of the Guidance states that Local Planning Authorities may make an allowance for windfall sites in the 5 year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. It states any allowance should be realistic having regard to the SHLAA, historic windfall delivery rates, and expected future trends. Having had regard to the average historic delivery of windfall permissions in the District, as set out in the SHLAA 2016, the Secretary of State considers that a windfall allowance of 50dpa is reasonable and consistent with paragraph 48 of the Framework.

Lapse rate

29. The Secretary of State considers that given the historic low rate of non-implemented permissions in the District, as set out in the 5 year HLS Paper 2016 that a 5% lapse rate is appropriate.

Delivery

30. Having regard to footnote 11 of paragraph 47 of the Framework and the relevant paragraphs of the PPG, the Secretary of State has gone on to consider the deliverability of the disputed sites in this matter.

East of Lichfield (Streethay) SDA

31. The Secretary of State has considered the submissions of the parties, and of the Pegasus Group, who act for the developers of the site, and the 5 Year Housing Land Supply Paper 2016, and noting that planning permission is in place, concludes that 40 units can be delivered at this site during the reporting year and 640 units over the five year period.

South of Lichfield (Short Butts Lane) SDA

32. The Secretary of State has carefully considered representations of the parties and the 5 Year Housing Land Supply Paper 2016, and, given the presence of an outline planning permission subject to a s106 agreement, concludes that 450 homes can be delivered at this site in five years.

South of Lichfield (Cricket Lane) SDA

33. The Secretary of State concludes that the trajectory within the SHLAA 2016 remains robust given that the public consultation has taken place and an application is anticipated shortly.

Fradley SDA

34. The Secretary of State concludes that the number of homes built at this site will be determined at reserved matters stage of the planning permission. He further notes that a number of other applications within the Fradley SDA will contribute to the total number of homes: 13/00633/OUTM; 14/01038/OUTM; 16/00272/OUTM. The Secretary of State concludes in agreement with the Inspector (IR283) that the site could deliver 475 dwellings.

East of Burntwood Bypass SDA

35. The Secretary of State has carefully considered the representations of the parties and the Five Year Housing Supply Paper 2016, and noting that the SDA is under construction the Secretary of State concludes that it is reasonable to assume that the position on build out rates and lead in times found sound by the LP examination is robust and that 351 homes will be built at this site by 2019/2020.

East of Rugely SDA

36. The Secretary of State has had regard to the representations of the parties and the 5 Year Housing Land Supply Paper 2016 and notes that this site is currently under

construction and thus concludes that it is reasonable to assume that the site could deliver 56 dwellings over the period.

South of Lichfield (Dean Slade Farm)

37. The Secretary of State concludes that while dwellings on these sites have been allocated in emerging or made Neighbourhood Plans, in the absence of extant planning permissions it is too early to conclude that 275 dwellings could be delivered over the five year period. He thus excludes them from his Housing Supply calculations.

Contributions from Small Sites

38. The Secretary of State has had regard to the likely delivery of 100 dwellings at a site at Tolsons Mill. He has considered the representations of the parties and the Five Year Housing Land Supply Paper 2016 and considers that there is no clear evidence that the site will not be developed within five years, given that an extant planning permission is in place, subject to a s106 agreement, and has, therefore, included 100 units in his calculations.

Land to the North of Dark Lane

39. The Secretary of State has had regard to the delivery of 121 units at land to the north of Dark Lane, Alrewas, which was granted planning permission by the Secretary of State on the date of this letter.

Birmingham's unmet housing need

40. The Secretary of State agrees with the Inspector (IR294) that while there is a distinct possibility of Lichfield having to provide for some of Birmingham's housing need, there is a mechanism for a review in the Local Plan and that it would be inappropriate now to speculate on any contribution by Lichfield. As such the Secretary of State agrees that this should not be considered when assessing the merits of this appeal scheme.

Conclusions on five year HLS

41. The Secretary of State concludes that an annual target of 478 dpa leads to a 5 year requirement of 2,390 dwellings (478×5). Addressing the shortfall of 1,943 dwellings over the remaining plan period ($1,943 \div 13 = 149$) gives an annual requirement of 627 dpa ($478 + 149$), or 3,135 over the 5 year period.
42. To this the Secretary of State has applied a 20% buffer to this figure, including the shortfall, for the reasons set out above, thus finding a total housing requirement of 3,762 over the five year period, or 752 dpa.
43. The Secretary of State notes from the 5 year Housing Land Supply Paper 2016 that the Council states it has 4,149 net deliverable capacity in the 5 year period. For the reasons given above the Secretary of State has deducted 307 units from the net deliverable capacity for the disputed Dean Slade Farm and King Edwards School sites leaving a total of 3,842 net deliverable capacity.
44. As such, the Secretary of State finds that there is a surplus of 307 dwellings, or a 5.11 years housing land supply.

45. For the reasons set out above the Secretary of State disagrees with the Inspector and concludes in his judgement that the local planning authority can now demonstrate a 5 year supply of deliverable housing sites. In these circumstances, paragraph 49 of the Framework is not engaged and the Secretary of State concludes that the relevant policies of the development plan are up to date.

Biodiversity

46. The Secretary of State agrees with the Inspector at IR307 that subject to suitable conditions, no compelling objection on biodiversity grounds remains.

Special Areas of Conservation (SACs)

47. The Secretary of State has carefully considered the Inspector's conclusions at IR308-311. In respect of the River Mease SAC and the Cannock Extension Canal SAC, the Secretary of State agrees with the Inspector at IR308 that, due to the lack of any hydrological connection between the proposal and these SACs, the proposal would have no likely significant impact on those sites.
48. In respect of the Cannock Chase SAC, the Secretary of State considers that an Appropriate Assessment is required in view of the likely significant effects of the proposal, in combination with other plans and projects, on this site. The Appropriate Assessment is at Annex C to this letter and sets out his independent consideration of the relevant technical information.
49. In carrying out this Appropriate Assessment the Secretary of State has had regard to conclusions of the Inspector at IR310 and representations from Natural England dated 7 June 2016. For the reasons given in the Appropriate Assessment, he concludes that the mitigation measures will suffice to prevent any adverse effects from the proposal (including in combination effects with other plans and projects) on the integrity of the Cannock Chase SAC.

Planning conditions and obligations

50. The Secretary of State has given consideration to the Inspector's analysis at IR312-315 of the recommended conditions at Annex A and the reasons for them, and to national policy in paragraph 206 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 206 of the Framework and the relevant Guidance.
51. The previous planning obligations submitted to the Inspector have been superseded by the s106 agreement dated 20 December 2016 to take account of the introduction of the Council's Charging Schedule. Having carefully considered the provisions of the s106 agreement,, national policy set out at paragraphs 203-205 of the Framework, the relevant Guidance, and the CIL Regulations 2010 as amended the Secretary of State considers that the provisions are necessary to make the development acceptable in planning terms, directly related to the development, and are fairly and reasonably related in scale and kind to the development and, therefore, the requirements of paragraph 204 of the Guidance and Regulation 122 of the CIL Regulations are met.

Planning balance and overall conclusion

52. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with Core Policies and Policies NR3, NR4, NR5 and BE1 of the

adopted Local Plan Strategy, Policies DC1, DC1 or H3, E3 and E18B, and Core Policies 14 and C1 of the Lichfield District Local Plan 1998. He thus concludes that the proposal is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

53. He attaches very substantial weight to the benefits of the provision of affordable and market housing. In doing so he considers that the appeal proposal advances the social and economic roles identified in paragraphs 7 and 8 of the Framework (IR302) which are not diminished owing to the Council now being able to demonstrate a five year supply.
54. He gives modest weight to the landscape and visual harm from development. However, he gives considerable weight to the harm to the setting of Curborough Grange and Lichfield Cathedral, albeit that this is less than substantial for the purpose of 134 of the Framework. He also gives considerable weight to the loss of veteran trees and ancient hedgerows.
55. However, the Secretary of State concludes that the social and economic benefits of providing affordable and market housing are of such importance that they outweigh the environmental harm, and that the proposal would thus represent sustainable development. Overall, therefore, he concludes that the material considerations indicate that the appeal should be allowed.

