

APPLICATION NO: 21/4113M

LOCATION: LAND NORTH OF CONGLETON ROAD,
MACCLESFIELD

PROPOSAL: Outline application (with all matters other than access reserved) for the development of up to 92 dwellings, employment development and associated works including landscaping and full permission for the access arrangements via a new roundabout junction on Congleton Road

ADDITIONAL REPRESENTATIONS

A representation has been received from Save Danes Moss Community Group objecting to the proposal on the grounds summarised below:

- Loss of peat and peatland associated with the historic Danes Moss
- The site is wet and development would result in groundwater being lowered to unprecedented and damaging levels which would cause peat to dry out causing resulting in significantly increased greenhouse gas emissions
- Re-wetting of the peat profile could result in net absorption of CO2 in perpetuity
- Insufficient information to recognise the importance of peat
- Contrary to England Peat Action Plan and NPPF
- The proposed extraction of unquantified amounts of peat on the 21/4113M site is likely to have hydrological impacts on the Danes Moss SSSI via the Danes Moss North LWS

OFFICER COMMENT**Trees and Hedgerows**

Since publication of the Agenda Reports Pack, a consultation response has been received from the Council's Senior Arboricultural Officer.

The Council's Senior Arboricultural Officer comments that the Cheshire East Local Plan Strategy (CELPS) acknowledges at section 15.220 that the site allocation for LPS 15 contains some important natural features including trees, hedgerows, and ponds. The site is located to the southwest of Macclesfield and comprises of agricultural land bordered by established hedgerows and field boundary trees with an area of woodland to the northeast which directly abuts the site edged red of this application. No statutory protection presently applies to any of the trees within and adjacent to the area proposed for development.

The application has been supported by an Arboricultural Statement which includes a tree survey and Tree Constraints Plan with the Master Plan Framework overlaid on to the base line tree survey. The tree survey considers

all trees within the boundary of the strategic site and suggests that anticipated losses within the area of development under consideration will comprise of 1 individual high quality A Category tree, 11 individual moderate quality B Category trees, sections of 2 moderate quality B Category groups, 16 individual and 2 groups of low quality C Category trees. Of the 11 hedgerows plotted on the tree constraints plan, 2 whole hedgerows and part of one other are shown for removal. The hedgerow bordering Congleton Road is not considered within the Arboricultural Statement or survey.

Having considered the Proposed Site Access Plan, the existing levels of the site and the absence of any detailed appraisal of those trees presently shown as retained closest to the proposed roundabout (T63 – T65), the Council's Senior Arboricultural Officer considers that there is the potential for further tree losses and impacts to arise. To provide a greater degree of confidence and demonstrate the technical feasibility of retaining trees closest to the roundabout, the applicant should provide finished levels information around the roundabout, overlaid onto the tree constraints plan.

The site edged red extends along the northwest side of Congleton Road adjacent to woodland W1 and group G15 of the survey and the Footway Improvement Plan also suggests that there is the potential for further tree losses/impacts given the proposed widening of existing footpaths to both the northeast and southwest side of the road (G17, G18, T22) to create shared use for cyclists.

A drainage attenuation pond is indicated to the east of field boundary trees (T28-T34), which are shown for retention. Any future reserved matters application should seek to maintain appropriate separation from the retained trees to minimise disturbance in the root protection areas (RPAs).

The Arboricultural Statement confirms that the field boundary hedgerows on the site are to be dealt with by a separate report. Significant amounts of hedgerow are shown to be removed along the Congleton Road boundary to accommodate the roundabout and access, and these do not feature within the tree survey, nor do they feature within a survey that specifically addresses hedgerows. The hedgerows are considered to be subject to the Hedgerow Regulations and also appear to follow the line of the 1840 tithe map.

As hedge loss is involved to hedgerows on the site, all hedgerows should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if any qualify as 'Important'. The Regulations require assessment on various criteria including ecological and historic value. Should the hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a material consideration in the determination of the application. Hedgerows are also a habitat subject to a Biodiversity Action Plan. Site specific criterion 'i' of LPS 15 states that "any woodland, orchards or other priority habitats or habitats of local wildlife site quality on the site should be retained and buffered by areas of open space/habitat creation".

Policy SE 5 of the CELPS and SADPD Policy ENV 6 states that development proposals that would result in the loss of trees that provide a significant contribution will not normally be allowed unless there are clear overriding reasons for the development and where such impacts are unavoidable, development proposals must demonstrate a net environmental gain by appropriate mitigation, compensation or offsetting.

It should be noted that the Arboricultural Statement concludes that the outline development proposal will require the removal of 22 individual trees and 1 group and that these can easily be mitigated for by management of retained tree cover and the provision of new trees and landscaping. However, there is currently insufficient information available to assess whether the expected tree losses will be adequately compensated or mitigated for. Whilst the initial losses as indicated are accepted, there are concerns that the true extent of tree losses could exceed what has been identified and arise in impacts to trees outside the sited edged red.

Accordingly, there is currently insufficient information to determine the impacts on trees and hedgerows (which are also a priority habitat) and therefore the application is contrary to Policy SE 5 of the CELPS, SADPD Policy ENV 6 and site criterion 'i' of CELP Policy LPS 15.

As such, if Members are minded to determine the application in accordance with the recommendation made page on pages 42-43 of the Agenda Reports Pack, it is recommended that an additional reason for refusal relating to trees and hedgerows is added.

Peat

The National Planning Policy Framework (NPPF) advises that 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” (para 142). Para 154 point (b) advises that “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.”

Similarly, Local Plan Policy SD 1 Sustainable Development in Cheshire East, point 11 states that wherever possible, developments should “use appropriate technologies to reduce carbon emissions and create a low carbon economy”. This policy framework is aimed at harnessing new technologies, for example encouraging the use and uptake of electric vehicles, reducing the need to travel and more carbon efficient energy technologies e.g. renewables. These are not aimed at the management of peat.

Whilst peat deposits do serve a purpose in the sequestration of carbon (CO₂), and the extraction of peat will likely result in the release of some CO₂, this could be minimised as far as is practicable using detailed conditions for the management of peat.

Cheshire East's Carbon Neutrality Action Plan (Action 4.2 (a) (b)) advises that the council will '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' and 'develop and implement restoration and/ or management plans for 100% of peatlands in Cheshire East'. However, this does not include the site subject of this application which prior to its publication, has already been released for housing and employment development through allocation in the Local Plan.

With reference to the impact and hydrological link to Danes Moss Local Wildlife Site raised by Saves Danes Moss, officers share this concern and therefore have already recommended the application for refusal on the grounds that there is a lack of information regarding the hydrological link between the ditches on site and the ditches associated with the Local Wildlife Site. This is included within reason for refusal no. 4 on page 42 of the Agenda Reports Pack.

RECOMMENDATION

REFUSE the application subject to the reasons for refusal listed on pages 42-43 of the Agenda Reports Pack as amended by this update to include the following additional reason for refusal:

5. Insufficient Tree / Hedgerow Information

Insufficient information has been submitted in support of this application to allow an assessment of the impact of the development upon determine the impacts on trees and hedgerows (which are also a priority habitat) and therefore the application is contrary to Policy SE 5 of the CELPS, SADPD Policy ENV 6 and site criterion 'i' of CELP Policy LPS 15.