Application No:	23/4152M
Application Type:	Full Planning
Location:	The Dam Embankment Of Poynton Pool Reser Park, London Road North (B5092), Poynton,
Proposal:	The proposed removal of low points along approximately 480m of the Poynton Pool dam embankment and slightly raising the level of crest to increase the flood resilience of the reservoir. A kerb alongside an enhanced footpath will create the crest level.
Applicant:	Ms Debra Wrench Cheshire East Council,
Expiry Date:	29-March 2024

Summary

The application was deferred from the April 2024 SPB meeting. There remains some disagreement between the parties on the stated inaccuracies, but it is considered that there is sufficient information available in order to make an informed decision on the application. Similarly, there remains disagreement regarding the impact of trees on the dam.

A ground investigation survey was not required by the Inspecting Engineer, and has not been carried out to date, but can be secured by condition. In terms of engagement, there have been several meetings between the applicant and the third parties, some of which have also been attended by current or previous Inspecting Engineers. Planning officers also held a meeting with the applicant, FoPP and PTC to review progress on the reasons for deferral.

There has been no formal independent review of the application proposal, however an updated S10 report has been published since the deferral from SPB in April 2024, and its findings are similar to those identified in the 2016 S10 report. The Inspecting Engineer for the 2024 S10 Inspection was independent (not associated with the applicant) was also present at some of the meetings between the parties where the proposals were discussed. As part of that engagement a viable alternative that could meet full engineering requirements was identified. Finally, there are no known alternative sites for the proposed mitigation planting. Walnut Tree Farm remains the site proposed for the mitigation.

The overall planning balance remains similar to that outlined in the original report, however, the amendments that have been made to the application have reduced the number of trees to be removed from 78 to a maximum of 34 (minimum of 17), and the overall impacts on the woodland and to the visual amenity of the area has been reduced. Biodiversity Net Gain (BNG) has also been increased.

The presence of a viable alternative that meets relevant standards is a material planning consideration. However, there remains some uncertainty regarding the impacts of Option

1D (suggested by Friends of Poynton Pool), and whilst these remain, only limited weight can be afforded to it as a realistic, and better, alternative to the current scheme. As such this is not considered to be sufficient to tip the planning balance against the application proposal.

Summary recommendation

Approve subject to conditions

1. REASON FOR DEFERRAL

1.1. The application was deferred from the Strategic Planning Board on 24 April 2024 for the following reasons:

1. To consider and update where necessary any inaccuracies in the submitted data to ensure modelling is accurate.
2. To review the current condition and risks associated with the existing dam wall, and the impact caused by removal of trees on the dam.
3. Encourage engagement with third parties to consider / explain alternatives.
4. To instigate a further independent view, if necessary.
5. To review the location of the proposed mitigation and consideration of any alternatives.

2. APPLICANT'S SUBMISSION

2.1 Since the deferral, the applicant submitted the following information on 17 October 2025, which was the subject of a re-consultation period during October / November 2025:

- Supplement to Summary Options Report
- Hydrology and Modelling report (following the latest s10 Inspection in December 2024)
- Planning Position Statement

2.2 Following this period, further discussions were held with the applicant, which resulted in the following information being submitted on 11 December 2025, which was then subject to further re-consultation predominantly during December 2025:

- Revised plans to show reduced width of proposed footpath works
- Supplement to Summary Options Report
- Preliminary Ecological Appraisal Report
- Landscape Management Plan
- Heritage Statement
- AIA Technical Addendum
- BNG Metric and BNG Report
- Planning Statement Addendum

Amendments to the proposal

2.3 The amendments to the scheme made in December 2025 include:

- Additional drawdown pipe into the existing spillway chamber
  The latest S10 report (December 2024) identified that current drawdown capacity was inadequate. It is therefore now proposed to include an additional pipe into the existing spillway chamber at the base of the existing wall.

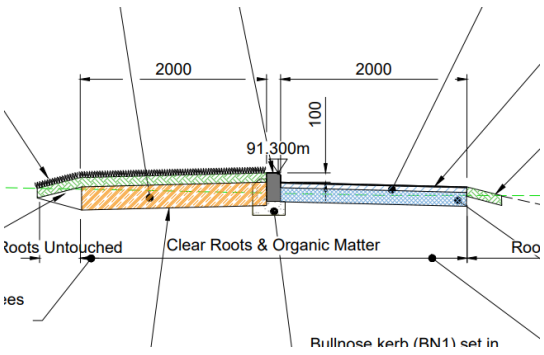
- Change to outlet screen
  The S10 report (December 2024) identified the need to change the outlet screen (see below) from a vertical screen to one that is at a 70° angle and bar size/spacing to meet modern standards. This change is now proposed.

- Understory vegetation clearance and ongoing management
  The S10 Inspection report identified the need for mandatory regular maintenance that requires the removal and clearance of the understory vegetation along the embankment and that this is kept clear. This work needs to be done and will be done irrespective of the outcome of the planning application (as it does not require planning permission) in order to comply with the latest s10 report recommendations. However, this understory planting removal does avoid the need for the two, previously proposed, 40-metre-wide tree clearance areas, which have now been removed from the proposal.

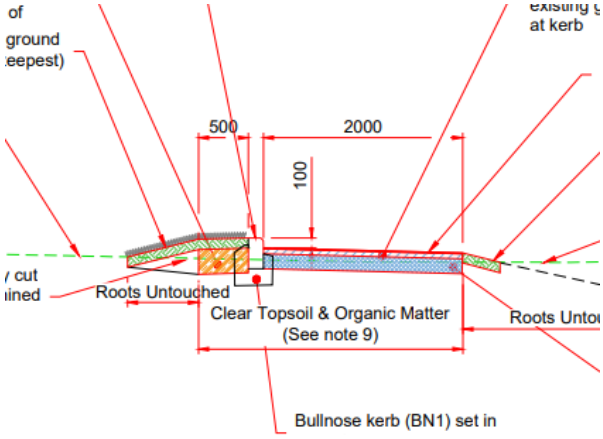
- Hedgerow planting
  It is now proposed to fill the gaps of the hedgerow along London Road North to provide screening and other environmental benefits and create a visual and physical 'barrier' to the road. The hedgerow will require a 250mm clearance from the ground.