Formal decision

56. Accordingly, for the reasons given above, the Secretary of State disagrees with the Inspector's recommendation. He hereby allows your clients' appeal and grants planning permission for the removal of buildings and other structures and construction of up to 750 dwellings, primary school, care village, neighbourhood facilities to include retail development (Use Classes A1, A2, A3, A4, A5), community building (use Class D1), parking, comprehensive green infrastructure comprising formal and informal open space, footpaths, cycleways, water areas (also including sustainable drainage systems) and landscaping, new access points to Watery Lane and Netherstowe Lane and improvements to Netherstowe Lane (all matters reserved except points of access) in accordance with application ref: 14/00057/OUTMEI dated 20 May 2014.
57. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.
58. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

Right to challenge the decision

59. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

60. A copy of this letter has been sent to Lichfield District Council, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Philip Barber

Authorised by Secretary of State to sign in that behalf

Report to the Secretary of State for Communities and Local Government

by John L Gray DipArch MSc Registered Architect

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 21 March 2016

TOWN AND COUNTRY PLANNING ACT 1990

LICHFIELD DISTRICT COUNCIL

**APPEAL BY I M PROPERTIES DEVELOPMENT LIMITED,
THE GREAVES FAMILY AND THE HOLLINSHEAD FAMILY**

Inquiry held on 10-13 and 17-20 March 2015

Inquiry adjourned on 20 March 2015 and closed in writing on 26 January 2016

Land and Buildings off Watery Lane, Curborough, Lichfield, WS13 8ES

File Ref. APP/K3415/A/14/2224354

INSPECTOR'S CONCLUSIONS

Superscript numbers in these Conclusions refer to earlier paragraphs in this report. Footnotes continue to be identified alphabetically.

232. The s.113 challenge having failed, the adopted Lichfield District Local Plan Strategy remains a lawful part of the Development Plan for the area. There are five considerations that can be assessed on their own merits, against the Local Plan Strategy and the provisions of the National Planning Policy Framework (NPPF), before then looking at the position on housing land supply. They are:

- highways matters;
- the effect on landscape character;
- the effect on historic trees and hedges;
- the effect on the significance of the listed Curborough Grange, and
- the effect on views of Lichfield Cathedral.

Highways matters^{36-41, 161}

233. There are no technical highways matters remaining to be resolved that cannot be dealt with by conditions attached to outline planning permission.³⁸ Highways England has withdrawn its holding objection.^A The local highway authority had indicated, in any event, that potential concerns relating to the junction of Wood End Lane with the A38 trunk road could be overcome by measures to adapt the junctions closest to its west.³⁷

234. The Council accepts that the proposed accesses to the appeal site would not be unsafe or otherwise unsuitable in highways terms.³⁸ The access from Netherstowe Lane is the most appropriate option from the north-east. Improvements to Watery Lane where it passes under the West Coast Main Line railway (using signal-controlled one-way operation and narrowing the carriageway to enable a wider footway) would overcome concerns about access from the south-west.

235. What remains is whether the location of the appeal proposal would be sustainable in highways terms – more particularly, in relation to non-car modes of transport.

236. The Council accepts that bus connectivity proposals have improved since the application stage.³⁹ The Travel Plan provides that a bus route would link the appeal site to Lichfield town centre via Eastern Avenue from occupation of the 50th dwelling and that the route would be extended to Fradley, giving links between the town centre and the Fradley Strategic Development Allocation (SDA) and employment site, from occupation of the 250th dwelling.^B The obligation provides that the service would be supported financially for a period of five years,^C after which the judgement on whether to continue it would be a commercial one for the operator. That represents appropriate (and constructive, in that it would bring the additional link with Fradley) public transport provision.

^A Document A5 has the correspondence leading up to withdrawal of the holding objection.

^B Document 23F (Issue 2 of the Travel Plan).

^C Document A7 (the relative merits of the agreement and the unilateral undertaking are considered below).

237. It may well be that pedestrian and cycle links would be such that residents of the proposed development would likely rely more on the private car than might be hoped.³⁸ Walking to existing bus stops would be further than desirable; walking to the town centre, or to either of the railway stations, or to the main employment locations, would be highly unlikely; walking to existing primary schools seems irrelevant when a new primary school is proposed on-site; and it seems inappropriate to consider walking to existing local conveniences when a certain amount of shopping is proposed on-site and has been limited in its area by the Council for fear of a harmful impact on those very facilities. Cycling times, naturally, would be lower and perhaps more acceptable.
238. The Council's objection, however, appears to be based more on comparative analysis than objective assessment⁴⁰ and seems fettered by the stance that the site is not in Lichfield, as defined in the Local Plan Strategy. It is true that the site is less sustainable and accessible from the town centre when compared with the SDA sites around the south of Lichfield. Detailed consideration, taking account also of the SDAs at Streethay and Fradley, reveals a rather more complex picture.^{39,A}
239. The appeal site is further from Lichfield town centre than any of the SDA sites around the town but considerably closer than Fradley SDA. (There are good planning reasons for that SDA but Fradley itself has limited facilities and did not score well in the Council's sustainability appraisal for the Local Plan Strategy.^B) It is a little closer to Lichfield Trent Valley railway station (on the West Coast Main Line) than four of the SDAs. On the other hand, it is further from Lichfield City station than all but Fradley. (The City station serves Birmingham but so too, though less regularly, does Trent Valley). As far as the three main employment areas (Eastern Avenue, Europa Way and Fradley) are concerned, there is not a lot to choose when they are taken all together. Also, if one were looking for a housing location around Lichfield (the main settlement in the District) additional to those allocated in the Local Plan Strategy, it seems that none would obviously be better placed than the appeal site.
240. Accordingly, looked at objectively, there must be concerns about walking and cycling distances. The SDAs score better, taken overall, but exactly those concerns would arise in considering any site around Lichfield additional to the SDAs. Transport sustainability cannot, therefore, weigh heavily in the balance against the appeal proposal – particularly so in light of the Local Plan Inspector having recorded the Council's agreement that the scheme for 750 dwellings represented, in broad terms, sustainable development.¹¹⁶

Landscape character^{44-57, 121, 137-138}

241. There cannot be any doubt that a development of 750 dwellings would have a significant effect on the landscape character of the appeal site and its immediate environs. The site itself would change from being part of the landscape to being a built-up area; its character would change dramatically and irrevocably. When passing close to the site, one would be passing a built-up area, not a rural area. It is difficult, however, to consider the effect on landscape character without also

^A The reference to para. 39 is really to Document 28, referred to in the footnote to that paragraph. The comparisons in the paragraph above are drawn purely from Document 28.

^B Document CD49, pp.28-29, paras. 152-158, summarises the position.

considering the need for the development.⁴² There appear to be two principal questions that help towards an objective assessment. The first is what is the landscape quality of the site itself? The second is how would the proposed development appear when seen from a little distance beyond the site?

242. The intrinsic quality of the landscape within and immediately surrounding the appeal site is not high. It is part of Landscape Character Area 67, an area assessed in the Environmental Statement, fairly reasonably in my opinion, as of low sensitivity.¹²¹ There may be criticisms of the appellant's Landscape and Visual Impact Assessment (LVIA)⁴⁴⁻⁴⁶ but I have used the evidence to assist my own visual assessment. The land is gently undulating, largely in agricultural use, its fields have mainly hedged boundaries, with numerous hedgerow trees, and there is some woodland a little to the north and north-east of the site. The landscape cannot be described as anything more than pleasant. Its rural quality is constrained by an assortment of urban or man-made influences – the West Coast Main Line railway, the sewage treatment works, dwellings of various types and ages, pylons and overhead electricity wires, the fishing lakes and even the Curborough Craft Centre, with its car parking and nowadays somewhat commercial character.^{9-11,137}
243. These intrusions heavily influence, and undermine, the visual quality of the landscape itself – and their nature means there is no real likelihood of their being reversed. If housing were to be built on the appeal site, it cannot be said (in broad terms) that something of significant landscape importance would be lost.
244. In that sense, while the advent of a substantial development might initially be seen as an "incongruous urban intrusion" (reason for refusal no. 3), it is a matter for debate whether it would be more incongruous than any other development beyond the existing urban boundary of Lichfield. The appellants' comparison evidence on the subject was hardly robust.⁵³ Even so, the four SDAs around Lichfield in the Local Plan Strategy might also be described as incongruous intrusions; all are acknowledged to have adverse landscape and visual effects,⁵⁵ though their impact would depend on detailed design and the extent, and location, of landscaping and open space. That may apply particularly to the Streethay SDA, which is in the same general area as the appeal site.¹³⁷
245. There is also the question of the gap separating the built-up areas of Lichfield and Fradley. The Council is concerned to maintain it – but there is no policy support for that concern in the recently-adopted Local Plan Strategy; also, the High Speed 2 (HS2) rail link, if it goes ahead as originally planned, on a high embankment, will be a very substantial man-made barrier between the two settlements.¹³⁸ Even if it were to be in a cutting, it would be an obvious physical barrier, if less of a visual one.
246. In summary, if housing land is needed, then the appeal site presents itself as a logical choice where development would do little harm to landscape interests of acknowledged importance. Even if it were not necessary to find housing land, the landscape and visual harm from development should not weigh heavily against the appeal proposals.

