

CS41/LPS18 Response – Henbury Parish Council

Henbury Parish Council (HPC) have already submitted an objection to the development of this site in July 2017, 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 line of trees (yet to be planted), 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 original proposal for this site in the local plan consisted of 150 properties, however this submission, for perhaps 60%-70% of the total site area, contains 135 properties alone. Therefore, combined applications for 200 or more properties can be anticipated, a level well above the initial plan figure.

Very large levels of local opposition were provided to CEC during the local plan production, and yet it appears that this has had little, if any, influence on the inclusion of this site into the plan. Residents therefore feel that the consultation exercise was effectively worthless. There is now an opportunity for CEC to consider these concerns and this submission considers in some detail the key issues.

The documents supporting the application for LPS 18 have been reviewed and the response of HPC is below, taking the key points in turn.

Environment

Air Quality

This development is adjacent to the Broken Cross Air Quality Management Area (AQMA). This AQMA has been defined as NO₂ 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. This has not yet been done, but 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.**”*

Furthermore, the Government have recently published documentation on air quality and the need for local plans to address poor air quality areas. This includes the ‘UK plan for tackling roadside nitrogen dioxide concentrations: an overview’, which includes the wording:

*“Government will assess local plans to ensure they are effective, fair, good value, and deliver the necessary **air quality compliance**. Government will provide feedback on local authorities’ initial plans and will decide whether or not to approve final plans. A local plan will only be approved by government, and thus be considered for appropriate funding support, if:*

*a. **it is likely to cause NO2 levels in the area to reach legal compliance within the shortest time possible;***

*b. **the effects and impacts on local residents and businesses have been assessed, including on disadvantaged groups, and there are no unintended consequences [..]**”*

As there is currently no published Action Plan for the Broken Cross AQMA then this application should not be permitted as the above assurances can’t be provided. Once the Action Plan is produced, then the impact of this development must be rigorously checked against the Plan, and the impact assessment must be based on sound data and analysis. Furthermore, the Action Plan should be based on accurate air quality measurements – currently the measurement methodology uses relatively inaccurate techniques and there is simply too much at stake here, health-wise. Building around 400 houses adjacent to the AQMA will certainly not result in compliance in the shortest time possible, just the reverse.

The Air Quality Assessment used the data produced in the Transport Assessment, and section 3.7 of the former states that

*“Queuing sections at the Broken Cross roundabout and roundabout arms were modelled at **10kph below the speed limit**”*

The output of this exercise is therefore only of very limited accuracy, in fact the flow rates shown in the Transport Assessment at rush hour will not allow traffic to travel at that speed and queuing levels will be such that the traffic will effectively be stationary for extended periods. Any calculation of air quality impact under the predicted scenarios will therefore be far greater than that estimated in this Air Quality Assessment. The modelling was ‘verified’ by comparing the predicted values to practical measurements in the Broken Cross area, which are subject to a relatively poor measurement tolerance. As such this is not a valid way of verifying the model and far more accurate measurements would be required to offer the required statistical evidence that the modelling is sound.

As a planning application is also in submission for the site south of Chelford Road (the old CS40) which will propose 200 houses, the impact on air quality must be calculated in a cumulative manner and using the correct source data – otherwise the results are invalid. As there will be parking provision for two cars per household then the total development land could well result in an additional 800 cars using the Chelford Road/Broken Cross area, and this must be considered.

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.

Trees

With the written permission of the Cock Inn in 2013, more than 450 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 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."*

However, in the Design and Access Statement, section 2.2 (constraints) it is described as

- Existing central woodland - in **poor condition**.

The associated map actually describes it as '**existing scrub**'.

These are therefore misleading statements by the developer, and any site visit will show just how well this plantation is now growing.

One error in the Arboricultural Assessment, however, is in section 5.3:

*"Approximately **135** trees recorded as 7 individuals and 3 groups would be removed to facilitate the development proposals"*

Had the assessor counted the trees correctly the figure would be close to **500**, clearly a large error.

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 design and access statement shows a '*Replacement community woodland*'. This is nothing more than a linear row of trees along the western boundary. This therefore neither forms a community woodland nor is in any way a replacement for the existing woodland – it is merely the required site boundary to provide a green belt boundary, albeit a very weak one, and represents a significant ecological degradation of the site when compared to the current situation.

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 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.

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.

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.

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.

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. 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.

No comments are made in the assessments 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.