- Reduction in the width of the proposed footpath works
  It is also proposed to reduce the width of the proposed footpath works along the whole length of the crest (on the dry side verge) from 2m to 0.5m as shown below in the original and amended sections.

Original crest cross section



Amended crest cross section



In addition, in some places the proposed alignment has, where possible, been tweaked to avoid trees. These changes have been made to reduce

the number of trees to be removed. It was previously proposed that approximately 78 trees would be removed. The proposed amendments result in a best-case scenario of 17 trees being removed, and a worst-case scenario of 34 trees being removed.

3. CONSULTATIONS (External to Planning)

3.1 The following responses have been received regarding the updated details:

Lead Local Flood Authority (LLFA)
November 2025 – No objection subject to condition relating to approved plans
December 2025 – No further comments

Environmental Protection
November 2025 – No comments received.
December 2025 – No further comments

Countryside & Rights of Way
November 2025 – No objection subject to conditions regarding detailed proposals for the right of way.
December 2025 – No comments received

Cheshire Archaeology Planning Advisory Service – No further comments received.

Head of Strategic Transport
November 2025 – No objections
December 2025 – No further comments

Countryside / Green Infrastructure – No comments received.

United Utilities
November 2025 – No comments received.
December 2025 – No objection subject to condition relating to asset protection

Natural England
November 2025 – No objection
December 2025 - No objection

Environment Agency
November 2025 – No objection
December 2025 – No further comments

Cadent Gas
December 2025 – Provide advice relating to pipelines

Poynton Town Council
November 2025 – The Town Council provided a list of inaccuracies in May 2024 to aid discussions with the applicant relating to the first reason for deferral. These are

reported in the “Inaccuracies” section of the report below. In their most recent response, the Town Council set out their remaining concerns as follows:

Volume and depth of water

- Survey shows a significant reduction in reservoir volume from 130,000m³ to 75,600m³ at Low Water Level. From 175,800m³ to 96,680m³ at the dam’s crest.
- This represents a 41.8%–45% reduction, which the Town Council argues is significant and warrants a review of flood risk modelling.
- 40% of the pool’s volume is silt, especially in the southern sector.
- Silt and aquatic vegetation are unlikely to be mobilised in a breach scenario, reducing the potential flood impact.
- Maximum depth is 2.8m (in a limited area), with most of the pool averaging just over 1.15m, not the 2m assumed in flood maps.
- This affects the modelling of the initial flood wave, which is more dependent on depth than volume.
- Despite the applicant’s commitment to review flood risk if significant changes were found, no updated modelling has been done.
- The Applicant’s own Technical Memorandum (March 2025) acknowledges a 19% reduction in peak breach flow due to updated data.
- The Town Council questions why Cheshire East Council has not acted on the new survey data, especially given the public cost of the survey and its implications for dam safety and flood risk.
- The Town Council urges that the original RARS Tier 2 screening breach and consequence assessment be rerun.
- They request that Section 4 of the original options report, which addresses consequences and existing risk of failure, be updated using the new, accurate data from the bathymetric and topographical survey of Poynton Pool.

Catchment

- The Applicant requested further evidence of underground flow paths affecting extreme flood events, but this has previously been provided during a meeting on 26 July 2023, including a report from a previous open cast mining application.
- This report clearly shows that much of the catchment water drains away from Poynton Pool and into Norbury Brook, due to historic coal mining activity.
- The Section 10 report also references coal mining, reinforcing its relevance to the flood modelling.

Risk of overtopping

- The Town Council argues that the catchment model is flawed, as it predicts overtopping during a 5% AEP (Annual Exceedance Probability) event, despite no such overtopping occurring in practice.
- The Planning Statement claims overtopping risk during events with a 1 in 50 chance per year. However, Section 4.3.3 of the same report states overtopping occurs during a 0.1% AEP (1 in 1,000) post-development, compared to 5% AEP (1 in 20) currently.

- Other documents (e.g. Summary Options Report, Flood Risk Assessment) echo these inconsistencies.
- The Poynton FRA Model Report claims overtopping during a 3.33% AEP (1 in 30) event, but this is not supported by the Flood Study 2019 or Flood Study October 2023.
- The 2025 Flood Study states that a 2% AEP (1 in 50) event results in water just 24mm below the dam crest, implying overtopping only occurs in more extreme events.
- Table 5.1 of the FRA Model Report shows baseline figures that differ from earlier studies, with no explanation provided.
- Poynton Pool has not flooded in over 270 years, even during known local flood events exceeding 1 in 50 year magnitude.
- The Applicant's claim that past floods occurred in a different catchment is incorrect; the Section 19 Flooding Report (2019) confirms that Poynton Brook catchment includes Poynton Pool.

Risk of dam failing

- The likelihood of dam failure is not quantified in any of the submitted documents.
- The Executive Summary of the Summary Options Report states that improvements are needed to reduce failure risk in extreme weather, but no data or probability estimates are provided.
- The Town Council requests clear information on the current likelihood of dam failure, and the expected reduction in risk following the proposed works.
- The Summary Options Report claims that in a wet day failure scenario, around 3,500 people would be at risk, with an average of two fatalities. However, this figure is not contextualised—it does not clarify that such impacts are based on a wet day event, where flooding would already be occurring.
- Jacobs' Initial Options Report notes that in a wet day scenario, the flood would be happening regardless of dam failure, due to spillway capacity limits.
- Table 4.4 of the Initial Options Report shows that in a dry day failure (i.e. dam failure without concurrent flooding): the estimated population impacted would be 274 people, and the likely loss of life 0.12 people.
- This significantly contrasts with the wet day scenario and highlights the need for clear differentiation between failure types.
- The Environment Agency do not use the figure of an average of two people being killed which has been quoted widely through the lodged planning documents. The impact of dam failure is therefore inaccurate and should be amended.