Trees and hedgerows

247. The access from the north-east would require the improvement of Netherstowe Lane for a distance of around 470m south from its junction with Wood End Lane.
-

The carriageway would have to be widened to 6.5m.^A At present, it is little more than a single-track road with verges, ditches, hedges and a number of hedgerow trees on either side;^B the clear width between the hedges is 10.0m or less.

Ancient hedgerows^{67-68, 121}

248. The hedgerows on either side of Netherstowe Lane are historic, pre-dating the Inclosure Acts and, on the east side of the Lane, marking a former parish boundary.⁶⁷ They are also designated as Sites of Biological Interest, a designation that includes the ditches and verges alongside them.⁸⁰ Put simply, to widen the carriageway to 6.5m would leave a verge of little more than 1.5m on either side. It would be impossible to do that without affecting the biodiversity interest of the hedgerows and also, because construction would almost inevitably require a greater width, the hedgerows themselves.
249. The appellants' response to this is to translocate the hedgerow on the western side of the road, leaving the one on the eastern side (the former parish boundary) largely untouched.¹²¹ (I say "largely", because a gap would have to be introduced into the hedgerow to enable the cycle track to run on its east side; the length of hedgerow to be lost, however, does not appear unacceptable in the context of what would remain.) There appears to be scope for the translocation of the western hedgerow because adequate verge space could be left for the widened carriageway and its services (potentially, lighting and drainage) and ground and drainage conditions in the new location would be very little different. Translocation is clearly a poorer conservation option than retaining the hedgerow in its historic location but, in my experience elsewhere, it can work very well and the visual character of the hedgerow need not be lost.
250. Various access road options were assessed before the application was submitted but those that avoided any impact on the designated hedgerows had greater disadvantages for other reasons. In those terms, and accepting that translocation would be an appropriate measure in visual terms, the proposed access using an improved Netherstowe Lane remains the least harmful of the potential options.¹³³

Veteran trees^{74-76, 131-133}

251. There are three trees whose veteran status is not in dispute. Two of those are not threatened by the development proposals and potential harm to the third can be avoided, if it proved necessary, by means of a planning condition at reserved matters stage.^{74,131} There are two trees, almost opposite each other on Netherstowe Lane, whose status is disputed (T134, oak, and T135, ash).^{74,131}
252. It is true that these two trees are of indeterminate age¹³¹ – but age is not automatically a defining criterion for veteran status. What has happened to them might also put a question mark against their health¹³¹ – but the Council's evidence was clear that the damage they have suffered in years gone by is not a threat, to either their longevity or their biodiversity value.⁷⁵ They should be accepted as veteran trees.
253. The root protection areas (RPAs) of the two trees extend well into the existing road. Their nominal radii are about 14.4m for T134 and 8.40m for T135.⁷⁶ Impact on the trees would depend very much on the construction of the widened

^A Document CD6.1.

^B Document LDC6, Appendix 2 – the photographs on p.14 (internal p.10 of 19) give a good impression.

carriageway. If it were possible to rely on the existing carriageway construction, and make no significant change to the edge along its east side, then no harm might come to T134 (or the other hedgerow trees on the east side of the road). On the west side, however, while the hedgerow itself might be translocated, T135 (and the other hedgerow trees on that side) would almost inevitably be lost to a straightforward widening of the carriageway to 6.5m. Of course, and not unexpectedly at this outline stage, there are no details that could enable a firm judgement to be made.

254. The suggestion of introducing a pinch point (or more than one) was made at the highways round table session. Again not unexpectedly, there are no details of any standards for such pinch points. Also, no one with arboricultural expertise was involved in the session. One can, however, come to a judgement^A that the carriageway would probably have to be narrowed for a length of some 20m to ensure no significant damage to the root systems of the two trees (though a lesser length might prove acceptable, depending on constructional detail).
255. There is another potential problem. Roads generally require 5.0m vertical clearance and it is inevitable that pruning or cutting back of the crowns of the trees would be necessary. Thus, even if harm to the root systems could be avoided, and the trees remained, their appearance, especially that of T134, would be harmfully diminished by standard highway clearance requirements.⁷⁶

Other trees^{69-72, 130}

256. A recent TPO covers a number of trees in Netherstowe Lane.^{130,B} The intention in making the TPO was apparently to avoid pre-emptive felling and focus attention on their sensitivity. No trees have been felled. The question is whether the road improvements necessitated by the appeal scheme could have appropriate regard to their sensitivity.
257. With a straightforward widening of the carriageway, one could expect all of the trees on the west side of the road to be lost. Compensation for that could come only from new planting, a necessary measure, although new trees would take some time to grow and mature. Constructing the improved road with pinch points to slow traffic could only avoid some of those losses, and only if their spacing would be satisfactory in highway terms and the existing carriageway at those points was found to be adequate without improvement. As with T134, the hedgerow trees on the east side of the road could be guaranteed to survive if only modest construction/improvement works were necessary on that side of the road. Equally, as with T134 and T135, cutting back the crowns to give 5.0m clearance would be necessary and likely harmful.

Conclusion on trees and hedges

258. There would be harm to the ancient hedgerow along the west side of Netherstowe Lane, simply because it would have to be translocated; there must be some doubt as to whether it could retain or regain its biodiversity interest, even if its visual interest, as a hedgerow alongside the road, would be retained. The loss of a short length of hedgerow on the east side of the road would also be harmful, albeit modestly so. One might be confident that the hedgerow trees on the east side of the road, including the veteran T134, could survive, though only

^A By scaling from dwg. 13-22-17 in Document LDC6, Appendix 2 (from Document CD83, the revised Tree Survey).
^B Document 7.

if very limited works on that side were required to improve the existing road. Equally, one can be confident that the hedgerow trees on the west side of the road, including the veteran T135, would be lost in widening the existing carriageway to 6.5m. The possibility of pinch points was raised at the round table session but it is wholly unclear that, even if acceptable in highways terms, they would allow the trees to be left unharmed.

Curborough Grange^{58-63, 124-128}

259. Curborough Grange is listed in grade II, as a farmhouse dating from the early to mid 18th century.^A It has two storeys plus an attic and is a type of farmhouse designed to be seen in the landscape.⁵⁹ It is no longer a working farm and the traditional farmstead buildings to its east have been converted to dwellings. There is known to be a deserted or shrunken medieval settlement in the area, possibly within the appeal site.⁵⁹
260. The Council says that harm to the significance of the designated historic asset (the listed building) as a result of development within its setting would be "less than substantial" (in the terms of paragraph 134 of the NPPF).⁵⁸ That harm would come primarily from loss of prominence in the landscape (and thus views of it) because it would be close to a housing development rather than set in open land.⁵⁹ It would also result from the loss of historic hedgerows;⁶⁰ and it would arise from the loss of historic context, as one of a loose cluster of farmsteads.⁵⁹
261. The appellants, on the other hand, see no harm at all to the significance of the asset as a result of the proposed development. The proposals would not affect the listed building itself, or its associated (and now converted) farmstead; there would be no loss of evidential value; the development would not be on the farmland associated with it, which lay to the north and east; and the setting has already been heavily compromised by 20th century alterations, additions, conversions and nearby development.¹²⁴ In addition, the proposals include a landscape buffer to ensure a continuing verdant setting.¹²⁵
262. How one judges the effect of changes to the setting of the listed building depends in part on how one views the changes to the building itself, its farmstead and its immediate curtilage. The building was a farmhouse but no longer is; nevertheless, it remains essentially as built, though what one sees now may well be the product of a number of stages of development.^B The farmstead associated with it has been converted to residential use, although conversion has been carried out so that what one sees from Netherstowe Lane or the public footpaths retains the essence of its traditional agricultural character.^C Thus, the function of the listed building and its curtilage buildings has changed but, from a distance, both still convey a perception of that original function.
263. Because that perception of a farmhouse and farmstead remains – buildings one expects to see in the countryside, not in built-up areas – the proposed development must be considered to cause harm to the setting of the listed building. In one way, that harm is important, because it is the combination of

^A Document LDC1, Appendix 2.3 is the list description – though it is incorrect in saying "one storey and attic".

