

FRIENDS OF CHERRY HINTON BROOK (FCHB) - OBJECTION

Response to 21/05476/FUL - *Hybrid planning application comprising:*

- For Parcel A: **outline** application for development of 31,400sqm (GEA) of commercial floorspace, including B8 (storage and distribution), flexible B8/E(g) (office, research, and development and light industrial) and E(g) floor space;
- For Parcel B: **full** application for ecological enhancements through habitat creation and management with restricted public access;
- For Parcel C (the Lakes): **full** application for the opening of the Site to public access for passive recreation, alongside delivering ecological enhancements, including landscaping and public open space.

We note that the application states that the proposals differ from the previously withdrawn application in:

- *changes to red line boundary, including access along Normans Way up to Coldhams Lane;*
- *a change to the mix of uses proposed, to provide a reduction in B8 (storage and distribution) floor space and an increase in E(g) (business) floor space;*
- *A Land Use Parameter Plan to control the location of permitted uses, including increased separation distances between some adjacent residential properties;*
- *introduction of two possible locations for a food / drink kiosk;*
- *additional information with regard to management of the lakes (parcel C) and omission of floating islands within the eastern lake).*

FCHB was established to help ensure the health of Cherry Hinton Brook as a vital habitat for wildlife with, in many places, its adjacent footpath providing an important public amenity allowing the Brook to be enjoyed by local residents. As in our response to the 2021 consultation, we are focussing on the proposals for Parcel C, which is adjacent to the Brook and may therefore have an impact on it. However, given that the Brook is the key element in the green corridor that links the Wandlebury/Gog Magogs area with the centre of the city, and that the lakes and Brook are ecologically connected with wildlife dependent on both habitats (e.g. kingfishers which feed in one and nest in the other) we are also providing comments on Parcels A and B.

FCHB OBJECTS to all three components of the application as in our previous objection. In summary:

1. The application has not been made in the spirit of the intentions of Policy 16 of the 2018 Cambridge Local Plan. "Areas of Major Change (AOMCs)" require "*a comprehensive approach to development and renewal that recognises the dependencies between sites in order to bring forward holistic change*" and "*careful integration with existing nearby communities*". The proposed development of Parcel A and the associated major increase in traffic, pollution and human disturbance both during and after construction, combined with the anticipated greatly increased volume of visitors to Parcel C, will have a negative impact on the blue-green corridor, its wildlife and the benefits that local residents obtain from it. This area (all three Parcels cover an area about the size of Coldham's Common) provides a key opportunity for providing more public access to open space and for protecting the City's biodiversity.

2. Parcel C: although a FULL application has been submitted for this Parcel, it is completely inappropriate for the site, given its wildlife value and would contravene the Council biodiversity policies and aspirations; the minor amendments in the new application do not address the concerns in our previous response. We do not support the opening up of the lakes under the arrangements proposed. Although we accept that Parcel C should ultimately be open to the public, as proposed in the 2018 Local Plan, this should not be considered until:

- a management body, with appropriate participation of local community groups and wildlife organisations, has been established;
- a system to secure the area has been developed, to ensure that the site is not used for activities that are damaging to wildlife;
- a funding mechanism that goes beyond the 25 years proposed has been identified; and
- the 2006 recommendation that this area should be designated as a Local Nature Reserve is re-considered.

3. Parcel B: given that this is allocated in the 2018 Local Plan for recreation, we see no reason why it should not be made publically accessible; public access appropriately managed would be compatible with the biodiversity restoration/re-wilding activities that are proposed.

4. Parcel A: Like the Wildlife Trust, FCHB thinks that the City Council was wrong to allocate this site for development in the 2018 Local Plan and effectively supported the applicant's pre-emptive destruction of the City Wildlife Site.

5. We wish to stress the insufficient consultation on the new application, given that (a) there are major changes in the application since the 2018 consultation and (b) the comments provided on the application submitted in 2021 have not been fully addressed. The application fails to take account of recent changes including surrounding housing developments, the release of the First Proposals for the Greater Cambridge Local Plan, and the declaration of the City Council's climate and biodiversity emergencies. The application also has many inaccuracies and discrepancies that cast doubt on the validity of the assertions made in it.