Ground Investigation

- The Flood Study Report (D01 C01) first identified that the level of the clay core in the embankment is unknown, and recommended investigation to assess seepage risk.
- This was reiterated in Jacobs' 2021 Initial Options Report, which advised that ground investigations should follow selection of a preferred option.
- No GI works have been undertaken, even though six years have passed since the initial recommendation.

- The Town Council is deeply concerned that carrying out works without understanding the dam's structure could increase risk, not reduce it.
- The composition of the embankment (e.g. clay vs. sand/gravel) is critical to assessing failure modes, especially for overtopping scenarios.
- At a meeting on 26 February 2025, Inspecting Engineer confirmed that embankment material is crucial, as sand/gravel fails faster than clay.
- The Planning Officer's report to the SPB outlined minimum requirements under the Reservoirs Act 1975: Overflow must be uniform along the crest, and the crest kerb must be in intimate contact with the clay embankment to prevent underflow and root-related flow paths.
- However, since the level of clay is unknown, these requirements may not be achievable.

Removal of Trees

- The Jacobs Arboricultural Impact Assessment (AIA) identifies 86 individual trees and 12 groups on the embankment.
- The AIA technical amendment identifies 78 trees to be removed (32 individual + 47 group trees).
- Friends of Poynton Pool dispute these figures, estimating over 200 trees will be lost.
- The Applicant has downplayed risks of root decay and seepage, despite extensive evidence to the contrary.
- The Inspecting Engineer warns that removing large trees may increase moisture content, cause instability and create leakage paths as roots decay.
- The Planning Statement claims trees increase dam failure risk. However, the Reservoirs Act 1975 does not mandate tree removal.
- Safety decisions rest with the Inspecting Engineer, not policy.
- Many UK dams have trees, and Inspecting Engineers have not deemed them unsafe.
- FEMA guidance recommends complete root removal and embankment reconstruction. This would require draining the pool or installing a cofferdam, significantly increasing costs of Jacobs' Option.
- Following the Strategic Planning Board (SPB) deferral, the Town Council expected timely engagement.
- Despite early outreach in May 2024, no meeting occurred until February 2025—10 months later.
- The Town Council acknowledges survey planning takes time but believes earlier discussions would have benefited all parties.

Independent Review

- The Town Council would have liked to have seen the Inspecting Engineer appointed as the QCE on the project, which would have provided a degree of independence given that existing QCE works for Jacobs who proposed the initial scheme and designs.

Mitigation and alternatives

- The Applicant has not proposed any on-site mitigation for the loss of trees on the embankment. Instead, off-site compensation is suggested at Walnut Tree

Farm, a location with no public access, which does not meet the amenity value requirements of the site.

- The current proposal does not comply with policy ENV6.
- The Town Council commissioned a valuation using Helliwell, CAVAT, and CTLA systems, which found a mean value of trees: £2,980,520 and a CAVAT-specific value of £3,081,070.
- CAVAT (Capital Asset Value for Amenity Trees) is essential for Quantifying public benefit, comparing against capital costs of the development, and informing off-site contribution calculations.

Alternative proposals

- At the centre of the Planning Officer's previous recommendation to SPB was that there were no viable alternatives to the current proposal. The applicant has now confirmed that an alternative proposal does exist, and PTC and FoPP argue that the proposal is viable and proportionate.
- Using a simple weighted evaluation of the CEC evaluation and based on the Planning Officer's Report, it becomes clear that a number of considerations have been incorrectly weighted in the Jacobs Option Summary – e.g. onset of flooding, visual impact, heritage, landscape character, loss of amenity.

Key

X minimal alternation or harm	✓ minimal benefit or alteration
XX moderate alteration or harm	✓✓ moderate benefit or alteration
XXX major alteration or harm	✓✓✓ major benefit or alteration
No change	

	CEC preferred option Jacobs Assessed	CEC preferred option based on Planning Officer's Comments /Applicants comments
CEC reputation flood risk management	✓	✓
Spillway capacity – dam failure	✓✓✓	✓✓✓
Onset of flooding London Road North	✓	✓ (The report on the further investigation of Option 3c states
Onset of damage of dam	✓✓	✓✓
Risk of future dam safety works	✓	✓
Fluvial Flood Risk	✓✓✓	
Heritage	X	XX or XXX
Visual Impact	X	XXX

- FoPP scheme - currently XXX but should be XX.
- Scheme is less impactful than removing the trees. The labyrinth weir will be buried in the embankment and submerged on the upstream face. Although

the structure would be visible from London Road as a vertical wall 12m long and 1.5-2m above pavement level; it could be clad with stone to minimise visual impact (similar approach at Tegg's Nose Reservoir).

Costs

- The costs by the independent quantity surveyors are disputed. No decision should be made until costs are reviewed.
- Ongoing maintenance costs and amenity value of the trees should be included.

Poynton Town Council
December 2025 – Object on following grounds:

- Information identified as outstanding in previous submissions by Town Council still missing
- The 2024 s10 report requires the input data and methodology for the 2019 Flood Study to be reviewed. But Hydrology and Modelling report does not model the 1 in 100 year event and does not comply with the recommendations of the S10 report.
- Welcome reduction in number of trees to be removed but concerned uncertainty over final number remains.
- Concern further loss of trees will be inevitable
- FoPP believes over 100 trees will be removed. The FoPP scheme only removes 1 tree.
- Loss of understory planting will change character and will have significant adverse effect on LWS as advised by CEC ecology officer.
- Whilst the Town Council's questions remain unanswered the reason for deferral remains.

4. REPRESENTATIONS

November 2025
Approximately 800 letters of representation have been received. The objection from Friends of Poynton Pool (FoPP) is set out separately below. This is not to elevate the status of this objection above other letters of representation, but to aid Members in their assessment of the proposals given the involvement of FoPP in the engagement with the applicants along with Poynton Town Council, since the deferral.