^B Document IMP16 – the photograph on p.33 shows the building as it is today, that on p.35 as it is seen from further afield; the diagram on p.32 shows a possible evolution of the listed building but one which cannot be confirmed without internal inspection of the fabric.

^C Ibid – the photographs on p.34.

the setting and the basic fabric of the buildings (farmhouse and farmstead) that conveys the original function; in another, it is less important, simply because the original function has now gone. Either way, that harm can only be less than substantial. If there were a scale within "less than substantial", the latter conclusion would be very much at the lower end. In my opinion, however, the farmland setting is an important aspect of the significance of the listed building.

264. The historic context of a loose cluster of farmsteads does not alter the thread of that assessment. That said, an archaeological evaluation condition, aimed at the deserted/shrunken medieval settlement, could lead towards a better understanding of the wider history.
265. The Council acknowledged that the SDAs identified in the Local Plan Strategy would cause harm to heritage assets. That would be particularly so at Streethay, where there is a listed building within the site.¹²⁸ That does not affect my conclusion on this matter – but it does show that impact on heritage assets has been tolerated elsewhere when catering for housing need.

Views of Lichfield Cathedral^{64-66, 129}

266. Policies CP14 and Lichfield 1 in the Local Plan Strategy seek to protect existing views of Lichfield Cathedral.⁶⁶ However, they give no indication of any priority to views from any particular direction or distance. I disagree with the appellants' apparent contention¹²² that paragraph 134 of the NPPF does not apply. In my opinion, because the Cathedral spires are so clearly seen from various points within the appeal site and its surroundings, the land comes within its setting.
267. In practice, however, there is just one publicly-available view of the Cathedral from Netherstowe Lane – and it can only be obtained by stepping off the carriageway towards a field gate. It is true that that view would probably be lost by the erection of new houses on the intervening land. On the other hand, there is very possibly the opportunity of new views⁶⁶ from the spine road before it enters the development, perhaps even from within the development itself.
268. Almost any development on any land that allows views towards the Cathedral would conflict with Policy CP14. In the absence of any definition of what might be important views, and in the absence of a clear view from within Netherstowe Lane, it is impossible to give any significant weight to this objection. The harm to the setting of the Cathedral would be so slight as barely to cause any harm at all to the significance of the Cathedral as a listed building.

Housing land requirement and supply^{92-102, 139-155, 193-231}

269. The appellants' evidence to the inquiry in March 2015 pointed to five main considerations in assessing whether there had been any material change in circumstances, in terms of either housing land requirement or supply, since publication of the Local Plan Inspector's report and the subsequent adoption of the Local Plan Strategy. They were:
- the Liverpool or Sedgefield methods of dealing with the backlog of housing under-provision;
 - the clear possibility of Lichfield having to provide for some of Birmingham's housing need;
 - the timing of the SDAs;
-

- the rate of delivery of the SDAs; and
- residual disputes about smaller sites.¹³⁹

An additional consideration arises from the updating representations submitted in January 2016 – the under-delivery of housing in 2014-15 and whether past performance now warrants a 20% buffer, rather than 5%, to be added to the nominal 5-year housing land supply.

Liverpool v Sedgefield^{99-100, 148-153, 203, 220}

270. The Local Plan Inspector accepted the case for the Council using the Liverpool method of dealing with the backlog (spread over the whole Plan period) rather than the Sedgefield method (over the first five years following adoption).⁹³ He rejected Sedgefield solely because he considered it unrealistic.¹⁴⁴
271. Using Liverpool, the requirement for the five years from 1 April 2014 would be 2,980 dwellings, or 596 dwellings per annum (dpa); using Sedgefield, it would be to 3,925, or 785 dpa.¹⁴⁵ Using Liverpool, the updated requirement, for the five years from 1 April 2015, would be virtually unchanged at 2,985 dwellings, or 597 dpa.^{201,A} To that must be added a 5% or 20% buffer, giving 3,135 or 3,580 respectively (627 or 716 dpa). Using Sedgefield, the requirement now would be 4,055^B, rising to 4,260 (851 dpa) with a 5% buffer or 4,866 with a 20% buffer (1,020 dpa).
272. The deliverable supply was 684 dpa when the Local Plan Inspector was considering the matter but had risen to 773 by January 2015 before falling back to 738 in March 2015¹⁴⁶ (3,678 in five years⁹⁴). At the time of the inquiry, the supply was not significantly less than the 785 dpa requirement using Sedgefield.¹⁴⁶ In January 2016, the Council put the 5-year supply of deliverable sites at 3,995²⁰² (799 dpa) – over 50 dpa below the requirement using Sedgefield and a 5% buffer.
273. The position now may well be different to what the Local Plan Inspector was considering. In itself, however, that cannot justify making a significant change to the way in which the 5-year housing requirement is calculated less than one year (at the time of writing) after adoption of the Local Plan Strategy. The Local Plan Inspector recognised the potentially critical impact of using either Liverpool or Sedgefield, and also the guidance that Sedgefield should be used where possible, before reasoning that the required housing trajectory using Sedgefield was highly likely to prove unrealistic.^C
274. The figures suggest that it is still unrealistic. Deliverable supply may well have increased according to the Council's figures but the appellants consider that forecast far too optimistic;²¹⁶ and, if they are correct, supply would fall well below the requirement using Sedgefield. On the other hand, even if all of the deliverable land did come forward, it would perhaps matter little – the housing requirement in a Plan is a minimum, not a maximum.^D

^A 478 dpa annual target x 5 = 2,390; 1,665 shortfall ÷ 15 (remaining years of Plan period) = 119 dpa; 478 + 119 = 597 dpa = 2,985 5-year requirement.

^B 2,390 (5-year target) + 1,665 (entire shortfall) = 4,055.

^C Document CD49, pp.38-39, paras. 210-213.

^D Document CD39 – the Local Plan Strategy recognises this in the words “at least” in Policy CP6 (on p.49), which conforms with the exhortation at para. 47 in the NPPF to “boost significantly the supply of housing”.

275. The Secretary of State's decision at Leeds^{165,A} took the view that an 8% over-supply gave "scope for some flexibility". The excess here could be much greater (over 30% on the Council's figures) but is not wholly inconsistent with that. Also, of course, if delivery did exceed the average annual requirement, then some of the backlog might be recouped earlier in the Plan period and a review could take account of what had actually happened.

276. To sum up, if the argument were accepted that Sedgefield should be used in preference to Liverpool, then the by-product, based on the appellants' supply forecasts, would be that more housing land would have to be found. However, the reason why the Local Plan Inspector thought that to use Sedgefield would be unrealistic was the serious doubt about whether the necessary high rate of delivery over five years would actually be attainable in Lichfield District in market terms, not in land availability terms. That doubt must remain, all the more so given the up-to-date requirement figures, meaning that Liverpool is still the more appropriate method.

5% or 20% buffer^{204, 221}

277. There was no disagreement at the inquiry that a 5% buffer was appropriate. It is only in the updating representations that a further year of under-delivery has prompted the appellants to argue that a 20% buffer should be applied. One of the appeal decisions referred to by the appellants pre-dates the inquiry and could have been raised then – but it was not. The argument, very simply, is whether one additional year of under-delivery should lead to the Council having to provide a 20% buffer in its land supply to meet its 5-year need.

278. The Local Plan Inspector looked at a period of eleven years, in seven of which (before the crash and recession) the Council had had met its targets; he concluded, reasonably, that the Council did not have a record of persistent under-delivery. The situation is now very different. The Council has failed to meet its targets in seven consecutive years – and by a substantial margin. The first four of those years were during the recession, when under-delivery may be argued as more to do with market forces than the performance of the Council. One would have expected to see an improvement over the last three years but that has not been forthcoming; and it is these three years of significant under-delivery in a period of improving economic circumstances, added to the previous four, that seem to provide sufficient evidence of the persistent failure that is necessary to justify a 20% buffer.

279. The position, however, is arguable. For that reason, I will look at overall supply in the context of both 5% and 20% buffers.

