



Small copper by Matt Berry



Cheshire

People taking action for wildlife

Cheshire Wildlife Trust

Bickley Hall Farm

Bickley, Malpas

Cheshire

SY14 8EF

T: 01948 820728

E: info@cheshirewt.org.uk

W: www.cheshirewildlifetrust.org.uk

FAO Adrian Crowther,
Case Officer
Cheshire East Council

07 January 2022

Dear Adrian,

Re: Land East of Congleton Road, Macclesfield (19/1796M)

The Cheshire Wildlife Trust (CWT) is the region's leading wildlife charity with over 17,000 local members whose views we seek to represent. In June 2017 CWT submitted a response objecting to the outline application (17/1874M) on which this reserved matters application has been brought forward. Our objection was based on the grounds that over half of the site met the criteria for designation as a Local Wildlife Site and that the scheme proposals would result in a significant loss of biodiversity including over 35 hectares of semi-natural habitat equivalent to 281 biodiversity units.

At our appearance at the 2017 planning committee we flagged that the SMDA scheme represented one of the most environmentally damaging schemes ever proposed in Cheshire East and the likely destruction of natural capital (biodiversity and stored carbon) at this scale is unprecedented in recent decades within the Cheshire region.

Since 2017, when the outline planning application was registered, the Government's Net Zero: Build Back Greener Strategy (2021) and the England Peat Action Plan (2021) have both been published. It is now indisputable that loss and/or modification of peat deposits should be avoided, as it not only destroys existing biodiversity and releases greenhouse gases (GHGs) but it undermines any future restoration potential for biodiversity or carbon sequestration and destroys an important natural capital resource.

Indeed the Government's England Peat Action Plan 2021 (page 24) sets out '*Some areas of peatland are potentially susceptible to development pressure and it is vital that planning policies reflect the importance of managing peatlands and avoid detrimental climate, water and biodiversity impacts from development.*' It goes on to say '*We want to help ensure that further steps are taken through policy and guidance to protect peatlands, including those which are damaged but recoverable, from potentially damaging development that would hinder restoration and recovery of the habitats and species.*'

Peatlands are a finite natural capital resource and should be protected and retained regardless of their condition.

CWT would now also like to register an **objection** to the reserved matters planning application 19/1796M for the following reasons:

Working for wildlife across **Cheshire East, Cheshire West & Chester, Halton, Stockport, Tameside, Trafford, Warrington & Wirral.**

Patron Richard Walker
President Felicity Goodey CBE DL **Chairman** Bill Stothart
Chief Executive Charlotte Harris



Registered Charity No. 214927

A company Limited by Guarantee Registered in England No. 738693



Small copper by Matt Berry



Cheshire

People taking action for wildlife

Cheshire Wildlife Trust

Bickley Hall Farm

Bickley, Malpas

Cheshire

SY14 8EF

T: 01948 820728

E: info@cheshirewt.org.uk

W: www.cheshirewildlifetrust.org.uk

1. Potential environmental impacts associated with deep peat deposits
2. Biodiversity impacts

1. Potential environmental impacts associated with deep peat deposits

We are extremely concerned at the adequacy of the assessment of impacts on the peat deposits underlying the application site and the potentially severe environmental consequences that would arise if these are not addressed adequately. These peat deposits form a part of (and are hydrologically linked to) a larger peat mass which supports Danes Moss SSSI, a lowland raised bog of national importance for biodiversity. We are disappointed that once again (this was also not previously considered at the outline stage EIA) the applicant has failed to characterise or assess the potentially significant adverse impacts affecting the peat, and the important environmental functions it supports (such as local hydrology, greenhouse gas regulation, biodiversity etc.), as a result of the proposed scheme.

As described in the submitted Drainage Strategy Report (WSP Feb 2021), the SMDA is located in an area of highly compressible peat and soft clays of variable thickness. As a result, significant ground improvements and stabilisations are required in order to make the site suitable for development. Based on the submitted documents uploaded to the planning portal at the time of writing, only a conceptual ground improvement strategy (comprising *in-situ* treatment of peat) has been submitted to support the application (SMDA ground improvement schematics Sept 21 P02) alongside a Geotechnical technical note (WSP Feb 2021). While the technical note acknowledges the importance of peat hydrology, it concludes by stating it is the “design objective that groundwater levels should not be lowered causing detrimental effects (such as peat shrinkage and degradation)”.

