

## **19/3097M Objection – Henbury Parish Council**

### **Executive summary**

Henbury Parish Council submitted an objection to the initial reserved matters applications and, as these have not been addressed in this new iteration, we shall repeat them. We also make new references to the SADPD.

This proposal is a sister development to 19/3098M which, when combined, include 157 houses against the original application for 135. Together with the approved application for 18/0294M (>30 houses) this would far exceed the 150 houses proposed in the Local Plan and does not consider additional land yet subject to application. The ground conditions were surveyed prior to the original application and so will hopefully not be used as an excuse to justify the increase, nor lead to an attempt to reduce the affordable house proportion.

It is not sustainable development, with major issues regarding sustainable transport – access is onto the often congested A537 and the Broken Cross AQMA. Environmentally, it provides wholesale destruction of valuable wildlife habitat, much of which would qualify as a local wildlife site, and involves the loss of extensive peat bog, vital for carbon sequestration. Surface water run-off is into an ancient woodland site of biological importance. It also proposes the removal of a community tree planting project which is maturing nicely, despite this being retained in the original masterplan.

CEC's latest housing figures shows a deliverable supply of 7.5 years. There is no need to develop such sites as this which fail on so many levels.

### **Detail**

Henbury Parish Council (HPC) objected to the development of this site under previous application 17/4277M, with strong reservations to the removal of green belt land between Henbury and Macclesfield. The removal has left much reduced protection to Henbury village. Green belt has a stated role of preventing the merging of settlements and this change has significantly reduced the effectiveness of the existing gap between Macclesfield and Henbury. The proposed green belt boundary is a hedgerow and this represents a very weak boundary – easily removable should further change be desired. Thus, Henbury Village is now far more vulnerable to being integrated into Macclesfield than was previously the case.

The site is part of the original LPS18 which was proposed as allowing for the development of 150 properties. This submission, together with those of 18/0294M (31 properties) and 19/3098M (23 properties), brings the total to 188 new houses, and this does not include any proposals for the remainder of the LPS18 area, which would be likely to accommodate an application up to a further 60. This is therefore completely beyond the scope of what was proposed for LPS18.

On the site plan we can clearly see that the density of houses on the site is far higher than that in the surrounding area. Therefore, the plans are out of keeping with the surrounding area.

17/4277M was given outline permission for access despite huge local opposition and the use of seriously flawed transport and air quality submissions. There is now, again, an opportunity for CEC to reconsider these concerns and this submission considers in some detail the key issues.

## Air Quality

This development is adjacent to the Broken Cross Air Quality Management Area (AQMA). This AQMA has been defined as NO<sub>2</sub> levels exceed the limits defined in the *EU 2008 ambient Air Quality Directive*. Because of this designation, CEC are required to produce an Air Quality Action Plan detailing the measures that will be taken to meet the relevant air quality objectives. There is no detailed local Action Plan, and increased traffic levels in the area will certainly work against this legal requirement, and as traffic is the dominant source of the poor air quality then account must be taken of a realistic estimation of the change.

The NPPF states that:

*“The planning system should contribute to and enhance the natural and local environment by: [...]*

*preventing both **new** and existing **development** from **contributing to** or being put at unacceptable risk from, or being adversely affected by **unacceptable levels of** soil, **air**, water or noise **pollution**.....”*

The CEC Local plan states the following:

*Policy SE12 Pollution, Land Contamination and Land Instability*

- 1. The council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon **air quality** [ .. ]. Where adequate mitigation cannot be provided, development will **not normally be permitted**.*

The Air Quality Assessment highlights the CEC requirement that

*“**Planning decisions** should ensure new development in (or **which may affect**) an Air Quality Management Area is consistent with the **current Cheshire East Air Quality Action Plan**.”*

The most recent Air Quality Assessment associated with this development was produced for the combined 17/4277M and 17/4034M on the assumption that the Broken Cross junction becomes signalised.

The failure to address the air quality problem at 36-58 Broken Cross in pollution measurement and modelling has led to potentially misleading conclusions being drawn, despite Environmental Health stating that *“Taking into account the uncertainties with modelling, the impacts of the development could be significantly worse than predicted”*

and

*“any increase in concentrations.. is directly converse to our local air quality management objectives, the NPPF and the Council’s Air Quality Action Plan.”*

As an example, the modelling suggests that the NO<sub>2</sub> levels around 50 Broken Cross (location of tube CE91) without development are less than 50% of the actual measurements taken there when the tube was in place, which leads to a gross underestimation of the severity of any impact of development. This location is clearly sensitive to local traffic and does not fit the modelling used for the local area well.

Results of this location were removed in the AQA which gives high risk that the entire AQA is not fit for purpose and this goes against the relevant guidance.

As the health and wellbeing of residents at stake we feel that this is simply unacceptable.