Land supply^{101-108, 154-162, 205-213, 222-231}

280. The SHLAA has a methodology for calculating delivery from identified sites. It includes both lead-in times and the delivery rates to be used in the absence of information from those best-placed to estimate.¹⁰³ If that methodology were used throughout, the Council's calculated supply at March 2015 would be reduced by 590 dwellings.¹⁵⁴ However, those methodological assumptions may be superseded by information from those in a good position to estimate 'build out' rates – which is exactly what the Council has taken into account. That is also what the Local Plan Inspector did; he had the advantage of hearing from various

^A Document 12, Appeal APP/N4720/A/13/2200640.

representatives of the development industry, some of whom questioned the robustness of the Council's delivery estimates whilst others thought them conservative.^A He was able to come to his conclusion on the basis of that broad sweep of evidence whereas, in this s.78 appeal, the evidence has come only from the appellants and the Council, plus written representations from one agent.

281. Before looking at individual sites, the likely rate of delivery on the SDA sites warrants consideration. The appellants do not believe that any of the SDAs will be built out by three house builders (three flags); thus, the maximum from any site would be 100 dpa (two flags), not 150 dpa (three). I expressed my concern on this point at the inquiry, because it seemed to me that it was perhaps a good one – that house builders had learnt a lesson from the 2008 crash and the recession and were more cautious about exposing themselves to competition.¹⁵⁹
282. The same evidence could, however, have been given to the Local Plan Inspector – but it was not.¹⁰² He concluded that the SDAs could deliver up to 150 dpa. At the inquiry, the only hard evidence for delivery as high as that came from a single site in a single year – not itself a particularly compelling endorsement of the general proposition. Nevertheless, there is no good reason to overturn the conclusion reached by the Local Plan Inspector on the evidence (some of it conflicting) of a cross-section of the development industry.¹⁰²
283. There has been some progress on the Fradley SDA since March 2015.^{207, 224} The commercial tenant on the site is on a part not to be developed until later, so may not pose a problem. There have been on-site works on the land for 750 dwellings but it is difficult to foresee the delivery of any houses at all in 2016/17. Section 106 obligations have still to be completed on the other two parcels of land (for 250 and 70 dwellings), so first deliveries on them may well be noticeably later. Given this, the Council's forecast of 525 dwellings by 31 March 2020 should be reduced to around 475.^B
284. On the East of Lichfield (Streethay) SDA, the first sale is expected by March 2017.²⁰⁶ That suggests a maximum of not many more than 450 dwellings by 31 March 2020.
285. The appellants queried the position on the South of Lichfield (Short Butts Lane) SDA at the time of the inquiry, when they understood that a section 106 obligation had still to be concluded, a piece of land affording access to the site had still to be acquired and multiple ownership was still a potential problem.¹⁵⁶ Despite all that, Pegasus, the agent for the house builder, asserted its confidence that site would come forward and 400 dwellings would be delivered within the (then) 5-year period.¹⁸⁷ One could not be certain from the information available what the true position was likely to be, all the more so as Pegasus did not appear at the inquiry and could not be cross-examined on what it was saying.¹⁴⁷ It seemed reasonable at that time, as with the SHLAA, to look to those who were best-placed to give guidance on the likely outcome.
286. In January 2015, however, there had been no obvious progress on this site. There was no evidence that the various constraints had been resolved and the appellants considered the site no more likely now to deliver housing within five years than it was in March 2015.²²⁶ The Council continued to rely on the

^A Document CD49, pp. 39-40, paras. 215-217.

^B By no means an exact science – but made up of 50, 100 and 150 in the 3 years of delivery on the site for 750 dwellings, possibly over 100 on the site for 250 dwellings and all 70 on the third site.

information available to the inquiry.²⁰⁵ What is certain is that the section 106 obligation has yet to be executed, some 20 months after the resolution to grant planning permission – though the Council understands it is shortly to be circulated for signature. The Council maintains that 450 dwellings can be provided in the five years from 1 April 2015, the appellants say it cannot be assumed that any at all will be delivered. One reasonable scenario is that matters will be resolved to enable a start on site in 2017 with the first houses being delivered in early 2018, giving up to 300 dwellings by 31 March 2020.

287. Although there is still no planning permission on the South of Lichfield (Cricket Lane) SDA,^{210, 227} the Council's projection of 225 dwellings by 31 March 2020 is not unreasonable.

288. On the East of Burntwood Bypass SDA,^{208, 228} clearance and remediation work has started on site. Vacant possession might be delayed by negotiations on various existing leases and licences but the first dwelling sales may reasonably be anticipated in the latter half of 2017/18. The Council's projection of 350 dwellings is thus not unreasonable.

289. It is agreed that the East of Rugely SDA^{209, 229} can deliver 56 dwellings; and also that the South of Lichfield (Dean Slade Farm) SDA^{211, 229} is not expected to deliver within the 5-year period.

290. Accordingly, from the evidence to the inquiry and then in the updating representations, one may reasonably anticipate the delivery of around 1,860 dwellings from the SDAs by 31 March 2020.^A That is to be compared with the Council's estimate of about 2,250 from the SDAs. On this basis, the Council's overall estimate of the 5-year housing land supply falls from 3,995²⁰² to 3,605. The housing requirement at 1 April 2015 was 2,985 using Liverpool, 4,005 using Sedgfield (both without any buffer).

291. At the inquiry, it was said that there was some flexibility in that two of the SDAs were not included within the 5-year figures but were nevertheless likely to come forward sooner.¹⁰⁶ That now becomes one, because the Council's updated figures include 225 dwellings from the South of Lichfield (Cricket Lane) SDA. The remaining SDA, South of Lichfield (Dean Slade Farm), even if it came forward very quickly, would be unlikely to contribute more than around 200 dwellings.

Contributions from small sites

292. In dealing at the inquiry with what they termed "residual disputes about smaller sites",¹³⁹ the appellants referred only to Tolson's Mill.¹⁵⁵ It was suggested that only 20 dwellings should be assumed, rather than the Council's 100; now it is argued that no dwellings are likely to emerge from that source within five years.²³⁰ It is also argued that the Council is wrong in the way it deals with windfall sites, with a potential over-estimate of 50 dwellings over five years.²²²

293. I do not dispute that the appellants' witness may have better knowledge of Tolson's Mill than the Council; I favour assuming 20 dwellings from that source. On windfall provision, I do not believe that the Council has got its calculations wrong. Overall supply may therefore be reduced by a further 80 dwellings, to 3,525, to account for the shortfall on Tolson's Mill.

^A 475+450+300+225+350+56 = 1,856 (rounded to 1,860), to be compared with the Council's estimate of 525+640+450+225+350+56 = 2,246 (rounded to 2,250).

Birmingham's unmet housing need

294. There is the very distinct possibility, almost certainty, of Lichfield having to provide for some of Birmingham's housing need.¹⁷⁰ That is a matter already addressed in the Local Plan Strategy, with the position recognised and a review allowed for when more is known.⁹³ There is now a report identifying the likely quantum of the unmet need (around 38,000 dwellings)²¹⁷⁻²¹⁸ but it will inevitably be some time before there is agreement between the local planning authorities involved on how much of that need should be met where. Accordingly, and especially given the mechanism for a review in the Local Plan, it would be inappropriate now to speculate on Lichfield's contribution and to allow for that in assessing the merits of this appeal scheme.

Conclusion on housing land requirement and supply

295. The Local Plan Inspector concluded that the appropriate way to deal with the housing backlog was by the Liverpool method.⁹³ The deliverable supply over five years now put forward by the Council is much greater than he was considering¹⁴⁶ – but the appellants, with some justification, consider the Council's figures unduly optimistic. More importantly, the Inspector's concern was with realistic market expectations rather than the ability to provide an adequate supply of land – and the requirement using Sedgfield would be significantly higher now than he was considering. Accordingly, the Liverpool method remains the appropriate one.
296. It might seem somewhat premature to say that there has been a record of persistent under-delivery of housing in Lichfield. My own view is that three years of significant under-delivery in an improving economic climate tips the balance away from the 5% buffer advocated by the Local Plan Inspector and towards a 20% buffer. It is arguable, however – so I address both scenarios.
297. The Council has not erred in the method it has used to calculate the potential supply of housing. The timescales and numbers in the SHLAA methodology may be superseded, if appropriate, by more specific information on any particular site. That said, the conclusions reached by the Council seem optimistic.
298. Using the Liverpool method, the housing requirement for the five years to 31 March 2020 is 2,985 dwellings (597 dpa).^{201,A} To that must be added a 5% or 20% buffer, giving 3,135 or 3,580 respectively (627 or 716 dpa). One may reasonably anticipate the delivery of around 3,535 dwellings over five years. With a 5% buffer, there is a more than adequate supply of housing land – about 5.64 years. With a 20% buffer, requirement (3,580) and supply (3,525) are closely matched – about 4.92 years.
299. The appeal proposal would bring forward 750 dwellings – a very substantial number indeed. Delivery would, of course, be spread over a substantial period of time. The appeal scheme was agreed at the inquiry as deliverable; the difference between the parties was in the estimated number of dwellings likely to come forward within the 5-year period – 175 or 225. That should be no different after the passing of a further year (at the time of writing). The deliverable supply would become 5.17-5.24 years, which might give some comfort but cannot itself justify allowing the appeal.

