

To:  
Development Management  
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From:  
Protect Butterfly Bank Committee  
Wilmslow  
Cheshire

Date: 20 May 2025

***Subject: FORMAL OBJECTION to EIA Screening Request – Land  
rear of Welton Drive, Chesham Road and Stockton Road,  
Wilmslow (Town and Country Planning (Environmental Impact  
Assessment) Regulations 2017)  
(Ref: Jones Homes/Emery Planning, Application Reference  
Number: 25/1075/EIA)***

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## **1. Introduction**

This objection is submitted by the Protect Butterfly Bank Committee in response to the EIA screening request made by Emery Planning on behalf of Jones Homes (North West) Ltd. The request relates to a proposed residential development of approximately 120 dwellings and a 'country park' on Green Belt land at Stockton Farm, to the rear of Welton Drive, Chesham Road and Stockton Road in Wilmslow.

In our professional assessment, this proposal falls within Schedule 2, Category 10(b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Furthermore, when assessed against the selection criteria in Schedule 3, it is evident that the development is likely to have significant environmental effects. These include ecological sensitivity, visual impact, cumulative pressure, Green Belt degradation, flood risk, and procedural inconsistencies—each of which justifies the requirement for a full Environmental Impact Assessment.

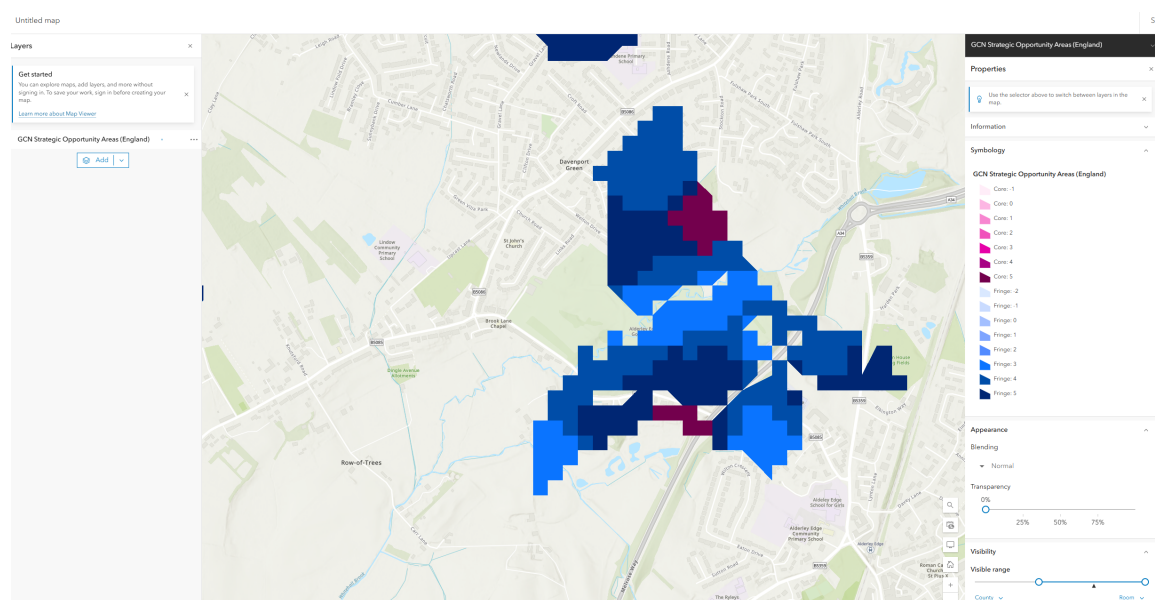
## **2. Great Crested Newts and Ecological Sensitivity**

The presence of Great Crested Newts (GCNs) in or near the proposed development site is not speculative — it is supported by official habitat modelling from Natural England, identifying the land within a Strategic Opportunity Area (SOA) for GCN conservation. This designation, visible on the Defra Magic Map, confirms that the site lies within a landscape where GCNs are known or strongly likely to exist, and where targeted conservation is prioritised.

GCNs are a European Protected Species under the Conservation of Habitats and Species Regulations 2017, and their habitats are protected regardless of direct observation. Despite this, the applicant has submitted no ecological survey, eDNA analysis, Habitat Regulations Assessment, or mitigation plan. There is not even acknowledgment of the site's GCN designation.

Case law confirms that such omissions are not permissible at the screening stage. In

Bateman v South Cambridgeshire DC [2011] EWHC 2319, the High Court held that potential impacts on protected species must be accounted for even in the absence of confirmed survey results. The precautionary principle applies. Schedule 3(2)(b) of the EIA Regulations requires consideration of biodiversity and species vulnerability. This alone necessitates EIA.



### 3. Green Belt Harm and Visual Sensitivity

The site occupies an elevated ridge separating Wilmslow from Alderley Edge, known locally as Butterfly Bank. It serves a strategic Green Belt function by preventing coalescence and preserving settlement identity, as protected under NPPF §138(b). Development in this location would undermine both the openness and permanence of the Green Belt boundary, violating the core spatial strategy of the Cheshire East Local Plan.

The applicant has submitted no Landscape and Visual Impact Assessment (LVIA), no photomontages, and no evidence of how the massing and lighting of 120 dwellings would alter views from nearby public rights of way, golf course land, or elevated residential areas. The absence of this evidence renders the screening request incomplete.