The benefits to queuing traffic from the proposed signalisation of the junction have been derived with unrealistically high pedestrian crossing times. Also, the pedestrian survey was done when almost half of Fallibroome Academy were at home having finished exams, leading to inaccurate measurements. This point is critical as mentioned in the section on transport.

It is important to note that the Broken Cross roundabout is part of the walking route to Fallibroome School for the students living around the Broken Cross/Weston areas and that large numbers walk along the approach roads during the morning and afternoon rush hour periods. They are therefore subjected to the poor air quality on an almost daily basis.

### **Traffic**

The original Transport Assessment for 17/4277M was based on flawed data. For example, the maximum queue length measured at the Broken Cross roundabout was stated as being 15 vehicles, on any of the four approaches during both the morning and afternoon rush-hour periods. It is well known locally that queues significantly exceed this on a normal weekday basis. Henbury Parish Council therefore commissioned an additional 3<sup>rd</sup> party survey and provided the results in their previous objection. While this led to a further Transport Assessment for combined 17/4277M and 17/4034M based on a revised junction layout, no further surveying was done by either the developers or CEC. Therefore, the whole issue of transport in the local area is not well understood and Henbury Parish Council feel that this should be an essential pre-requisite to any development and/or junction modifications being performed.

Critically, CEC commissioned Atkins to review the Transport Assessment and they concluded that:

*“The original CBO model indicated that the junction would operate over capacity in both the AM and PM peak periods, and the Atkins Adjustments do not change this outcome, but lead to a further deterioration in junction performance in the AM peak hour. Whilst the revised CBO approach to traffic flow and pedestrian demand appears to be reasonable, it is evident that the junction will remain very sensitive to the number of pedestrian calls.”*

HPC had highlighted that a pedestrian survey of the junction by the developers was done on a day that the local secondary school (Fallibroome) had low occupancy and hence any conclusions would not be representative of typical conditions. CEC Highways did not pass on this concern of Atkins to the Strategic Planning Board in their report, and the Board were thus not appropriately informed of the risks of the junction performing poorly when pedestrian traffic was at the usual levels when making their decision. It is therefore considered that due process was not followed.

The above puts into severe doubt any conclusions drawn from the Transport Assessment, and in turn the Air Quality Assessment – which took the data of the Transport Assessment as its source - as the impact of queuing traffic on air quality is likely to be grossly under-estimated. This will be exacerbated by the recent diminished take-up of electric vehicles, a basic assumption in the transport assessments.

The traffic assessment performed by CEC for Macclesfield in 2014 as part of the Local Plan production (document BE039, Cheshire East Core Strategy: Macclesfield S-Paramics Traffic Modelling) is also flawed. That document states (section E.2.5) that the journey time from Whirley Road to the Silk Road, via the Broken Cross roundabout, is a little over 6 minutes in the morning rush hour, and that this is expected to increase to around 7 minutes with the full Core strategy implemented without mitigation. The 6-minute journey time can only be achieved outside of rush hours when there is minimal traffic along the entire route. Monitoring of the actual journey time using Google Maps shows that journey times in the morning rush hour typically vary between 7 minutes and 14 minutes, with the peak occurring at 0845 and rarely being less than 11 minutes. The *average* journey time is 9-10 minutes in the period 0800-0900. As the times stated in the report are already significantly less than the average current journey time in the rush hour then there can be no confidence in the accuracy of that transport assessment. This has implications both for the Broken Cross area and beyond.

While this original modelling for Macclesfield was based on 2012 traffic levels and a development level of 2450 properties, the final proposed development figure is 4350. There has been no consideration to this on the operation of the road infrastructure around Macclesfield, and hence the Broken Cross junction.

Also, of major concern is the fact that there was no consideration given to the impact ingress/egress at Tesco Express store, which currently has access congestion at busy times and will impact on the junction flow rates, especially on the Gawsworth Road arm as it is directly adjacent to the junction. Furthermore, the increases in queueing during the non-peak hours resulting from the signalisation has not been analysed in sufficient detail to give confidence that there will be a net benefit in air quality, as large numbers of HGVs will now be static when previously they would have flowed more easily through the junction.

