

## FRIENDS OF CHERRY HINTON BROOK

**Response to 21/02326/FUL** - Hybrid planning application comprising:

- a) outline planning application for commercial development comprising B8 floorspace, including ancillary E(g)i floorspace, and flexible B8/E(g) floorspace, car and cycle parking, landscaping and associated infrastructure with all matters reserved except for access on Parcel A;
- b) full planning application for ecological enhancements on Parcel B; and
- c) full planning application for recreation and ecological enhancements, including landscaping, public open space and pedestrian and cycle access on Parcel C. | Land South of Coldhams Lane Cambridge

### Summary of objection

Friends of Cherry Hinton Brook (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 also to be enjoyed by local residents. Our response therefore focuses on Parcel C, and the proposals for the lakes, which are adjacent to the Brook and may therefore be expected to have an impact on it. 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, we also take an interest in this larger area and are thus providing some comments on Parcels A and B.

**FCHB OBJECTS to the application** for a number of reasons, of which the two primary ones are that we do not support the opening up of the lakes under the arrangements proposed, and we do not consider that sufficient information has been provided for a full application for Parcel C. We would support the proposal for the establishment of an urban country park, as laid out in the 2018 Local Plan, provided that this respects wildlife, and that access and security issues are fully addressed in the master and management plans. The proposal for the lakes in this application does NOT respect wildlife, and access and security issues are not fully addressed. Our more detailed comments follow.

#### 1. Comments on the application as a whole

The application covers a vital area of what is essentially a blue-green corridor running from Cherry Hinton to the River Cam, created by Giants Grave, Cherry Hinton Brook, Coldhams Common and the three lakes, with the associated open and/or green spaces created by adjacent allotments, wildlife sites (Cherry Hinton Pits, Barnwell Reserves, Coldhams Common) and footpaths. The lakes and brook, in particular, are tightly linked with some wildlife dependent on both habitats, such as kingfishers which feed in one and nest in the other. We consider that 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 and impact on both wildlife and benefits to local residents. This has been noted by many respondents to the consultation, and we fully support the objections to the anticipated increase in traffic and pollution.

The application covers most of the area identified in the 2018 Cambridge Local Plan as one of eight "Areas of Major Change (AOMCs)", which are stated as requiring "*a comprehensive approach to development and renewal that recognises the dependencies between sites in order to bring forward holistic change*" and also that "*They also need careful integration with existing nearby communities*". The Local Plan proposes the regeneration of the South of Coldham's Lane AOMC (Policy 16) by redevelopment of the area immediately south of Coldham's Lane and north of the railway line to allow for **appropriate** commercial uses and some outdoor recreational uses and ecological enhancement; and the area south of the railway line to provide primarily passive outdoor recreation

opportunities in the form of a new urban country park to serve the east of the city. We do not believe that the application has been made in the spirit of the intentions of Policy 16.

This area (all three Parcels cover an area about the size of Coldham's Common) is recognised as a key opportunity for providing more access to green space and for protecting the City's biodiversity, containing as it does several City Wildlife Sites and protected open spaces. A small piece of land between the David Lloyd fitness centre and the southern portion of Parcel A is botanically rich and no doubt supports a diverse range of wildlife. It indicates both what Parcel A was like before it was cleared – which should be the baseline for ecological improvements – and the potential of the land in the area for biodiversity recovery.

The application contains significant changes in relation to the proposals put forward in the 2018 consultation, resulting in our major concerns about its impact on both local residents and wildlife, particularly given the forthcoming increase in the population surrounding this site in future years, following closure of the airport. The application also appears to contain many discrepancies that cast doubt on the validity of some of the assertions made in it.