The scale, location, and design of the proposal would result in a skyline breach, significant light pollution, and a loss of landscape character. These are not minor or localised effects and must be evaluated through a formal Environmental Statement.

### 4. Cumulative Development Pressure

The applicant's screening request fails to assess cumulative environmental effects from other approved and pending developments in the area, including Royal London LPS54, Wilmslow Business Park, and adjacent housing allocations.

The Courts have held that screening decisions must consider cumulative effects (R (Squire) v Shropshire Council [2019] EWCA Civ 888). This is especially relevant in edge-of-settlement locations where multiple schemes can jointly erode landscape capacity, infrastructure resilience, and ecological integrity.

The dismissal of cumulative impact in the applicant's submission is procedurally flawed and undermines the reliability of their conclusions. The effects of this development must be assessed alongside neighbouring schemes within a comprehensive EIA framework.

## **5. Public Rights of Way and Landscape Impact**

Several Public Rights of Way (PROWs) traverse or run adjacent to the site, offering uninterrupted public access to the rural landscape and panoramic views across the ridgeline. These PROWs contribute significantly to the public enjoyment of the countryside and are intrinsic to the area's character.

The visual and experiential impact of a 120-unit housing development on users of these footpaths has not been considered by the applicant. No visualisations or photomontages have been submitted, and no mitigation has been proposed. In accordance with Schedule 3(2)(a) and 3(2)(e) of the EIA Regulations 2017, the visual sensitivity of publicly accessible land is a relevant consideration in assessing the likelihood of significant effects.

The impact on PROW users must be assessed in an Environmental Statement. Without it, the screening request remains incomplete and misleading.

## **6. Lighting and Dark Landscape Sensitivity**

The proposed development lies in a rural edge location currently devoid of street lighting or artificial illumination. It contributes to a wider dark landscape zone that supports nocturnal wildlife and preserves the rural character of the skyline.

Residential development would introduce artificial lighting — including streetlamps, domestic lighting, vehicle glare, and external security lighting. These effects have been entirely omitted from the screening submission. Schedule 3(2)(c) of the EIA Regulations requires consideration of light pollution and the degradation of landscape tranquillity.

These changes would result in both direct ecological harm and indirect landscape degradation, further justifying the requirement for EIA.

## **7. Surface Water Drainage and Flood Risk**

The site slopes downhill towards Whitehall Brook, with several field drains and runoff pathways converging near or within the application boundary. The area is known locally for waterlogging and surface water pooling during high rainfall.

No Flood Risk Assessment (FRA), Sustainable Urban Drainage System (SuDS) strategy, or hydrological modelling has been submitted. This omission is especially serious given the increasing emphasis placed by NPPF §159–§169 on climate resilience and flood risk management.

Schedule 3(2)(c) of the EIA Regulations 2017 requires that the receiving environment's capacity to absorb surface water and pollution must be considered. This cannot be addressed without a full EIA-supported drainage strategy and cumulative runoff modelling.

## **8. Tree Preservation Orders and Arboricultural Sensitivity**

We are aware that multiple Tree Preservation Order (TPO) applications have recently been submitted to Cheshire East Council relating to trees within or bordering the site.

These applications, if confirmed, would designate several trees as legally protected and restrict development or removal. Issuing a screening opinion in advance of decisions on these TPOs risks pre-empting that statutory process and could result in irreversible environmental harm.

The EIA Regulations require consideration of landscape features and the permanence of environmental effects. The potential loss of protected trees and associated wildlife habitat justifies formal environmental assessment under Schedule 3(2)(b) and 3(3)(e).

## **9. Mapping Inconsistencies and Hidden Land Parcels**

We note inconsistencies between the simplified location map embedded in the screening request and the formal site location plan (Drawing No. 23-52-LP01). The simplified version omits key features including ponds, PROWs, and hedgerows — all of which are relevant to ecological and visual impact.

In addition, two disconnected blue-lined land parcels appear to the west of the main site boundary. Their inclusion suggests retained or controlled land which may be used for visibility splays, drainage easements or future access. These features are integral to the site's functionality and should have been declared in the screening boundary.

Any attempt to segment the development site to understate environmental impact is contrary to EIA case law (e.g., *R (Loader) v Rother DC* [2015] EWHC 1877) and undermines the credibility of the submission.

The applicant has also neglected to mention their ownership of nearby adjacent field which one can logically conclude they will seek to develop and should be considered in any EIA. The field in question can be seen on this map edged in yellow



## **10. Procedural Delay and Public Inaccessibility**

The EIA Screening Request is dated 17 March 2025 but was only made publicly available on the Cheshire East Planning Portal on 7 May 2025. This seven-week delay restricted public awareness and comment within the statutory 21-day decision period, undermining transparency and procedural fairness.

## **11. Legal and Procedural Risks to the Council**

Should Cheshire East Council issue a positive screening opinion in reliance on this incomplete and flawed submission, it risks making a procedurally and legally unsafe decision. The failure to assess biodiversity, landscape, cumulative harm, PROW impacts, and drainage concerns is in breach of Schedule 3.

We reserve the right to request a Screening Direction from the Secretary of State under Regulation 5(7) of the EIA Regulations and to seek legal advice regarding a potential Judicial Review should a screening opinion be issued contrary to the evidence and without proper consideration of these matters.

## **12. Conclusion**

The screening request is substantively inadequate. The proposed development would have significant environmental effects that require comprehensive assessment via an Environmental Impact Assessment. We urge Cheshire East Council to issue a negative screening opinion accordingly.