Accessibility using sustainable methods is proposed in the assessment, which includes walking and cycling. Whirley Road and Chelford Road are extremely busy during peak periods and cycling on these would be dangerous. Walking would have similar risks, and of course anybody walking to the east along Chelford Road will pass through the Broken Cross Air Quality Management Area with its poor air quality levels. If this is done routinely - to and from school - for example, then those involved will be subject to increased likelihood of developing the health problems associated with poor air quality, such as asthma and lung disease. The HPC Transport Assessment shows negligible cycle usage of the Broken Cross roundabout, confirming that the road users do not consider this to be a viable option at peak times. Whirley School is currently fully subscribed, as are almost all the local primary schools. It is therefore likely that school children will indeed have to walk a large distance and through the AQMA. Otherwise transportation by vehicle may be needed and this will only exacerbate the traffic problem and poor air quality. None of the above are compatible with the statement in the Transport Assessment that "*It is important to create a choice of direct, safe and attractive routes between where people live and where they need to travel in their day-to-day life.*"

Flow values on the proposed junction exceed 1 at times in the modelling, and the following statement from the original transport assessment is therefore relevant:

*"It is important to note that when the RFC exceeds a value of 1.00 it provides unreliable results..."*

This is because the flow of traffic is more than the junction can handle and hence the impact is unpredictable; the situation is completely undesirable and will lead to major congestion, rat-running (often on unsafe, single track lanes) and degraded air quality resulting from queuing traffic.

Regarding public transport it is important to state that the area is now increasingly poorly served by a bus service, affecting the sustainability. The bus service from Macclesfield towards Henbury is under review, having actually ceased at one point, and the schedule is insufficient to offer a viable alternative for those that also have a car on their drive; the likelihood is that the car will be seen as far more flexible and thus be the preferred mode of travel.

## Trees

With the written permission of the Cock Inn in 2013, more than 475 trees were planted, mostly as part of the TCV (Trust for Conservation Volunteers) Big Tree Plant scheme. This was all done by local volunteers, including many schoolchildren, and Henbury Parish Council funded the fencing which was installed to protect the trees from livestock. The plantation is maturing nicely as is noted in the 17/4277M Arboricultural Assessment sec 4.4:

*“Group G3 is a linear group of young and middle-aged native planting that extends across the site west to east. It is species rich, **in good condition** and has the potential to form a **valuable landscape and ecological feature within the site**. This group was planted by local volunteers and is approximately 5 years old, it is fenced on all sides to protect from browsing and is unmanaged at present.”*

In the original submission to the local plan development (document PCM5.3.016, Aug 2016) the landowner stated that

*“The trees/hedgerows on site have been considered in detail within the landscaping plan and landscaping methodology for the site. The development of this site will enable the **existing trees** and hedgerows on site to be **protected** and enhanced through further planting”*

Therefore, the current application contradicts the assurances given at the time that the site entered the local plan.

The Arboricultural Impact Assessment for 19/3097M provides a recommendation that if this group of trees (G12) is removed then *“ Plant replacement trees elsewhere on site at the landscaping stage of the project.”*

We are very keen that this happens and to at least the same scale, that is, no less than 475 trees.

The ‘Replacement community woodland’ in the current design is a small group of 26 trees. This therefore neither forms a community woodland nor is in any way a replacement for the existing woodland (475 trees). It represents both significant ecological and landscape degradation of the site when compared to the current situation. Of the other tree planting across the site, the majority appears to be Cherry Laurel (*prunus laurocerasus*) – a non-native hedging plant that offers little biodiversity value – again in no way a replacement for the native broadleaf trees being removed.

CEC’s SADPD document also considers trees on development sites, in section ENV 6 4.41:

*The government's 25 year plan to improve the environment stresses the importance of net environmental gain. **The requirement of three replacement trees for every tree removed ensures this net gain.** A two for one replacement would not result in net gain should one of the replacement trees fail to reach maturity, resulting in one for one replacement only.*

This is completely undermined on this site where large scale tree removal is planned. Should the community woodland be removed then there is a requirement for the planting of at least 1400 trees.

## **Biodiversity**

The site has had little agricultural improvement and offers habitat that has largely been lost in much of the surrounding area. The wet areas are used by waterfowl, and at the relevant periods by migratory birds. A variety of wild flower and rush species are present, which are generally not found on the more agriculturally-intensive areas of Henbury Parish. The area of the site identified for on-site water attenuation is one of those with the highest biodiversity value, and this is recognised in the original Ecological Assessment (4.18) *"Another section of marshy grassland is present along the south-eastern boundary of the site [...] Rarer species in this sward include water mint *Mentha aquatica*, lesser spearwort *Ranunculus flammula* and meadowsweet *Filipendula ulmaria*."* The loss of this feature is therefore wholly undesirable.

Birds of prey hunt over the area – kestrel, buzzard plus barn, tawny and little owl, as do bats. Reed bunting have also been present on the boundary of this and an adjacent field in each of the previous five years. Account must be taken of the presence of Great Crested Newts on an adjoining pond, as confirmed in the Ecological Assessment.

The development of this site will therefore lead to a significant degradation of wildlife habitat at a local level. This is in complete contradiction to SADPD police ENV 2 which states:

1. *Net gain: development proposals **must deliver an overall net gain for biodiversity.** Major developments and developments affecting semi-natural habitats must be supported by a biodiversity metric calculation to ensure the delivery of a biodiversity measurable net gain.*

This development represents a major net loss for biodiversity.