^A 478 dpa annual target x 5 = 2,390; 1,665 shortfall ÷ 15 (remaining years of Plan period) = 119 dpa; 478 + 119 = 597 dpa = 2,985 5-year requirement.

300. Also, the very distinct likelihood of having to provide for some of Birmingham's unmet housing need cannot directly affect these conclusions. There is a mechanism for a review of the Local Plan Strategy as and when there is the information to act upon.

Sustainability

301. The Local Plan Inspector notes in his report that it was common ground that the site at Watery Lane (then anticipated as a new village of up to 2,000 dwellings) was a sustainable one. The argument, and the conclusion, was that it was less sustainable than the sites in the strategy proposed by the Council.^A
302. At the inquiry, the Council conceded that, in the absence of a 5-year housing land supply, the appeal proposal advanced the social and economic roles identified in para. 8 of the NPPF. It did, however, argue harm in relation to the environmental role – to the setting of Curborough Grange and through the loss of historic hedgerows and veteran trees (although, to put matters in perspective, a certain amount of environmental harm has proved inevitable elsewhere in seeking to meet housing needs – for example, there is a listed building within the East of Lichfield (Streethay) SDA.¹³⁴)
303. Here, the development would be on land not historically part of the farmland going with Curborough Grange and a landscape buffer would mitigate against the proximity of the new housing. That said, the landscape setting is important to the significance of the listed building and, by eroding it, the proposed development would harm (less than substantially) that significance.
304. A successfully translocated hedgerow would largely retain its visual characteristics, in that its relationship with the improved road would remain broadly the same. It would, however, be on a new line, away from its historic location, and the disturbance from translocation would likely mean a loss of biodiversity interest, at least temporarily (even though, looked at overall, there would be biodiversity compensation from the proposed open space and landscaping within the development).
305. The loss of one veteran tree, probably two (depending on the constructional detail of the highway improvements, presently unknown), would certainly be regrettable; so too would be the loss of other hedgerow trees along the line of the improved road. Given appropriate replacement planting, the effect on the visual quality of the landscape would be diminished over time – but the historic loss could not be compensated.
306. Accordingly, there would clearly be environmental losses. At the same time, housing land supply would fall only marginally short of a 5-year supply. The Local Plan Inspector was conducting a comparative exercise in the context of the need to find housing land; he found that development of the appeal site would be sustainable but not as sustainable as the other options being considered. The assessment now must be on a different basis. The adopted Local Plan Strategy very nearly provides for the necessary land. The appeal site remains a sustainable location but the social and economic benefits of providing housing for which there no undue need do not outweigh the environmental harm that the

^A Document CD41, 168-175 and 204-207.

development would cause. On that basis, the appeal proposal would not be sustainable development.

Biodiversity

307. No compelling objection remains. Notwithstanding the specific harm that would arise, the suggested conditions^A represent a resolution acceptable to the Council – and one with which I agree.

Special Areas of Conservation (SACs)^{113,174}

This was not the subject of dispute at the inquiry, other than in the way the NPPF should apply. How policy has developed may be material in considering the alternatives of a section 106 agreement or unilateral undertaking. It is thus a matter to be considered by the Secretary of State in coming to a decision on the appeal.

308. There are three SACs relatively close to the appeal site – the River Mease SAC (5.6 km away), Cannock Extension Canal SAC (11.2 km away) and Cannock Chase SAC (10.5km away).¹² Para. 119 of the NPPF says that para. 14 (the presumption in favour of sustainable development) does not apply where appropriate assessment under the Habitats Directives is being considered, planned or determined. There is no hydrological connection between the appeal site and the first two of those, enabling the conclusion at the application stage that impacts would have no significant environmental effect and no appropriate assessment was required.^B

309. On the third, the Cannock Chase SAC Partnership (which includes Natural England and all Local Authorities within 15 km of the SAC) worked jointly on an Appropriate Assessment in 2009 to inform the plan-making process. One of the conclusions was that all applications for new dwellings within the 15 km zone of influence would need to identify a package of mitigation, because of the potential significant effects on the SAC. It was on the basis of that Appropriate Assessment that a specific one was not prepared for this proposal.

310. During the course of the inquiry, the Council endorsed the Cannock Chase SAC Guidance to Mitigate the Impact of New Residential Development.^C The SAC Partnership acknowledges a 15 km Zone of Influence but requires financial contributions towards mitigation only from developments within 8 km. Policy NR7 in the Local Plan Strategy requires mitigation measures to be secured from developments within 15 km; the 2015 Guidance can, however, be deemed to qualify the adopted policy.

311. The interpretation of paragraph 119 and whether or not it applies to the proposed development is a matter of law. Technically, the proposed development is one that would require an Appropriate Assessment. In practice, work already carried out for the plan-making process has meant that a specific assessment for this proposal was not required. In my view, the Secretary of State, as the competent authority, can rely on that work and the conclusion resulting from it and, in the event that he disagrees with my recommendation

^A Conditions 29, 30 and 31 of the recommended conditions at Annex C.

^B Document CD33, the Committee report, at p.B96, paras. 5.9 and 5.10

^C Document 16.

below and allows the appeal, he need not carry out an Appropriate Assessment for the purposes of that decision. It follows that the NPPF's presumption in favour of sustainable development may be applied, if it is appropriate to do so.

Conditions and obligation

312. Annex C below has comments on the suggested conditions and also my recommendations for the conditions it would be appropriate to attach to outline planning permission, were the appeal to be allowed. The conditions would ensure appropriate timing or phasing and a satisfactory standard or quality of development, generally in accordance with what was addressed at the inquiry.
313. Either/or section 106 obligations were submitted – an agreement and a unilateral undertaking. The agreement was submitted in counterpart form.
314. Essentially, the only difference is that the unilateral undertaking provides for a contribution towards the mitigation of any impact on the nearby Cannock Chase SAC. That was initially requested by Natural England, although the Council no longer requires this contribution because of guidance adopted during the inquiry in March 2015. Otherwise, the provisions of both – affordable housing amounting to 25% of the development; open space within the appeal site, an open space contribution and a leisure contribution; a travel plan and contributions towards various highways works; and primary and secondary education contributions, with the option, instead of the former, of providing the new primary school on the appeal site – all comply with Community Infrastructure Levy (CIL) Regulation 122 in that they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related to it in scale and kind. All are site-specific (or development-specific) and there are no other contributions from elsewhere which could bring Regulation 123 into play.
315. The Council's Guidance supports Policy NR7 in the Local Plan Strategy. Given that there is no requirement for a contribution under the Guidance, the contribution in the unilateral undertaking may be considered unnecessary in terms of CIL Regulation 122. The agreement is therefore to be preferred.

Overall conclusion

316. There is no remaining highways or transportation objection. Highways England has withdrawn its standing objection. All outstanding matters can be controlled by planning conditions. There is no conflict with the policies referred to in reason for refusal no. 2^A or with the provisions of the NPPF.
317. Highways requirements are, however, inextricably linked with the objections relating to historic hedgerows and veteran trees. The inevitable harm to historic hedgerows from widening Netherstowe Lane may be alleviated, at least partially, by translocation; that would not be appropriate in conservation terms but successful translocation would at least enable the hedgerow to retain its visual character in relation to the improved road. Almost inevitably, however, those improvements would, mean the loss of certainly one tree, probably two, which can reasonably be classified as veterans. They would also, almost certainly,

^A Core Policies 1, 3, 5 and 10 and Policies ST1 and BE1 in the adopted Local Plan Strategy; Policy DC1 saved from the Lichfield District Local Plan 1998.

mean the loss of all of the hedgerow trees along the western side of Netherstowe Lane. That conflicts with Core Policy 13 and Policies NR3 and NR4 of the adopted Local Plan Strategy, Policies DC1, E3 and E18B saved from the Lichfield District Local Plan 1998 – and also, subject to weighing the benefits, the provisions of para. 118 of the NPPF.