## **2. Impact on wildlife of lakes and brook**

We support the objections from the Wildlife Trust and CPPF who argue that the application will result in a net loss to biodiversity, with no measurable "net gain" as will be required by national policy. In particular, we agree that the baseline value of the site (notably Parcel A, the vegetation and wildlife of which was destroyed by the applicant in 2013, an activity that many of our members witnessed) has been incorrectly calculated. We agree with the Wildlife Trust that the habitats present in 2013 were still largely as described in their 2005 survey. We note that the Wildlife Trust has estimated that the proposals actually represent a biodiversity net loss of 4-8% rather than the claimed 19% net gain, and we would therefore like a further reassessment of these calculations. We note that 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 ...*" but we feel that the actions proposed for creating these habitats may lead to damage to existing wildlife and vegetation in this particular area.

In relation to Parcel C, the 2006 Cambridge Nature Conservation Strategy recommends that the lakes should be designated as a Local Nature Reserve, which would provide them and the wildlife within them some statutory protection, whilst still allowing public access for recreation. We think that this recommendation still stands and would like to see the proposal for the lakes take this option into consideration.

The lakes are very 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. We note that the ecological surveys undertaken for the ES (in 2015) were very brief and did not take account of differences between years and the way in which species use the lakes according to periods of cold weather. We also do not think the ecological information gathered was comprehensive; 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 that this has been used.

The wildlife of the lakes will inevitably be disturbed by the anticipated increased recreational use, particularly if dogs are allowed – a use of the area that we are strongly opposed to. Swans and great crested grebes nest very close to the path so are at particular risk of disturbance. There is now plentiful scientific evidence that demonstrates that the presence of dogs is disruptive to wildlife, particularly birds but also mammals and reptiles - to wildlife, dogs are predators. Dogs 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 also 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 outcompete most wildflowers – bee orchids, among other chalk grassland wild flowers, have been recorded in the lakes and potentially will proliferate if undisturbed.

We agree that the eastern lake would be suitable for management primarily for wildlife with limited public access apart from angling and bird/wildlife watching, and we welcome the proposal to install “artificial floating islands” in the form of rafts for tern nesting. However, the application gives no clear indication as to how access to this lake will be regulated and limited, and thus how the lake could be managed as a nature priority area. This is the lake that in hot weather is regularly used, albeit illegally, for swimming and leisure and there is no indication as to how this will be prevented. Peterhouse has recently fenced off this area more securely, but if there were to be 24 hr access to the lakes as planned the swimming and entertainment activities would undoubtedly continue and probably increase enormously.

Given the complex ownership of this lake and surrounding land (Anderson Group and Peterhouse), we recommend that the easternside of the eastern lake, next to the Spinney school, should be a fully closed area as it is one of the most sensitive parts of the lake for wildlife, with a good stand of reeds where bittern and water rail have occasionally be recorded. We think that the bird hide, currently proposed for the location used by swimmers, would be better placed further west along the northern shore of this Lake.

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. Further information must be provided on which trees are to be removed, given that the willows along Burnside have Tree Preservation Orders (TPOs), and many of the trees, particularly 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.

It is unclear from the application as to whether any parts of the Brook will lie within the proposed urban country park. The ES states that the Water Vole has been scoped out of the assessment but also that part of the Brook is within the site and that the presence of the Water Vole had been confirmed there. A similar discrepancy occurs in the document THE\_LAKES\_APPLICATION\_FORM-5708639 which states in Point 13 that “there are Protected and priority species on the development site” but also says that there are no ‘Designated sites, important habitats or other biodiversity features’. The exact boundary of the area covered by the application urgently needs clarification, particularly the southern boundary which borders the Brook. Our understanding is that Cherry Hinton Brook would lie outside the urban country park as proposed in the 2018 Local Plan. Even if

this is the case, the master plan for the park must ensure its protection. Chalk streams are now recognised as national conservation priorities, and Cherry Hinton Brook is designated as a City Wildlife Site, on account of its key habitats and wildlife, including breeding Water voles.

### **3. Impact of proposal 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 may well 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 good 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 various reasons relating to drainage and also 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.