However, without an assessment of the impacts to the peat deposits on site (or how these localised impacts will affect the wider peat mass), it is not possible to understand the potential significant adverse effects arising as a result of its construction and operation, nor mitigate them appropriately. Without the characterisation and assessment of potential impacts it is not possible to claim the proposed conceptual approach to the *in-situ* peat stabilisation will appropriately mitigate the impacts of the development on the underlying peat and its wider environmental functions (i.e. achieve the design objective). These functions are not limited to the feasibility of the construction of the scheme (although this is the only context in which peat is mentioned in the submission documents), but in fact encompass a wide range of important environmental functions such as hydrology, local flood regulation, carbon storage and biodiversity. The level of survey and assessment carried out at the site is not sufficient to inform the design of the proposed works, nor does it demonstrate that the conceptual approach to soil stabilisation will mitigate the potentially wide ranging and significant adverse effects of the scheme.

Impacts to the peat deposits and any potential ‘indirect’ or off-site effects such as; flooding, emissions arising as a result of land use change, pollution and biodiversity, should have been characterised, assessed and mitigated for appropriately as part of the Environmental Impact Assessment (EIA) submitted to support the outline planning application. This is an astonishing omission and CWT strongly recommend that the EIA is revisited at the reserved

Working for wildlife across **Cheshire East, Cheshire West & Chester, Halton, Stockport, Tameside, Trafford, Warrington & Wirral.**

Patron Richard Walker
President Felicity Goodey CBE DL **Chairman** Bill Stothart
Chief Executive Charlotte Harris



Registered Charity No. 214927

A company Limited by Guarantee Registered in England No. 738693



Small copper by Matt Berry



Cheshire

People taking action for wildlife

Cheshire Wildlife Trust

Bickley Hall Farm

Bickley, Malpas

Cheshire

SY14 8EF

T: 01948 820728

E: info@cheshirewt.org.uk

W: www.cheshirewildlifetrust.org.uk

matters stage in order to ensure the proposals are in line with national legislation and national and local planning policies.

The potentially significant adverse and wide ranging effects arising as a result of the modification of the underlying peat deposits on site are a matter that should be taken into account in deciding this application and are therefore deemed a material consideration. They must be considered prior to the approval of this reserved matters application and not at the pre-construction stage.

CWT believe, for reasons outlined above, the current proposals contradict a number of local and national policies including:

- NPPF 2021:

120 b) Planning policies and decisions should: recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;

152) The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

154 b) New development should be planned for in ways that: can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.

174 e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

211 d) When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should: not grant planning permission for peat extraction from new or extended sites.

- Cheshire East Local Plan policy SD1 Sustainable Development in Cheshire East, point 11:

11. Use appropriate technologies to reduce carbon emissions and create a low carbon economy;

Working for wildlife across **Cheshire East, Cheshire West & Chester, Halton, Stockport, Tameside, Trafford, Warrington & Wirral.**

Patron Richard Walker
President Felicity Goodey CBE DL **Chairman** Bill Stothart
Chief Executive Charlotte Harris



Registered Charity No. 214927

A company Limited by Guarantee Registered in England No. 738693



Small copper by Matt Berry



Cheshire

People taking action for wildlife

Cheshire Wildlife Trust

Bickley Hall Farm

Bickley, Malpas

Cheshire

SY14 8EF

T: 01948 820728

E: info@cheshirewt.org.uk

W: www.cheshirewildlifetrust.org.uk

- Cheshire East Local Plan policy SE 10 Sustainable Provision of Minerals, point 9:

9. Not support proposals for peat extraction from new or extended sites.

While this is a mineral policy, it should be noted that this clause was recently cited in a decision to refuse the residential CEC planning application 19/3098M due to the removal of peat and deterioration of air quality through the release of GHG's.

- Cheshire East Council's Carbon Neutrality Action Plan 2020-2025 - Action 4.2: Protect and enhance natural capital (borough-wide):
 - a) Plan and develop natural climate solutions such as tree planting and peatland management to sequester carbon on between 41 and 1,347 Ha of non-council owned land by 2025.
 - b) Develop and implement restoration and/ or management plans for 100% of peatlands in Cheshire East.

CWT strongly support the comments issued by FCC Environment in response to this reserved matters application (dated 10 January 2020) which detail significant concerns relating to the proposed schemes impact on the underlying peat deposits within the application site.

2. Biodiversity Impacts

We note that the outline application for the wider SMDA was passed in 2019 with several planning conditions and a legal requirement to pay a commuted sum of £896,603.50 to compensate for the biodiversity impacts to this important site (identified as a potential Local Wildlife Site¹ pLWS, in 2018).

We are therefore astonished that there are no proposals to implement this requirement by providing the necessary compensation (via the commuted sum) to offset the biodiversity impacts of the current application.

The link road/landscaping application will result in a significant loss of biodiversity including the following priority habitats: lowland mixed deciduous woodland, wet woodland, lowland raised bog, native hedgerows², species-rich grassland (likely to qualify as priority habitat) and marshy grassland. There are also substantial losses to other semi-natural habitats such as scrub woodland, ditches, tall ruderal and semi-improved grassland.