318. Apart from these specific problems, the landscape character of the appeal site and its immediate surroundings is not itself of such quality as to provide a reason for objecting to the proposed development. Reason for refusal no. 3, that the proposed development would appear as an incongruous urban intrusion into the landscape, would likely apply to any large urban expansion into what is defined in the Local Plan Strategy as countryside, were further housing land found necessary – but I have concluded that there is an adequate supply (albeit only narrowly). The location is accepted as a sustainable one, although not as sustainable as the SDA sites to the south of Lichfield, and there is no policy to protect the gap between Lichfield and Fradley. If it is not necessary to find housing land at this scale, as I have concluded, then there is conflict with the Core Policies of the Local Plan Strategy, Policies NR5 and BE1 thereof, Policies DC1 or H3 saved from the 1998 Local Plan and the provisions of the NPPF.
319. The proposed development would impinge on the setting of the listed Curborough Grange. The building is no longer a farmhouse and its farmstead has been converted to dwellings. However, the outward character and appearance of the group, from beyond the curtilage, remains essentially agricultural; and the setting is undoubtedly a contributor to this. The harm to the significance of the listed building would conflict with Core Policy 14 and also Policy C1 saved from the 1998 Local Plan. In terms of the NPPF, the harm would be less than substantial, bringing paragraph 134 into play and requiring the harm to be weighed against the public benefits of the proposal.
320. One publicly accessible view of Lichfield Cathedral would be lost but there is the possibility that others would be created. The effect on views of the Cathedral is not such as to put the appeal proposal seriously in conflict with Core Policy 14 or Policy NR5 of the Local Plan Strategy, or with saved Policy L48. That also comes within the ambit of paragraph 134 of the NPPF – but the harm would be very small indeed and may be considered compensated by the public benefit of the new views very likely to be obtainable from the proposed distributor road serving the development.
321. Whether there is a 5-year supply of housing land depends on whether one adds a 5% or 20% buffer and on how one views the likely delivery from the SDA sites. My conclusion is that supply falls marginally short of the 5-year requirement. If that is so, the policies for the supply of housing in the adopted Local Plan Strategy are not to be considered up-to-date, in accordance with paragraph 49 of the NPPF. In this case, however, that does not bring the second bullet point of paragraph 14, in relation to decision-taking, into play. There are specific policies affecting this proposal – in paragraphs 118 and 134 (though not, I have concluded, 119) – which indicate that development should be restricted; and, considered on its own merits, the proposal would not be sustainable development. Accordingly, the balance to be undertaken is a straightforward one, not the weighted one to be found in paragraph 14.
322. Great weight is to be given in the planning balance to any harm to the significance of a heritage asset, whether substantial (paragraph 133 of the NPPF) or less than substantial (paragraph 134). In addition, planning permission should
-

be refused for development resulting in the loss of veteran trees unless the need for and benefits of development in that location outweigh the loss (paragraph 118). Accordingly, the environmental harm in this case is significant. I have found that the need for the development is no more than marginal. In consequence, there are no public benefits from the proposed development which could outweigh that environmental harm.

RECOMMENDATION

323. I recommend that the appeal be dismissed.

324. If, however, the Secretary of State concludes otherwise, then outline planning permission should be granted subject to the executed section 106 agreement and the conditions at Annex C to this report.

John L Gray

Inspector

Lichfield District



Local Plan Strategy 2008 - 2029

Adopted 17 February 2015

education and recreation. Staffordshire County Council is the minerals planning authority and has commenced the preparation of the Mineral Core Strategy. The Staffordshire and Stoke on Trent Joint Waste Local Plan 2010-2026 was adopted in March 2013.

Core Policy 13: Our Natural Resources

The District Council will seek to deliver an enhanced relationship between the countryside and settlements by creating linkages and corridors that provide for the integration of people, fauna and flora in both rural and urban locations, especially where there are opportunities to reduce health inequalities. The role of the Green Belt will be important in meeting these needs/enhancing this relationship.

Biodiversity will be made more accessible to all by creating new and managing existing rural and urban spaces to promote well being where there will be no adverse impacts upon nature conservation.

The District Council will support the safeguarding of our ecological networks, including the restoration and creation of new habitats, veteran trees, tree and woodland planting and local nature reserves including through the opportunities provided within the Cannock Chase Area of Outstanding Natural Beauty, the National Forest, the Forest of Mercia, the Central Rivers Initiative, the River Tame Management Strategy, the project associated with the restoration of the Lichfield Canal and the nationally important lowland heathland linking the Cannock Chase SAC and Sutton Park.

All designated sites and non-designated priority habitats, together with historic landscapes and townscape, will be protected from damage as a result of development or poor management, and enhanced where appropriate. Opportunities for the interpretation of natural resources will also be supported and encouraged.

The District Council will seek opportunities for the creation of habitats that allow for the mitigation of the effects of climate change on species, including the enhancement of opportunities for species to migrate. Where possible, links between habitats will be re-created and further habitat losses will be prevented in line with the Staffordshire Biodiversity Action Plan and National Forest Biodiversity Action Plan. The District Council will seek to deliver overall net gain for biodiversity within Lichfield District.

Natural resources, including our nationally important lowland heathland will be managed in a sustainable way to ensure protection and longevity. The District Council will seek to protect minerals resources by preventing sterilisation. The District Council will also contribute to the management and protection of Cannock Chase Special Area of Conservation and Cannock Chase Area of Outstanding Natural Beauty.

In circumstances where the effects upon biodiversity are not within a development site and there is potential to mitigate for the impacts arising from the development off-site, a financial contribution to deliver mitigation may be appropriate. This is particularly relevant to consideration of impacts upon the River Mease SAC and Cannock Chase SAC. An SPD on Biodiversity and Development will be prepared.

Explanation

11.6 The policy is intended to act as a tool to aid the regeneration of our urban areas and sustainable growth of key rural settlements and in achieving the objectives of our spatial strategy, the Green Belt and Policy HSC1, allowing the natural environment to be protected and enhanced. Development should not be prevented on sites where it can be demonstrated that satisfactory mitigation for species and habitats can be created. In addition, the natural environment, for example trees, should be integrated into the built form for health, amenity, delivery of ecosystem benefits and climate change mitigation. Increasing accessibility to nature can have great benefits to the wellbeing of the population, however we need to ensure that the environmental value of the natural assets of the District are not compromised now and in the future.

11.7 The restoration and creation of habitats is to be carried out in line with Staffordshire Biodiversity Action Plan (SBAP), National Forest Biodiversity Action Plan and Lichfield biodiversity strategy objectives and its subsequent update in the appropriate locations. The ecological network between Sutton Park and Cannock Chase is a particular priority.

11.8 Designated sites include; Sites of Specific Scientific Interest (SSSI); Sites of Biological Importance (SBI); Special Areas of Conservation (SAC); and Local Geological Sites. Other priority habitats include Biodiversity Action Plan sites and species (BAP), ancient woodland, and local nature reserves. Sites that receive statutory protection as part of their designation will be protected and where possible enhanced in line with the above policy and their relevant legislation.

11.9 Strategic landscape initiatives such as the Cannock Chase Area of Outstanding Natural Beauty, the National Forest, the Forest of Mercia and the Central Rivers Initiative will contribute to positive landscape change across the District.

11.10 As well as covering sites which are important for their natural water environments, the safeguarding of the route of the entire length of the Lichfield Canal for future restoration will offer opportunities for green corridors, and biodiversity enhancements. This is included within a wider volunteer based project which is also dedicated to the restoration of the Hatherton Canal that falls outside the District. The project needs to demonstrate that there will be no significant impact upon the Cannock Extension Canal SAC. The Lichfield Branch Canal can be delivered independently and any phased restoration would first bring the canal through Lichfield City from the existing junction at Huddlesford.

11.11 Supplementary Planning Documents in relation to Trees, Landscaping & Development and Biodiversity and Development will be prepared.

Development Management Policies**Policy NR1: Countryside Management**

The countryside of Lichfield District is valued as an asset in its own right and will be protected.

The District Council recognises the important economic role of the countryside and wealth of resources it provides. Development proposals will be supported which:

- Assist in delivering diverse and sustainable farming enterprises;
- Deliver/assist in delivering other countryside-based enterprises and activities, including those which promote the recreation and enjoyment of the countryside, such as forestry,

horticulture, fishing and equestrian activities, and crops for energy generation, which may fall outside the definition of agriculture;

- Provide for the sensitive use of renewable energy resources (in conjunction with Core Policy 3 and Development Management Policies SC1 & SC2).