Our more detailed comments are as follows:

1. Negative impact on biodiversity of Parcel C (City Wildlife Site 40 - Norman Cement Pits)

The lakes are important for both wintering and breeding birds, including tufted ducks, gulls, terns, swans, great crested grebes, water rails, as well as occasional visitors that stop over briefly – a common scoter was recorded there this year, and a bittern has been recorded in the past. The trees and bushes are a vital habitat for spring migrants such as willow, Cetti and reed Warblers, chiff chaff, blackcap, siskin and many others. The small areas of grassland are important for key species including bee orchids. In the last year, otters have been recorded in the lakes, with sightings in the brook (photos available); bats are also regularly recorded. The 2006 Cambridge Nature Conservation Strategy recommended that the lakes should be designated as a Local Nature Reserve, which would provide the wildlife some statutory protection whilst still allowing public access for recreation. FCHB would like to see this option considered as part of planning for future use of the lakes.

The ecological information gathered by the applicant was far from comprehensive and it is very likely that the value of the site has been under-represented and the assessment of impacts downplayed. The ecological surveys undertaken for the ES (in 2015) did not take account of differences between years and the way in which species use the lakes according to periods of cold weather. The deep water lakes are most valuable for wintering birds during extended cold spells when wetlands on the near continent and elsewhere in East Anglia are frozen over. None of the surveys undertaken have coincided with such a period of weather. FCHB provided the applicant with information it has gathered on the wildlife of the lakes and Brook but this does not appear to have been used. It seems that no information on the aquatic life of the lakes has been gathered and no diving ecological survey undertaken. The angling club has stocked the lake with fish, and its members have good amateur knowledge of the ecology of the lakes, but there is no indication of this information being used.

The wildlife will inevitably be disturbed by increased visitor numbers, and we disagree with the conclusions of the applicants that there will be no adverse indirect or direct impacts from increased recreational use. There is a balance to be struck between public access and nature on such a constrained site, and so planning for use of the lakes must be discussed with biodiversity experts and representatives of local communities who have an interest in accessing the lakes, as well as the angling club who use it and are largely responsible for maintaining its current biodiversity value.

FCHB opposes the use of the lakes for dog walking. Swans and great crested grebes nest very close to the path so are at particular risk of disturbance. There is now plentiful scientific evidence demonstrating that dogs are disruptive to wildlife, particularly birds but also mammals and reptiles: to wildlife, dogs are predators. They are naturally inquisitive, can accidentally disturb wild animals and often instinctively give chase. This can be particularly damaging if it is a bird on a nest, possibly on eggs or with nestlings, or an animal which is struggling to find food, or hibernating, to get through the long, hard winter months. Dog mess is a threat for uncommon wild plants which need low nutrient soils to survive (soils typical of the banks of the lakes). Soil enriched with dog faeces encourages the growth of coarser plants including nettles and thistles which out-compete most wildflowers – bee orchids, among other chalk grassland wild flowers, have been recorded in the lakes and potentially will proliferate if undisturbed.

The different uses of the two lakes and the surrounding areas need further discussion, with all involved having a full understanding of: the ownership patterns and what this means, the different physical characteristics of the lakes, the location of key wildlife, the opportunities for re-wilding and biodiversity restoration, the interests of the anglers, etc. The details of which areas should be open to the public, which should be closed and which should have restricted access should be decided collaboratively. The maps and diagrams in the DAS and the associated text give a confusing and at times contradictory picture of what is planned – it is evident that changes have been made since the consultation documents last year (e.g. western lake referred to as the “recreation lake”) but the specific changes are not listed.

The eastern lake is now proposed as an area in which public access would in some way be restricted; bird/wildlife watching would be encouraged but the proposal to install “artificial floating islands” in the form of rafts for tern nesting has been removed (no reason given, although this is potentially a positive conservation activity). There is no indication as to how access to the lake will be regulated or restricted. This is the lake that in hot weather is regularly used, albeit illegally, for swimming and leisure and the bird hide is proposed for the area currently used for these activities. There is no indication as to how this will be prevented. Peterhouse has recently fenced off access to this area more securely as trespassers cross their part of Parcel C; if there were to be 24 hr access to the lakes, as proposed, the swimming and entertainment activities would undoubtedly continue and probably greatly increase.