The site is also important at a county level for species populations, most notably invertebrates, birds and reptiles. The footprint of the link road/landscaping scheme will directly impact areas of grassland and scrub described by

¹ Due to the presence of priority species/populations and priority habitat (as identified on the PHI inventory) and habitat that meets the LWS criteria.

² Some are likely to qualify as important hedgerows under the hedgerow regulations 1997 due to their association with an ancient field system (moss-rooms).



Small copper by Matt Berry



Cheshire

People taking action for wildlife

Cheshire Wildlife Trust

Bickley Hall Farm

Bickley, Malpas

Cheshire

SY14 8EF

T: 01948 820728

E: info@cheshirewt.org.uk

W: www.cheshirewildlifetrust.org.uk

Conops Entomology Ltd as a resource that *'is both extensive and complex and likely to be a rich reservoir of common and local invertebrates. There may also be some potential for scarce species'*.

The entomologist who undertook a single scoping visit on 13th November 2019 (in cloud and rain) recommended that survey work should be undertaken, but this was not followed up. Consequently the scale of the importance of the resource will never be known and, because the loss of specific impacted habitats will not be directly compensated for, *'those species which are reliant on grassland and marshy grassland will be impacted...'* (TEP Impact Assessment and Mitigation Strategy, November 2021). This is unacceptable.

Three families of (breeding) willow tit (S41, red listed) were recorded in the south central woodland in 2021 (TEP, Breeding bird survey November 2021) confirming that this species will be directly impacted by the road scheme. *'Areas of this wet woodland habitat will be impacted by the link road therefore reducing the amount of suitable nesting habitat to willow tit'* (TEP Impact Assessment and Mitigation Strategy, November 2021). To compensate for the loss of breeding habitat, rather than new habitat creation, 15 willow tit nest boxes will be installed in adjacent areas. This is not considered to be a suitable alternative to habitat creation for this highly threatened species.

It is totally unacceptable that none of the required compensatory habitat (such as wet woodland for willow tit) funded by the commuted sum will be brought forward at this stage. Compensatory habitat should be provided at, or before, the point of loss to help prevent local extinctions and not several years later. There is a real risk that subsequent schemes may not be brought forward in the timescale that requires the payment of the commuted sum, meaning that compensation for the impacts of this road scheme/landscaping areas may never be realised.

Furthermore it is also now clear that the sum of £896,603.50 (despite being index linked) may only provide around a third to a half of the required level of biodiversity compensation due to the increased cost estimates of habitat creation and long-term management in the intervening years since 2019.

The overall impact is that the scheme will result in an unprecedented net loss of biodiversity in Cheshire East at a time when biodiversity net gain is required for other developments in the borough and will be required by law in 2023.

CWT believe, for reasons outlined above, the current proposals contradict a number of local and national policies including:

- NPPF 2021:

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

- a) Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*

Working for wildlife across **Cheshire East, Cheshire West & Chester, Halton, Stockport, Tameside, Trafford, Warrington & Wirral.**

Patron Richard Walker
President Felicity Goodey CBE DL **Chairman** Bill Stothart
Chief Executive Charlotte Harris



Registered Charity No. 214927

A company Limited by Guarantee Registered in England No. 738693



Small copper by Matt Berry



Cheshire

People taking action for wildlife

Cheshire Wildlife Trust

Bickley Hall Farm

Bickley, Malpas

Cheshire

SY14 8EF

T: 01948 820728

E: info@cheshirewt.org.uk

W: www.cheshirewildlifetrust.org.uk

179. To protect and enhance biodiversity and geodiversity, plans should:

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

180. When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

- Cheshire East Local Plan policy SE 3 - Biodiversity and Geodiversity (multiple clauses), and;
- Forthcoming Cheshire East Site Allocations and Development Policies Document policy ENV 1 - Ecological Network (multiple clauses) and ENV 2 - Ecological Implementation (multiple clauses).

We trust you will find these comments useful.

Yours sincerely,

Ross Harding

Ross Harding BSc (Hons) PgD ACIEEM
Planning & Ecology Officer
Cheshire Wildlife Trust

Rachel Giles

Rachel Giles Ph.D.
Evidence & Planning Manager
Cheshire Wildlife Trust

Working for wildlife across **Cheshire East, Cheshire West & Chester, Halton, Stockport, Tameside, Trafford, Warrington & Wirral.**

Patron Richard Walker
President Felicity Goodey CBE DL **Chairman** Bill Stothart
Chief Executive Charlotte Harris



Registered Charity No. 214927

A company Limited by Guarantee Registered in England No. 738693