FoPP objection:

- Applicant has not addressed the five deferral requests made by the SPB in April 2024
- Applicant has acknowledged that the FoPP Option 1D is a viable alternative that meets the requirements of the Reservoirs Act.
- Applicant Option 3C breaches 20 of Cheshire East Council's own policies. FoPP alternative Option 1D breaches none.
- In view of the low risk at Poynton Pool, CEC could install an emergency penstock and implement a Flood Contingency Plan that would ensure the reservoir always remains safe whilst they commission a new Section 10 inspection to extend the current deadlines.

- The Environment Agency ("EA") confirmed to FoPP that they would not obstruct this approach.
  This application will result in a significant loss of trees, described by the planning officer in their 2024 SPB report as: "… significantly harmful to the amenity of the local area and the non-designated heritage assets of Poynton Pool and Poynton Park."
- When the same proposal, Option 3C, was presented to SPB in April 2024, it faced a petition with 5,800 signatures, 1,700 formal objections, strong criticism from residents and experts in reservoir engineering, arboriculture and one of the country's pre-eminent experts in risk management.

Inaccuracies

- Despite new data from the Environment Agency showing the pool volume is nearly half of the original estimate and the spillway outfall is 77.9% larger than previously assessed, the applicant has not updated the risk assessment.
- Evidence provided by FoPP regarding catchment flows into Norbury Brook has been dismissed without justification.
- Repeated requests for a site investigation since October 2024 have been ignored, with the applicant now claiming insufficient time to conduct one. The risk assessment contains compounding errors, including:
  - Overestimating the direct catchment by excluding diverted residential and agricultural drainage.
  - Including flows from an artificial catchwater that can be closed.
  - Ignoring revised pool volume in breach analysis.
  - Misreporting the outfall pipe diameter.
  - Overlooking potential seepage through the dam embankment, despite a 2019 QCE recommendation for investigation.
- Following SPB, FoPP submitted 23 points of concern to the LPA, supported by evidence. The applicant has not adequately addressed these and therefore has not met the requirements of this reason for deferral.

Condition of dam and impact of tree removal

- The November 2019 Flood Study recommended a ground investigation (GI) to assess the embankment's geotechnical composition and potential seepage risks. Since SPB in April 2024, FoPP has repeatedly raised concerns and urged the applicant to carry out this investigation.
- Although the applicant acknowledged the need for GI and considered options in October 2024, they later stated in July 2025 that the process would take at least four months—pushing completion beyond the 31 December 2025 design deadline. This means the detailed design will be finalised without GI data, leaving geotechnical risks unevaluated.
- FoPP has warned that without GI, risks such as root decay and seepage remain unquantified and unresolved. In October 2025, FoPP questioned who would bear responsibility for these risks—Cheshire East Council, Jacobs, or the appointed contractor.
- This reason for deferral has not been addressed.

Engagement with third parties / alternatives

- Friends of Poynton Pool (FoPP) and Poynton Town Council were invited to four meetings with the applicant and project team, but engagement has been inadequate.
- There was a 10-month delay after SPB before the first meeting, during which minimal contact occurred. The delay was attributed to a planned site investigation, which has still not been carried out.
- FoPP participated constructively, but proposals from its experts were dismissed or undermined, despite later being acknowledged as viable, and then rejected without evidence due to claimed cost implications.
- No changes were made to address FoPP's concerns, particularly regarding tree removal, and the re-consulted Option 3C remains unchanged.
- Engagement appears superficial, aimed at demonstrating process rather than genuine collaboration.
- Misrepresentation of FoPP's proposals in planning documents and pricing evaluations reflects a lack of good faith.
- FoPP's request for an independent QCE to avoid conflict of interest was refused, and no independent arbitrator was appointed.
- Although a new public consultation period has been opened, the 1,700 existing objections remain valid as the application has not changed.
- FoPP concludes that the applicant's engagement does not meet the intent or spirit of this reason for deferral.

Independent Review

- The Inspecting Engineer (IE) attended all joint meetings and provided valuable input, notably warning in their December 2024 Section 10 report that care is required when removing large trees from the embankment as it could cause instability and leakage due to increased moisture and root decay.
- The IE helped secure agreement on key points:
    - FoPP's Option 1D meets Reservoir Act requirements and would be signed off if the IE were a Qualified Chartered Engineer
    - Unlike CEC's Option 3C, Option 1D avoids overtopping and does not require a large kerb on the crest.
    - The design wave height is 250mm.
- CEC commissioned cost estimates from Currie & Brown, but draft figures have been presented as definitive in the planning application. FoPP and PTC were invited to review these estimates and agreed to provide feedback by 20 October 2025. However, the consultation for application 23/4152M began prematurely on 17 October 2025, without incorporating this feedback.
- There has been no independent review of the proposed scheme itself or of the alternative proposed by FoPP.
- We exchanged a series of communications with CEC on this matter, highlighting the following concerns that have not been addressed:
    - No confirmation of independent input or objective risk evaluation.
    - No use of CAVAT to value lost trees for comparison with capital costs.
    - Key documents (specifications, risk registers) were submitted to cost consultants without joint review.
    - A risk register was prepared for FoPP's Option 1D, but not for CEC's Option 3C.

    - Option 3C plans are inaccurate, likely leading to understated cost estimates.
    - Absence of a site investigation means build methodology and plant requirements are speculative.
    - Compliance with CIPFA Financial Management Code.
    - Concerns over misstatements of cost by the QCE, inflating FoPP's proposal costs without evidence.
    - No clarity on scoring methodology or how qualitative and quantitative assessments were applied.
    - The evaluation was conducted by parties directly involved in Option 3C, raising conflict of interest concerns.
    - FoPP requested an independent panel to ensure fair appraisal, which was not implemented.
    - No assurance that all capital and revenue costs were considered, nor how lifecycle costs were determined.
    - No clear approach to risk and uncertainty, especially regarding tree removal and embankment permeability.
    - Lack of transparency on who conducted independent review and challenge, if any.
- The applicant has not fulfilled the requirement of this reason for deferral.