## **Flooding**

The Flood Risk Assessment report states that the site lies entirely within Flood Zone 1, however there is recognition that it lies in a critical drainage area and that areas of the site are currently susceptible to surface water flooding, especially in the north-west and south-east corners.

The report does not recognise the presence of peat on the site. The Geo-Environmental Site Assessment report, however, states that peat is present on the site:

*"..in some exploratory holes over 1.00m of PEAT was encountered such as in TP110 from 1.00m to 2.60m bgl close to the south eastern boundary and from 0.20m to 5.00m in WS109 in the very north of the site"*

These are potentially very significant deposits of peat which will have an impact on its hydrology, including its ability to absorb and retain water and the run-off rate from the site. As such they should be

considered in any Flood Risk Assessment and this clearly has not been done. More extensive ground sampling would be needed to better understand the existing situation. The Geo-Environmental Assessment states that peat will be removed where it would affect the construction, and the impact of this should be assessed. No analysis of peat volumes is presented in the reports and this surely must be done so that CEC are aware of the scale of the removal. With the current knowledge of the importance of peat in carbon sequestration, any removal from this site would have a negative impact and simply should not be allowed.

The Flood Risk Assessment proposes that surface water run-off be directed onto the unnamed stream at the south-eastern boundary. This stream (locally referred to as the Bin Brook, or Bag Brook) feeds the Cock Wood Site of Biological Importance (SBI) approximately 120m to the south and any change to the flow and pollution levels are therefore of great concern. Ancient woodlands need special protection and the impact of this development will be detrimental, with the site also being under threat from the proximity of the proposed CS40 development to its east.

SADPD policy ENV17 states:

*“Our water resources provide drinking water, sustain crucial habitats for many different types of wildlife, and are an important resource for industry and recreation. **Protecting and improving the water environment is an important part of achieving sustainable development** and is vital for the long term health, well being and prosperity of everyone.”*

Therefore, CEC should consider how this development can fit with that strategy, where the surface water from this and neighbouring developments will directly feed an ancient woodland, affecting its flora and fauna.

The Assessment states that on-site attenuation of surface water will be required, and that this will be at the south-eastern corner. As this is already identified as an area susceptible to surface water flooding then there is a serious question as to whether it is an appropriate location to hold yet further water that runs off the development, and whether it has the capacity to perform that role.

Henbury PC commissioned Weetwood Services to produce a review of surface water drainage and flood risk for this site and this document has already been submitted to CEC and is available on the planning portal, dated 08/01/2020. There are numerous serious issues raised which are very concerning from a flooding perspective.

### **Infrastructure**

CEC should be open in stating where the children living at this development will be able to find a place at school. The local primary, Whirley School, is already full, as is the local secondary school – Fallibroome. In fact, we understand that a very large shortfall will exist in Macclesfield for secondary school places – of nearly 400. Therefore, travel to more distant schools will be required which raises concerns about travelling and safety, especially when it is likely to involve travelling across the Broken Cross roundabout subject to high traffic levels and illegal air quality. These issues simply can't be ignored and must be considered as part of the review of this application. To grant the application without having the necessary answers on school places and location would be negligent, especially since this site appears to be very family-orientated in terms of the houses proposed.

We have serious concerns about required utility supply, i.e. water, sewerage, electricity, gas and communications, and this needs to be reviewed. It is doubtful that the existing utility supply in the area

will cope and hence a major infrastructure expansion may be required, if an impact to the supply to local residents is not to be expected.

It also must be asked whether any consideration has been given to the impact on supporting resources, such as doctors' surgeries, hospitals and the emergency services (including the impact of exacerbated traffic congestion levels). Again, building the houses first and expecting the existing services to cope with the additional pressure is a fundamentally flawed approach, and one which CEC must address.

### **Summary**

Henbury Parish Council have produced concrete reasons why this site is not suitable for development. This has followed on from a high level of objection from local residents and the Henbury Society, to both this and previous consultations.

- The proposed development is unsustainable, will put the health of CEC residents at increased risk of air quality-related disease, exacerbate an already dangerous travelling environment and cause the expansion, and further degradation, of an AQMA for which there is currently no Air Quality Action Plan.
- There will be wholesale biodiversity loss and extensive areas of peat – vital for carbon sequestration – will be impacted and possibly removed. The application contradicts the original application that led to the site being incorporated into the Local Plan by removing a community woodland when it was stated that all trees would be retained.
- The infrastructure, including schools, are simply not there to support this volume of building.
- Much of the key evidence base on which the supporting transport and air quality documents are produced is deeply flawed, using unrealistic data.
- The development fails to meet local and national guidance on many key points.

The application should therefore be rejected.