Tree felling is proposed for some of the areas around the western lake, particularly in the corner defined by Burnside and the Tins, the location of the proposed main pedestrian entrance. We object to this proposal; if it were to go ahead, consultation and expert advice will be needed on which trees could be removed, given that the willows along Burnside have Tree Preservation Orders (TPOs), and many of trees in this corner provide nesting and roosting sites for key bird species including sparrow hawks, great spotted woodpeckers and the Little Egret which winters here. Some of the trees are of a substantial size and replanting would mean a loss of mature habitat for many years. The application also refers to planting of vegetation and this needs clarification – there is no immediately obvious reason why additional plants are needed and management should be such as to encourage existing plant species and to promote natural restoration and biodiversity improvement.

2. Negative impact on biodiversity of City Wildlife Site 11 (Cherry Hinton Brook)

The latest plans suggested that the Brook lies outside the proposed urban country park but confirmation of this is required. Nevertheless, the application, and the final master plan for any urban country park, must demonstrate that this City Wildlife Site will not be damaged. Chalk streams are national conservation priorities, and Cherry Hinton Brook is habitat for key species, such as breeding water voles, numerous bird species, and visiting otters. Restoration activities will take place in 2022 as part of the City Council's chalk stream project. The increased visitor numbers, once the lakes are opened, will potentially disturb the Brook's wildlife if not well managed.

3. No measurable biodiversity "net gain"

The application will result in a net loss to biodiversity in the area, with no measurable "net gain" as required by forthcoming national and local policy. Parcel A, designated at City Wildlife Site 17: Coldham's Lane Old Landfill Site, was of significant local value for wildlife prior to the destruction of the vegetation by the applicant in 2013. We have learnt that the claimed 7.67% biodiversity net gain is inaccurate, and a negligible net gain of 2.14% is more likely, and that if the figures were to be revised to address errors and inconsistencies there might be a clear net loss of biodiversity. In any case, any net gain will be a long way short of the 20% aspiration set out in the most recent Greater Cambridge Local Plan proposals. Any species-specific measures delivered through this application have to work alongside and be additional to the assessment using the Biodiversity Metric, and will not usually be sufficient by themselves to compensate for net losses as measured through the Biodiversity Metric, particularly as it will take years to replicate the habitats lost on Parcel A. Greater transparency is needed about the extent of biodiversity net loss or net gain, and a clearer explanation should be made available to councillors and local communities prior.

The applicant considers Parcel B to be the focus of biodiversity net gain for all three Parcels, aimed at *"the creation and improvement of habitats for supporting critically-important invertebrate populations ..."*. However the actions proposed for creating these habitats may lead to damage to existing wildlife and vegetation in this particular area. Chapter 5.3 of Design and Access Statement (Part 7) of the application states that Parcel B is to be 'Repurposed as a local wildlife site', and set aside for enhancing biodiversity with management "to provide a rich habitat patchwork targeted at invertebrates". Part 7 mentions sowing wild flowers and says "The site will be ripped and a variety of aggregates will be imported to the site, such as crushed concrete, flints, gravel and river or coastal dredging. A varied topography will be created together with some south-facing vertical faces of compressed sharp sand and limestone dust to form habitats for solitary bees and wasps which burrow into the material to lay eggs." Vegetation on Parcel B has developed naturally over several decades and thus already provides a range of habitats. It is hard to see how ripping the site and importing aggregates will enhance biodiversity, and in the short term it will destroy the existing habitats and the flora and fauna they support.

4. Negative impact of application on water flow and pollution

The application states that surface water from Parcel A will be disposed of through the "existing watercourse" – i.e. it will flow into the eastern lake and then out into Cherry Hinton Brook (as is currently the case). Following development of Parcel A, water flow is likely to be increased (less vegetation in Parcel A to absorb rainfall) and more erratic. We are very concerned about the impact this may have on the Brook, as well as the potential for pollution, particularly of diesel, fuels, oil, particulates and dust from heavy goods vehicles. FCHB is currently working with the Wildlife Trust

and City Council to undertake a range of restoration activities in the Brook to allow it to return to a more natural state and we object to activities that will potentially reverse these improvements.

We note that Cambridgeshire County Council has also objected to the application for reasons related to drainage and because insufficient information has been provided on mitigation of flooding and pollution. Anglian Water's response specifically notes that the proposed development could lead to an unacceptable risk of flooding downstream.