<u>Mitigation</u>

- No discussion has taken place between FoPP and CEC to review the location of the mitigation.
- CEC have not suggested or discussed any alternative sites with FoPP since the deferral in April 2024.
- CEC has not suggested any amendments to the existing plan or alternative plans that reduce or remove damage to the trees at Poynton Pool.
- The location of the tree planting remains the same, at Walnut Tree Farm, which is not a location within the Cheshire East boundary. It is inaccessible to the public and therefore does not replace any amenity value lost at Poynton Pool from the removal of over 200 trees.
- In addition, it is estimated CEC has not realised c£300,000 in capital value via the requirement to retain 0.6ha of land when the remainder of the Walnut Tree Farm site was sold.
- Jacobs' Supplement to Summary Options Report Revision: P01, Section 2.3 wrongly states that
- FoPP Option 1D "…would require biodiversity enhancement and off-site mitigation, consistent with the approach adopted in the preferred option."
- It is to be noted the alternative solution proposed by FoPP does not require off site mitigation. This solution retains nearly all the trees at Poynton Pool.
- The applicant has not fulfilled this reason for deferral.

<u>Applicant's Supplement to Summary Options Report</u>

- This document incorrectly states: "This option (FoPP Option 1D, our comment) is similar to Option 2 previously assessed in the Summary Options Report. This option is referred to as Option 2* for the remainder of this report."
- Option 1D is an independent FoPP design which meets the requirements of:
    - The Reservoir Act.

    - The Institution of Civil Engineers (ICE) Flood and Reservoir Safety 4th Edition.
    - The 2024 Statutory S10 Inspection recommendations to convey the design and safety check floods as determined by the applicant's 2025 Flood Study.
    - Guide to drawdown capacity for reservoir safety and emergency planning (DEFRA 2021
- The applicant's Option 2:
    - Does not comply with The Institution of Civil Engineers (ICE) Flood and Reservoir Safety 4th Edition.
    - Does not comply with the 2024 Statutory S10 Inspection recommendations for an emergency drawdown facility, and Environment Agency compliant trash screen.
    - Does not preserve the woodland and historic landscape
- Jacobs stated that independent cost estimates for FoPP's Option 1D and CEC's Option 3C were provided by Currie & Brown and included in the options assessment. However, the introduction did not clarify that these were draft estimates.
- FoPP submitted a detailed technical review of the Issue 2 costings on 21 October 2025, identifying:
    - Significant omissions in the costings for Option 3C.
    - Opportunities to reduce costs for Option 1D.
- FoPP's review revised the total cost of Option 3C to £6.9 million (including all associated scheme costs), while Option 1D remained at £1.9 million, consistent with previous QS estimates presented to the Strategic Planning Board in April 2024.
- FoPP maintains that the cost evaluation lacks transparency and accuracy, undermining the integrity of the decision-making process.
- The stated disadvantages of the FoPP Option 1D described in the Section 3 Pros and Cons discussion are incorrect as follows:
    - Cost Misstatement: The report claims Option 1D has a higher capital cost, but FoPP's review shows Option 3C is more expensive when all scheme costs are included.
    - Visual Impact: The labyrinth weir in Option 1D would be largely hidden and could be clad to reduce visibility. Only one tree stump would be removed.
    - Planning Challenges: Option 1D may qualify as Permitted Development, as it involves no tree removal and only below-ground works.
    - Flood Risk: Contrary to applicant's claim, Option 1D would not increase downstream flood risk and may reduce it through active water level management, as demonstrated in UK case studies.
    - Landowner Agreement: Applicant statement is misleading. Flood flows already follow route of original watercourse, and Option 3C puts nearby properties at risk of flooding and surcharges combined sewer systems.
    - Future Proofing: Option 1D's use of crest monitoring is safer and more cost-effective than Option 3C's kerb system, any crest maintenance can be done as a routine task, and option 3C introduces trip hazards and maintenance issues.

- Incorrect options assessments used
- Evaluation of Option 1D is not balanced and transparent.
- Applicant's Supplement to Summary Options Report is inaccurate and grossly misleading.

Approximately 790 further letters of representation have been received from interested parties, including the local MP, objecting to the proposal on the following grounds:

- Other options available which are less destructive – FoPP scheme
- Harm to landscape character and visual amenity
- Loss of trees
- Ecological impact
- Impact on visual amenity
- Heritage and community value of Poynton Pool
- Disproportionate works compared to extent of flood risk
- Public Access and safety during construction
- Compensatory planting inadequate – does not satisfy NPPF para 186
- Contrary to Council policies
- Flood risk in tolerable zone, not high risk
- Incorrect data
- Updated S10 report not requested – EA would not object to this
- Options appraisal costs misleading
- CAVAT value of trees not included
- Where are funds coming from?
- Pool has never flooded
- Despite heavy rain, spillway levels do not change – not investigated
- Consultation inadequate
- Council has failed to conduct independent review
- Absence of EIA
- Failure to demonstrate best value compliance
- Misrepresentation and ongoing document alteration on planning portal
- Application should be withdrawn
- Waste of money
- Should not be compared to other reservoirs
- Health and wellbeing impact
- Ulterior motives – road widening, development in Adlington
- Path out of character with nature of park
- No independent review of options
- Catchment not fully understood
- The trees will soak up water in the soil, reducing how wet it is, and that will not happen if they are removed.
- The weight of the trees will increase the strength of the soil mass by compacting it.
- The roots of the trees will strengthen the cohesiveness of the soil mass
- Flood study still uses inaccurate data
- Option 1D cost overstated
- Out of date reports due to changes in NPPF in terms of impact on heritage asset