Explanation

11.12 The countryside is defined as the largely undeveloped area that separates cities, towns and villages. Much of the land use activity within the countryside falls outside of the scope of the planning system, but as the countryside within Lichfield District provides a wealth of opportunities for leisure and recreational activities, as well as supporting traditional agricultural practices and farm diversification, the planning system has an important role in supporting and facilitating positive countryside management and in strengthening the rural economy. Examples could include sporting activities such as canoeing or cycling where this is carefully managed and does not cause harm to sensitive local environments.

11.13 The countryside should be protected from inappropriate development which would cause environmental harm (including in terms of visual impact), in order to protect the countryside's intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, and the wealth of its natural resources, so that it may be enjoyed by all. To this end new building development in the countryside away from existing settlements, or outside of those areas designated for development within this Local Plan, will be strictly controlled. Parts of the District's countryside lie within the Green Belt and are protected by national planning policies and Policy NR2 below, which details the District Council's support for the beneficial use of Green Belt land and seeks to guide development in Green Belt areas of the District.

11.14 The Local Plan aims to continue to protect the countryside, but also recognises the socio-economic needs of rural communities. However, the role of the countryside as a natural resource is recognised and the District Council will seek to positively manage change through the development management function, aided by the preparation of an SPD on Rural Development.

Policy NR2: Development in the Green Belt

Within the Lichfield District portion of the West Midlands Green Belt, as defined on the policies map, opportunities to enhance the beneficial use of the Green Belt will be supported. This may include opportunities to provide access, for outdoor sport and recreation, to retain and enhance landscapes, visual amenity and biodiversity, or to improve damaged and derelict land.

All development within the Green Belt must retain its character and openness. Inappropriate development is, by definition, harmful to the Green Belt and will not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The construction of new buildings is regarded as inappropriate in the Green Belt, unless it is for one of the exceptions listed in the National Planning Policy Framework.

In addition, limited infilling within Green Belt villages will be allowed, with appropriate 'infill' boundaries being determined through the Local Plan Allocations document, which may, where appropriate, be informed by local community-led plans.

Limited affordable housing for local community needs in the Green Belt will be supported on small rural exception sites where the development complies with Policy H2: Provision of Affordable Homes.

Explanation

11.15 Green Belt policy is set out in the National Planning Policy Framework. Reference should be made to the National Planning Policy Framework for the list of exceptions where the construction of new buildings in Green Belt can be regarded as appropriate and for certain other forms of development which are considered appropriate in Green Belt.

11.16 More detailed guidance on buildings to serve agriculture and forestry needs, and on rural workers dwellings in particular, will be set out within Rural Development Supplementary Planning Document.

Policy NR3: Biodiversity, Protected Species & their Habitats

Development will only be permitted where it:

- Protects, enhances, restores and implements appropriate conservation management of the biodiversity and/or geodiversity value of the land and buildings;
- Minimises fragmentation and maximise opportunities for restoration, enhancements and connection of natural habitats (including links to habitats outside Lichfield District); and
- Incorporates beneficial biodiversity and/or geodiversity conservation features, including features that will help wildlife to adapt to climate change where appropriate
- Delivers a net gain for biodiversity and /or geodiversity in the district

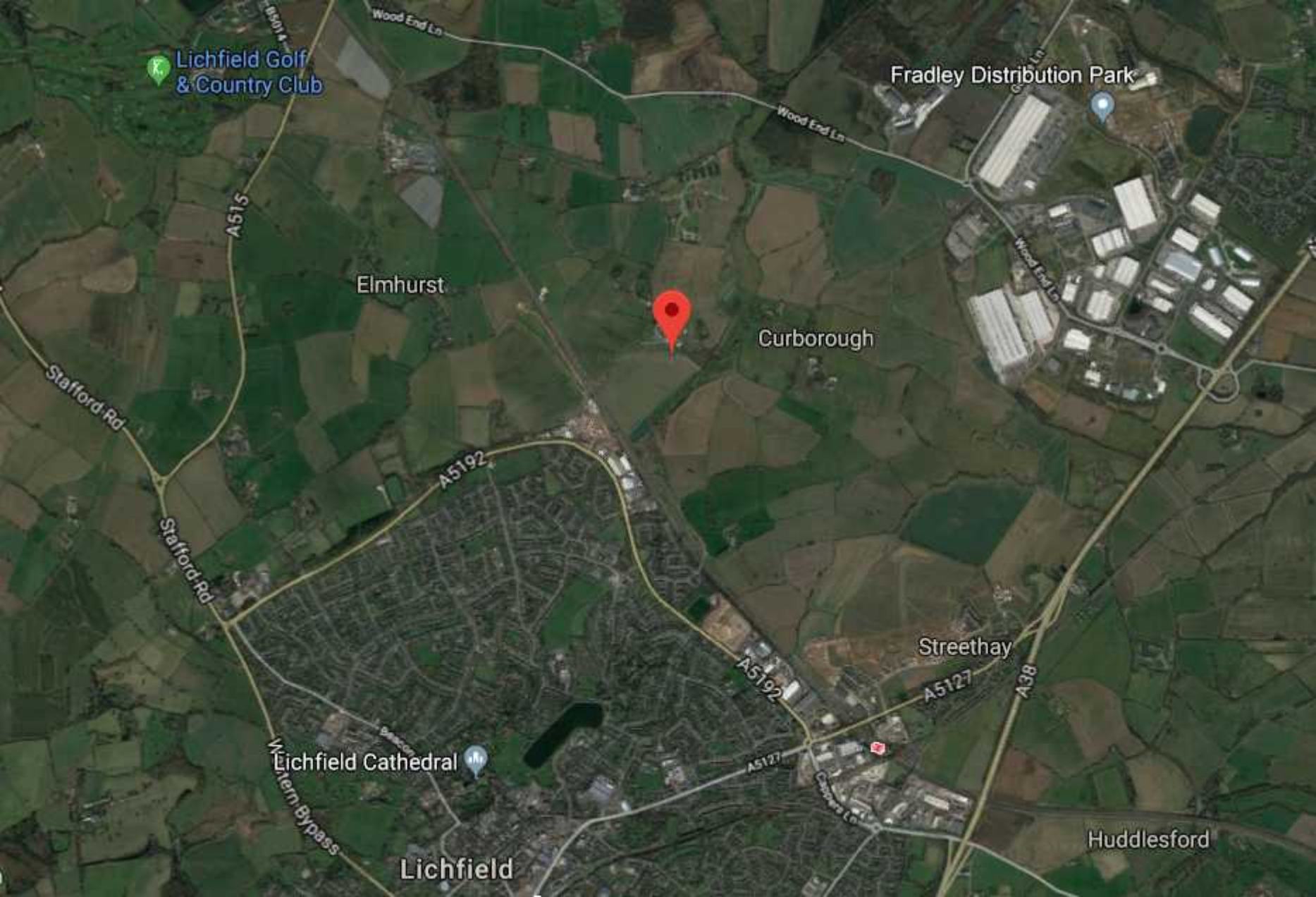
Proposals should particularly seek to contribute towards the United Kingdom Biodiversity Action Plan (UK BAP) priority habitats and species in Lichfield District, and any additional Staffordshire or National Forest Biodiversity Action Plan species.

Development proposals that would have a direct or indirect adverse effect on local designated sites, non-protected sites and priority protected species that are considered to have geological and biodiversity value, will not be permitted unless:

- They cannot be located on alternative sites that would cause less or no harm;
- The benefits of the development clearly outweigh the impacts on the features of the site and the wider network of wider habitats; and
- Prevention, mitigation and compensation (biodiversity offsetting) measures are provided which ensure there is no net loss of such sites.

Development proposals where the principal objective is to conserve or enhance biodiversity or geodiversity and deliver a net gain for such objectives will be supported in principle where this accords with other policies in the Local Plan.

This Policy must be read in conjunction with Policy BE1: High Quality Development.



Lichfield Golf & Country Club

Fradley Distribution Park

Elmhurst

Curborough

Stafford Rd

A515

A5192

Stafford Rd

Streethay

A5127

A38

Lichfield Cathedral

A5192

A5127

Western Bypass

Lichfield

Huddlesford

Land off Watery Lane, Lichfield - Indicative Phasing Plan



For information purposes only, illustrative and not to scale