### **4. PARCEL C – concerns about the “urban country park” design**

In previous discussion with the applicant it was made very clear that an urban-style park, with hard landscaping, would not be appropriate for the lakes. However, the proposals include more hard-core paths than expected, as well as “lakeside paving” which seems completely 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 agree that angling should be allowed to continue in both lakes; the locations for this should be discussed with the angling club and they should be provided with as many “swims” as feasible – the club has taken great care of the lakes and the wildlife and current fishing activities do not cause problems. As discussed in previous consultations there should be no boats, other than emergency vessels. However, the master plan needs to include more detail on the types of recreational activity that would be suitable for Parcel C, given the wildlife and safety issues, and those that should be excluded. There is no estimate of visitor numbers that might be attracted to the “country park”, or that could be accommodated within the site at any particular time or season.

We agree that the western lake is the more suitable for public access, provided that it can be made safe. Insufficient attention has been paid to this issue; there are cliffs and steep drop-offs in several areas posing a high risk of accidents. More detailed proposals are required as to how adequate levels of health and safety would be achieved, and the funding provided for this. The application notes (Chap 6, Design and Access Statement) 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.

We object to the proposal for a visitors’ kiosk (also referred to as a café in some parts of the application) (Section 5). There is very 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 a lakeside café, water-sports and 'other income streams' (see Masterplan section 5 and 7-4 and 7-5), in order to generate revenue. 5.4.2 of the Design and Access Statement 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 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 benches should be kept to a minimum. 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.

## **5. Access to the "urban country park"**

We object strongly to the proposed "*Lakes Arriva tol Point and Facilities*" at the junction of the Tins and Brookfields/Burnside for many reasons including disturbance and almost inevitable loss of the wildlife value of this corner of the western lake (see above). 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 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 would use 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 proposing to enhance.

Although it is not explicit, our understanding is that no cycling will be permitted within the park, and the kissing gates will prevent cycle access to the paths. However, 30 cycle parking spaces will be provided near the proposed car park and many may feel tempted to cycle 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 a small part of Parcel B to provide cycle and pedestrian access to the Tins from Coldhams Lane. Plans for access to the lakes should be integrated with the proposals for new transport schemes in this part of Cambridge and the upgrading of Snakey Path.

## **6. Management of Parcel C - the urban country park**

We agree that some form of "management body", representative of all organisation involved, will be needed to manage the site but much more detail is needed on how this would be set up and run, and further consultation with relevant experts. "Volunteer management" is mentioned in section 5.4.4 of the Design and Access Statement and requires considerably more thought and better

definition in the light of the complex management provisions and the need for a Long-Term Governance Arrangement.

The whole issue of how Parcel C would be managed long-term and equally important, how sustainable funding to ensure long-term maintenance of the site would be obtained, needs elaboration. Based on their own experience, CPPF and the Wildlife Trust suggest that considerable on-site supervision will be essential (CPPF suggests 365 days wardening of the site, locking the gates at night, and setting up a night-time on-call service would be essential). FCHB members' experience of both wildlife needs and the current management issues associated with the brook and lakes lends support to this. Experience at other country parks (e.g. Milton Country Park) confirms the need for some level of site staffing. Management will be complex, and will require a collaborative approach, involving all the owners (Anderson Group, City Council, Peterhouse, County Council) with representatives of the various groups that have a key interest in the area including the angling club, Friends of Cherry Hinton Brook, and the Residents Associations in the adjacent areas. However, there should be no legal liability for the voluntary organisations involved.

The applicant will be obliged to fund the management and maintenance of the lakes for a period of 25 years and so a business plan and exit plan should be developed now for ensuring perpetuity of the park after 25 years and in order to understand the resources required. We also think there is a risk that ownership of the site might change during the 25 years and so some kind of mechanism would be needed to ensure that the site will be maintained if this happens.

## **7. Parcel B**

In the 2018 Local Plan, this area is allocated for leisure. 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.

The application proposes no public access to Parcel B but FCHB objects to this suggest. Parcel B is designated Protected Open Space and could be used to meet the growing need for public amenity space for the local community. Protected open spaces are covered in Policy 67 of the 2018 Local Plan which 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.* Opening this part of the site to the public, in a regulated manner, could take some of the pressure off Parcel C. There is no clear 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".