- Removal of natural barrier creates safety risk
- Ground investigation still not undertaken
- Consultant has vested interest
- Application should be withdrawn
- Lack of information
- Not a reservoir
- Council priorities are wrong
- Impact on designated landscape
- Risk to public safety – clearings open to road
- Tredegar House Lake has a viable alternative with trees on embankment
- Impact on air pollution
- Removing trees will destabilize embankment
- Waste of resources
- Same company used to give you "independent" advice and carry out the work – conflict of interest – over reliance on single consultant
- Removing the trees will increase the likelihood of the embankment collapsing even before overtopping occurs
- Impact on mental wellbeing
- Deficient Consultation and Process
- Increased noise pollution
- Summary options report assessment is misleading
- Spend not proportionate to risk
- Poynton Brook is an indirect water source into the pool, and to get to the pool the water would have travel uphill
- Flood measures would lead to disruption in whole area
- GI will not have significant tree impact
- Impacts overstated
- Impact on air quality
- Not being raised on opposite side or Anglesey Drive gardens
- Undermines historic character of setting
- Severe impact on landscape
- 2025 flood study disregards the reduced volume of water as identified in the 2024 bathymetric survey
- Model used to simulate conditions at Poynton Pool not been calibrated or validated
- The time constraints cited by the Council and Jacobs are artificial as new s10 inspection could be requested
- Option 1D much cheaper
- Flawed surveys
- Impact on SBI/LWS
- No meaningful management of Poynton Pool over last decade
- Volume of pool could be reduced
- No clear and demonstratable efforts from the council to explore alternative, less environmentally damaging solutions
- Council could seek funding
- Poor mitigation
- Financial impact of management plan
- Disruption to London Rd

- Many public objections were discounted on postcode grounds, which breaches fair-consultation rules
- Portal not working for comments
- Trees take in CO2

December 2025
During the December publicity period approximately **** letters of representation were received from interested parties. Once again, the latest objection from Friends of Poynton Pool (FoPP) is set out separately below, for the reasons given above.

<u>FoPP Objection:</u>

- Request that planning permission is refused
- Request a new s10 inspection is commissioned to take account of information available since last inspection
- Council should give serious consideration to:
    - A crest marker fixed with ground screws
    - FoPP option 1D
- Flood analysis and risk assessment seriously flawed
- Resubmission of documents in two tranches appears to have been designed to frustrate community's efforts
- Reasons for deferral (RfD) still not addressed
- Option 1 D is a viable alternative
- CEC proposal breaches 20 CEC policies. Option 1D breaches none
- Due to low risk at Poynton Pool an emergency penstock and a Flood Contingency Plan that would ensure the reservoir always remains safe, whilst new s10 inspection carried out. EA would not object.
- This time would allow monitoring of groundwater pressure in dam, water level and flows
- Substantial loss of trees
- No ground investigation
- Direct and indirect catchment areas used in the flood model are inaccurate
- Ignores reduced volume of reservoir
- Ignores increased diameter of outfall pipe (600mm compared to 450mm)
- Flood study uses data (from around 2013) which is no longer realistic
- Ignores potential for the dam embankment to be permeable and thus reducing flows out of the pool via the spillway structure.
- Inaccuracies still exist - Not addressed RfD 1
- Ground investigation not carried out – Not addressed RfD 2
- 10 month delay before first meeting with applicant took place following deferral
- Minimal engagement during those 10 months
- No changes were put forward by CEC and the QCE to address the issues raised by FoPP regarding removal of trees.
- Engagement poor and superficial
- Gross inaccuracies in the interpretation of the design proposed by FoPP.
- No independent arbiter
- All previous objections remain valid as application remains predominantly the same

- No time to respond to amended proposals before public consultation
- Documentation so varied and conflicting, coupled with issues of navigating planning portal, it has severely impacted public's ability to make sense of proposals
- Believe rushed amendments made because LPA could not support proposal in view of FoPPs viable alternatives.
- Approach to RfD 3 has been inadequate.
- The Inspecting Engineer (IE) attended all the joint meetings with CEC, Jacobs, PTC and FoPP and their input has been welcomed.
- FoPP acknowledges that CEC as applicant commissioned independent cost estimates from Currie and Brown
- Gross inaccuracies remain within the cost estimates for both options following feedback by FoPP.
- There has been no independent review of the proposed scheme itself or of the alternative proposed by FoPP.
- Applicant has not fulfilled RfD 4.
- No discussion has taken place between FoPP and CEC to review the location of the mitigation for the CEC plan.
- No alternatives put forward
- FoPP option 1D does not require off site mitigation.
- Applicant has not fulfilled RfD 5.
- Jacobs update to Planning Offcier includes several statements that are untrue
- a low-invasive solution of ground screws and a plastic crest-marker, which would achieve the same objective as a concrete kerb, was dismissed by the applicant. This solution has been installed by an All Reservoirs Panel Engineer in very similar circumstances at Tredegar House Dam in Newport, Wales.
- Tree removals can be avoided if Option 1D is implemented, because crest raising would not require a hard crest-marker.
- Heritage Statement is clearly designed to support the applicant's objectives – lacks attention to detail
- The applicable Standard for considering the impacts from such excavation in relation to construction and development is BS5837:2012 – not used
- The impact of building up ground levels around trees is a matter for consideration of each individual case to determine the likely impact.
- Misuse of NJUG standard
- Mileading information in planning statement addendum
- BNG report was in draft form (with comments)
- These misleading documents were amended and uploaded during consultation process when some had already commented
- The absence of a ground investigation means the geotechnical risk cannot be evaluated either technically or financially
- Option 1D has minimal impact on trees and would avoid flooding into London Road North whereas the Council's proposed Option 3C has been designed to do exactly this.
- proposal no longer includes the two 40m clearings, these are two sections of the embankment with few mature trees and the S10 recommendations to remove saplings and scrub will see these areas substantially cleared

- Revised December 2025 proposal will result in the felling of or irreparable damage to more than 120 trees
- Preliminary Ecological Appraisal grossly misleading
- Jacobs Option 2 is materially different to FoPP option 1D

Approximately 400 further letters of representation have been received from interested parties objecting to the proposal on the following grounds, which largely repeat previous objections and can be summarised as:

- Destruction of beautiful walk
- Waste of money
- Little meaningful consultation
- No flooding at PP for over 100 years
- Timing of latest consultation over the festive period demonstrates bullish approach to push this through with no real intent in listening to the community you represent
- Alternative viable option from FoPP
- Proposal not supported by evidence or residents
- Withdraw and commission new s10 inspection – EA would not object to this approach
- Will allow site investigation and monitoring of inflow, outflow, and water levels relative to rainfall.
- Time constraints cited by Council are artificial
- Proposed works are not required to ensure statutory compliance.
- Alter natural character and appearance of the area
- Loss of trees
- No evidence that flood risk is so significant to justify harm
- CEC's Option 3C will breach 20 of the Council's own policies whereas Option 1D breaches none.
- Risk to stability of dam
- Misleading and inaccurate information
- No site investigation
- No independent input
- No change to offsite mitigation planting
- Impact on wildlife
- Flood model not calibrated
- 78 trees felled – over 200 damaged – will remove green screen
- Removal of more than 200 mature trees
- Trees stabilise soil
- Harm to landscape character and heritage setting
- Not a reservoir
- Timing of resubmission is underhand
- Not clear how any trees impacted
- Flood risk within tolerable limits
- objections by members of the public are having factual elements redacted
- Reasons for deferral not satisfied
- Stockport have already rejected the mitigation proposal
- No public access to mitigation site and is costly

- contradicts the council’s own "Climate Emergency" declarations.
- Loss of amenity
- CEC will be taking on a 29 year management plan
- Clearings will impact on public safety
- Negative visual impact on approach to Poynton
- Disruption to London Rd
- Previous objectors not notified
- Consultation period did not allow full 3 weeks
- No EIA
- Trees absorb water and CO2
- Conflict with planning policies
- latest consultation – shamefully timed over the festive period – is the action of a morally bankrupt planning department intent on having its own way.
- planning department should bury its self-serving ego and to engage in meaningful discussions with FoPP, PTC and local MP
- CEC has relied solely on Jacobs for all surveys
- There should be no planning permission for residential on fields opposite
- Mental health impact
- issue of root decay and potential seepage and internal erosion of the embankment has still not been addressed
- 500mm wide verge requires clearance footprint width of 5.6m over a length of 480m
- EA data used by Jacobs is out of date
- Impact of removal of trees on integrity of dam
- Inappropriate use of NJUG guidelines
- Loss of 80m of hedgerow
- Unclear what additional pipe in existing spillway is for
- Overstated risk
- Contrary to local, national and neighbourhood policies
- Cost
- No difference between current proposal and previous one
- Not listening to local people
- Objections stifled by planning portal
- Trees are barrier from noise and pollution
- Historic flooding information is available
- Would result in removal of 120 trees
- Loss of specialised fungi
- should be a register of documents identifying which have been withdrawn and which remain valid
- many trees that are identified for retention when they cannot be retained in accordance with current good practice (BS5837:2012).
- Loss of trees will accelerate the decline of the mature trees, and the embankment can be guaranteed to degrade
- Road gulleys not adequately maintained
- Inflow of water overestimated

- a similar case at Aldenham Reservoir and the damage done by removing trees and the cost implications of the remedial work required.

5. OFFICER APPRAISAL

5.1. Taking each of the reasons for deferral in turn.

1. Inaccuracies in data and modelling

5.2. Following the deferral of the application in April 2024, Poynton Town Council (PTC) and Friends of Poynton Pool (FoPP) were asked for a list of information that they considered to be inaccurate. These lists were received soon after and shared with the applicant in June 2024. The applicant then provided a response to each of the points raised.

5.3. The inaccuracies have been combined into one list below, together with the applicant's response, and further response by FoPP.

Inaccuracies identified by Friends of Poynton Pool (FoPP) & Poynton Town Council (PTC)

5.4. *Reservoir volume*

- Volume of water used in the flood study is inaccurate
- Environment Agency has agreed to conduct a bathymetric survey.

Applicant response (July 2024):

- Actual flood risk may be reassessed if volume is significantly different.

FoPP response (October 2025)

- Applicant plays down the consequences of pool volume in the event of a breach, but it is clear a near doubling of reservoir volume is not inconsequential to the calculated downstream consequence.
- This is ignored cumulative effect 1.
- Calculated downstream risk includes the cumulative likelihood of several events and each error multiplies all other errors

5.5. *Outflow pipe size*

- The main outflow pipe diameter between manhole 1 and manhole 2 has been understated

Applicant response (July 2024)

- Confirmed previously that the pipe size taken from the CCTV survey of 450mm was smaller than the actual pipe size (600mm.) However, it was modelled that the pipe size would need to be approximately 1.4m diameter to safely pass the 1 in 1000-year flood event.

FoPP response (October 2025)

- Consequences played down. It appears that the consequences of the pipe capacity being almost double that used when calculating the risk has not affected the calculated risk and this is clearly an error as it reduces the likelihood of a breach.
- Ignored cumulative effect 2.
- Not in dispute that some works are required to comply with Act. It is extent and nature of those works, and impact on environment and amenity.

5.6. *Catchment areas and coal mine impact*

- The direct catchment area has been overstated by at least 96%.
- The indirect catchment area has been overstated.
- Concerns about the way catchment has been redrawn and about historic coal mines affecting flow.

Applicant response (July 2024)

- The catchment area has been confirmed using data from the Centre for Ecology and Hydrology, refined with GIS and Lidar analysis, and verified by a field visit. However, storm impacts vary depending on factors like rainfall location, intensity, duration, prior ground saturation, and reservoir levels. For modelling purposes, a standardised catchment-wide storm scenario has been assumed, based on ICE (2015) guidance, with the reservoir considered full and just spilling at the time of the event.
- Underground flow not usually considered for extreme reservoir safety floods, as they are likely to overwhelm underground flow paths.

FoPP response (October 2025)

- This overstatement has been ignored in the Flood Study (3.2.2)
- The applicant's response has not provided any meaningful consideration of flows from the direct catchment directly into Norbury Brook
- The only flow from the indirect catchment is via the Park Lane Stream, which enters the Pool via a catchwater that can be closed and need not contribute to the inflow.
- This is ignored cumulative effect 3 and 4.

5.7. *Flood modelling*

- The flood modelling has not been calibrated using historic inflow, outflow and levels data correlated against weather patterns.
- The applicant has used EA Reservoir flood maps. Their primary purpose is for screening, to delineate the absolute maximum potential flood extent in a worst-case scenario.
- EA use a volume of 176,000m3 for the pool when mapping the flooding extent.
- Reports suggest overtopping could occur in events as frequent as 1 in 20 years.
- Local knowledge disputes this, citing no historical flooding.