Traffic

The Transport Assessment is based on flawed data. For example, the maximum queue length measured at the Broken Cross roundabout is 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 have therefore commissioned an additional 3rd party survey and performed its own queue monitoring on a typical recent weekday. Although the full results are not yet available, and will be submitted separately, the manual survey work confirmed that queue lengths were far greater than reported in the Transport Assessment, on all four approaches. Each of the queues peaked at more than 50 vehicles, with more than 100 being recorded at the peak times on two approaches. The rush-hour queues from the roundabout toward Henbury on Chelford Road/A537 regularly extend beyond the proposed site access and hence traffic entering/exiting the site will be passing through the eastbound queue. This will also lead to queuing within the site itself for exiting traffic.

Initial results from the survey company on traffic flows show that the traffic levels on the latest survey are 25%-30% higher than on the day used for the Transport Assessment and that the Fallibroome Road traffic levels in particular were substantially increased. This leads to the conclusion that the assessment may not have been done on a typical weekday in school term-time, despite the stated date of survey.

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 will be grossly under-estimated.

The traffic assessment performed by CEC for the Macclesfield 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.

Consideration of the impact of this subset of site LPS18 on the local traffic conditions is being done in isolation from the other proposed development in the area, notably the remainder of LPS18 the site and the proposed development directly opposite and on the south side of Chelford Road. The latter proposal is for 'up to 200 dwellings'. The impact on infrastructure must therefore be considered on a cumulative basis, rather than individually, as the primary access for both these developments is Chelford Road.

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 be passing through the Broken Cross Air Quality Management Area and thus subject to illegal 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 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."*

On the Broken Cross roundabout the assessment shows Ratio of Flow to Capacity (RFC) levels during the AM/PM rush hour periods of 0.89/0.99 on Fallibroome Road, 0.93/0.94 on the A537/Broken Cross, 0.90/0.96 on Gawsworth Road and 0.92/0.96 on Chelford Road – all clearly well above the commonly accepted practical capacity of 0.85, and indicating that significant queuing is therefore to be expected. Predicted 2019 flows then reach or exceed the capacity threshold of 1 on two of the approaches, with the remainder very close. 'With development' the RFCs are 1.06/0.98/1.04/0.99 in the PM rush hour on the four approaches – indicating that the roundabout will be operating beyond its capacity limit, with unpredictable behaviour therefore expected. 2024 'with development' figures show >1 in both the AM

and PM rush hour periods on all four approaches, a completely unsustainable situation leading to transport chaos in the vicinity.

The traffic Assessment shows that the Chelford Road to Whirley Road junction currently has a Ratio of Flow to Capacity (RFC) of 0.87/0.86 for the AM/PM rush hours. This is already a high value, and these are predicted to increase to 0.88/0.92 in 2019 without development and 1.03/1.01 with development. The 2024 levels with development are 1.21/1.18, heavily over capacity and completely unsustainable. The assessment states that

"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 and degraded air quality resulting from queuing traffic.

The transport assessment goes on to state that:

"With the addition of the proposed development traffic there is forecast to be minimal increases in the RFC, queuing and delay at the junction."

Based on the RFC figures calculated in the report, which as mentioned previously, appear to be based on traffic levels that are 25%-30% less than typical levels, the system will routinely reach its capacity limit during busy periods and *any* increase in load will only exacerbate the problem. It is therefore felt that the above statement is not justifiable, as the impact of such high traffic levels and congestion are not predictable with any meaningful confidence. There is little doubt that the air quality at Broken Cross will be heavily impacted and that the AQMA will grow in extent as a result of the increased queueing. Furthermore, the impact on all surrounding roads will be large as rat-running will become more prevalent, and on roads that are not simply not safe for this (such as Andertons Lane and Whirley Lane) nor have sufficient capacity to offload the roundabout effectively.

As well as the A537/Chelford Road junction being dangerous for access, the application proposes that around 30 properties access the site from Whirley Road. This is already a problem road because of the presence of the primary and pre-schools, the traffic encountered at peak times and access to the recent Jasmine Park development. Pedestrian usage of the pavements is encumbered by the narrow width in places and the cars commonly parked on the pavement in the Jasmine Park area because of the limited parking available there, which, importantly, is directly opposite the pre-school. This is therefore a serious safety concern and highlights the fact that safe access to the site is not available. The extended queuing along both along Chelford Road and Whirley Road may well then subject the entrance of the pre-school to illegal air quality levels as the AQMA expands outwards from the Broken Cross roundabout.

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.
- 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.