5. Impact on designated "protected open spaces"

Cambridge has been recognised as lacking adequate public green space for its residents, and in the Cherry Hinton area this is going to get worse as more housing is built. All three Parcels covered by this application are designated "protected open spaces" (POS), although the DAS appears to refer only to Parcel B as POS. Policy 67 (on protected open spaces) of the 2018 Local Plan states that development proposals will not be permitted which would harm the character of, or lead to the loss of, open space of environmental and/or recreational importance unless: *the open space can be satisfactorily replaced in terms of quality, quantity and access with an equal or better standard than that which is proposed to be lost; and the re-provision is located within a short walk (400m) of the original site.*

For Parcel A, despite the revisions in the new application, we do not think that the proposals are in line with Policy 67; a clearer explanation is needed as to how the POS proposals will meet the criteria, as it is not at all obvious how an industrial delivery centre with heavy traffic, including HGVs, can provide acceptable POS within its boundaries. For Parcel B, the application proposes **no** public access. FCHB objects to this and considers that this proposal contravenes Policy 67 and the fact that in the 2018 Local Plan, this area is allocated for leisure. This Parcel could be used to help meet the growing need for public amenity space for the local community and that it could take some of the pressure off Parcel C. There is no reason why regulated public access should conflict with managing the area for wildlife; all other nature reserves within the City permit public access and we disagree with the statement that "the intrinsic value of Parcel B is in its lack of public access, which makes it ideal for wildlife". The new DAS states that in the formal pre-application advice of 8 February 2021 (ref: 20/51532/PREAPP) officers broadly supported using Parcel B as a wholly ecological zone with no public access; we object to this and think it should be reviewed.

For Parcel C, a more transparent and inclusive discussion is needed to determine the types of activity that will be compatible with both biodiversity and the major safety concerns. The application gives no prediction of the visitor numbers that will result as a result of the opening of the site, and no estimate of the number that could be accommodated within the site at any particular time or season (the carrying capacity). In early discussions, the applicant made it clear to FCHB that an urban-style park, with hard landscaping, would not be considered. However, the proposals include several hard-core paths, as well as "lakeside paving" which is inappropriate and unnecessary (it will cause run-off and prevent the growth of natural vegetation around the lake). The plan for the western lake in particular looks more like that for an urban park than a wildlife area. The application does not make it clear how little "dry land" surrounds the lakes, nor the steep cliffs and drop-offs adjacent to the water: although Parcel C covers 15.9 ha, we estimate that about 90% of this is open water. The area available for park activities is essentially the narrow path around both lakes. We object to the proposal for a visitors' kiosk (also referred to as a café in the application). There is clearly insufficient space for such an amenity – it would increase visitor numbers and lead to further crowding. Servicing (provisioning and removal of waste) of the kiosk/café would lead to additional congestion in the narrow access road (Brookfields). We oppose the proposal for toilets, which would require constant cleaning and effective waste management. We are very concerned by the

suggestions in several places that further commercial development is envisaged such as water-sports and 'other income streams' in order to generate revenue. Section 5.4.2 of the DAS states: "The design of the lakes will preserve the flexibility of the public spaces, for the future management trust, by identifying locations which will enable activity zones, cafes and other active uses in the future, whilst opening the west lake up to public access in a more immediate timeline." Fig 5.3 in the Ecology and landscape masterplan identifies an "Activity Zone (Cafe + Cycle Hub)", with cycle ramps, benches etc. at the main pedestrian entrance. We have concerns about the "potential picnic area", as this would encourage barbeques with an associated increased risk of fire, and also increase littering and disturbance to wildlife. Given the small area available for walking and the assumed low carrying capacity of the site for visitors, we think that such facilities, as well as benches, should be excluded or kept to a minimum. We particular object to the concept of the "the Angling Club car park potential pop up hub (outside of Angling Club hours)", which is a nonsensical idea given that the anglers use the lakes around the clock; it would also cause immense disturbance. As stressed in our previous consultation responses there should be no boats, other than emergency vessels.

We believe that angling should be allowed to continue in both lakes; the locations for this should be discussed with the angling club which should be provided with as many "swims" as feasible – the club has taken great care of the lakes and their wildlife and current fishing activities do not cause problems.

6. Health and safety issues, and access

The health and safety risks associated with the site are considerable and the level of on-site supervision required to achieve the predicted benefits is likely to be high. No underwater survey of the lakes has been carried out, and there are many reports by older residents of the area of machinery and other objects that are likely to represent hazards on the bottom of the lakes. The cliffs and steep drop-offs in several areas pose a high risk of accidents and this has not been fully addressed. More detailed proposals are required as to how adequate levels of health and safety would be achieved, and the funding provided for this. Further details of the proposed viewing platform on the high, open bit of cliff, are needed as this is a location with a major safety issue. The application notes (Chap 6, DAS) that paths and trails should "be safe to navigate but without the harsh physical and visual intrusiveness of tarmac" and "All materials should be naturalistic in appearance with minimal hard landscaping". However, wheelchair access is planned: we welcome this but want further details on how and where this will be provided.

Much greater thought and consultation is required in relation to how the public will access Parcel C. We object strongly to the proposed arrival point and facilities planned for the junction of the Tins and Brookfields/Burnside, as this is a key wildlife area; the proposals will undoubtedly result in disturbance and almost inevitable loss of the wildlife value of this corner of the western lake. We also object strongly to the proposal for 24 hr access to the site (via kissing-gates). There is a need for clarification on the number and locations of other proposed entrances: in some parts of the application a second and third pedestrian and cycle entrance are proposed for the Tins – one, half way along, and another by the railway bridge, but other documents indicate two pedestrian entrances in total. In relation to visitors arriving by car, FCHB has always maintained that access, should be via the business part on the north side of the railway line, where space could be provided on the applicants land for any additional parking required. The Burnside entrance should be retained for the angling club and emergency vehicles only, with consideration given to access for some disabled visitors. The application states that the existing anglers' car park will be "tidied up" and the wording and illustrations indicate that many more vehicles have been proposed for this area than is currently possible, given its size. Any expansion of existing on-site parking would entail the clearance of the natural vegetation the park is intended to enhance.

Although it has not been made explicit, our understanding from a discussion with the applicant is that no cycling will be permitted within the park, and the kissing gates will prevent cycle access to the paths. However, the proposals shows 30 cycle parking spaces near the proposed car park, which will encourage the use of cycles within the park. We note that the Local Highways Authority, in its response, has pointed out that although *full planning permission for pedestrian and cycle access on Parcel C is being sought, no plans for this have been submitted*. Consideration should also be given, as discussed in the earlier consultations, to using part of Parcel B to provide cycle and pedestrian access to the Tins from Coldhams Lane. Plans for access to the lakes must be integrated with the proposals for new transport schemes in this part of Cambridge and the upgrading of Snakey Path.

7. Management of the “urban country park” and its financing

We agree that it will be essential to have a “management body” for the area, but the suggestions for management and funding in the application are inadequate: successful integration of nature conservation and public access objectives will require major investment and design and implementation of a high quality management plan over an extended period. Management will require a collaborative approach, involving all the owners (Anderson Group, City Council, Peterhouse, County Council), biodiversity experts and representatives of the various groups that have a key interest in the area including the angling club, environment organisations, community groups such as Friends of Cherry Hinton Brook, and the Residents Associations in the adjacent areas (with no legal liability for the voluntary organisations). “Volunteer management” is mentioned but requires much thought in the light of the complex management and the need for a Long-Term Governance Arrangement. Considerable on-site supervision will be essential, and might need to include 365 days wardening, locking the gates at night, and setting up of a night-time on-call system; experience at other country parks (e.g. Milton Country Park) confirms the need for some level of site staffing.

The costs of managing the site are likely to be considerable and a site management plan and business plan (with management costs) should be prepared ahead of any planning committee decision, in order to inform the decision. This would allow the City Council to assess whether management can be achieved with the S106 allocated money and any other potential revenue streams. If the future management costs are under-estimated, there is a high risk that new recreational uses will be introduced to generate additional income, and these might include activities that would further damage the wildlife, such as water-based recreational activities, use of the site for events, or more café facilities.

The application does not clearly show how the proposals for the lakes will be delivered across the multiple ownerships, but the future management of the site must be treated as a whole, if it is to be sustainable. The maps do not show that the City Council has part ownership of Parcel C (although this is briefly mentioned in para 1.2.2. of the DAS) and there is no discussion of the potential role of the Council in management. The fact that a large part of the eastern lake is owned by a University college is also not made clear. We understand that the applicant is obliged to fund the management and maintenance of the lakes for 25 years, but we need to be certain that the public benefits will be secured in perpetuity if planning permission is granted for this development.