Applicant response (July 2024)

- Duration of record is so short it would not be suitable for use in extrapolating for extreme events. Also spot readings would not pick up peak water levels.

- Recent floods in Poynton were in a different catchment.
- Flood events considered, when evaluating the resilience of the spillway at Poynton Pool, are more extreme than those occurring in Poynton in recent times
- EA to conduct a bathymetric survey.
- Applicant agrees to reassess if volume is significantly different

FoPP response (October 2025)

- No action has been taken to investigate seepage through the reservoir embankment, despite recommendations in the Jacobs November 2019 Flood Study. It is likely that a significant portion of inflow exits through the permeable embankment once it reaches the top of the clay lining—modelling could confirm this. The applicant's claim that flooding in Poynton came from a different catchment is incorrect; the Park Lane Stream, which flooded due to culvert failure, is artificially diverted into Poynton Pool. Additionally, while extreme events like 1-in-1,000 or 1-in-10,000-year floods are considered, a recent 1-in-100-year event did not cause overtopping, whereas the Flood Study's asserted that overtopping would occur in a 1-in-50-year event, which is clearly incorrect.

5.8. *Topographical survey*

- Conflicting figures on dam crest height across documents.
- A detailed topographical survey has not been undertaken to confirm the dam crest height, top water level and accurately identify the freeboard shortfall

Applicant response (July 2024)

- Not included with planning application, but supports Spillway Upgrade Options Report (dated 25th September 2023), which is available to view on the Council's website.

FoPP response (October 2025)

- Complete. August 2024. Environment Agency (EA) commissioned bathymetric and topographic study carried out by Binnies.
- This new information has not been accounted for by Jacobs. The updated Flood Study states *"Bathymetric survey was also part of the Binnies 2024 survey, but it was ignored in this study as no drawdown of the reservoir is being considered".*
- Ignored cumulative effect 5.

5.9. *Dam composition*

- No historical records of the construction of the dam. The applicant has not undertaken a full ground investigation to determine the structure and composition of the dam.
- The clay core level and geotechnical properties are not known.
- Geotechnical properties of embankment should be established

Applicant response (July 2024)

- It should be noted that the dam's core and composition are unlikely to influence overtopping failure or the need for increased spillway capacity. The

Section 10 (S10) report recommended reviewing spillway capacity—an obligation for the undertaker—without requiring reanalysis of slope stability, seepage, or settlement, nor a full redesign to Eurocode 7 geotechnical standards. A full ground investigation (GI) would require significant tree removal and deep boring (up to 9m), potentially leading to major changes such as slope regrading and removal of the stone wall along London Road. The current proposal is a light-touch approach, affecting only shallow ground and around 20% of trees. A full GI would be more appropriate for a comprehensive engineering solution involving a new spillway and culvert but would result in more extensive tree loss and deeper construction.

FoPP response (October 2025)

- This failing is of considerable concern given that the current proposals are based on the premise that the dam embankment is impermeable, which we believe is highly unlikely, and consider the risk of blocking that permeability could significantly increase the risk of overtopping.
- This might be referred to as a negative effect, whereby the proposal potentially increases the risk rather than reduces it.
- Already been agreed that ground investigation could involve less invasive window sampling.

5.10. *Trees on embankment and their removal*

- Statement by the applicant that the trees on the embankment pose a risk to the reservoir safety and structure.
- No advice or guidance to say that trees must be removed or that the only growth accepted is grass.

Applicant response (July 2024)

- The 2016 independent Section 10 inspection report acknowledged that while large trees on a dam are not ideal, their presence on a small dam like Poynton Pool is acceptable if properly managed. It recommended pollarding to reduce canopy density and promote healthy grass growth. However, Environment Agency guidance advises that no trees should be located on water-retaining embankments and prohibits further planting—this is reflected in the planning application.

FoPP response (October 2025)

- The proposal may inadvertently increase risk rather than reduce it.
- The guidance cited by the applicant relates to new dam construction, whereas established trees on existing dams should be managed, not removed.
- Recommendations to pollard trees come from engineers, not arboriculturists, and could harm tree health and root systems—potentially reducing embankment shear strength.
- The risk of root decay, seepage, and internal erosion has been dismissed by the QCE, despite extensive literature highlighting these concerns.
- Without a site investigation, these risks remain unquantified and unresolved.
- Responsibility for these risks—whether it lies with Cheshire East Council, Jacobs, or the contractor—remains unclear.

- The FEMA guide advocates full root removal and embankment reconstruction, which would require draining the pool or installing a cofferdam, significantly increasing cost of option 3C.
- Cases like Aldenham Reservoir show that vegetation can enhance stability.
- Given this evidence, it is difficult to understand why CEC and Jacobs have not changed to FoPP's lower-risk, lower-cost, and more environmentally sympathetic alternative.

5.11. *Risk classification*

- The decision to proceed with Option 3C was made when the risk of upper dam failure was incorrectly stated as falling into the "unacceptable" zone of risk.
- No quantified likelihood of dam failure provided.
- Summary Options Report suggests improvements are needed to reduce risk but not quantified.
- EA data shows risk is in ALARP (As Low As Reasonably Practicable) zone, not unacceptable.

Applicant response (July 2024)

- Poynton is a high-risk dam, with risk of overtopping (concern from Section 10 report and does not meet engineering standards set out in FRS4.) The benefits significantly outweigh the construction costs.
- If a risk-based approach is to be taken, the risk should be reduced as low as reasonably practical, i.e. following the proportionality assessment set out in Guide to risk assessment for reservoir safety management (Environment Agency, 2013).

FoPP response (October 2025)

- We believe that if the 'cumulative effects listed here were fully accounted for, it is likely that the calculated risk from the reservoir would be within Broadly Acceptable limits (HSE – Reducing Risks Protecting People, 2021). All that would then be required would be to raise the crest to achieve a compliant freeboard without an engineered crest.

5.12. *People affected / loss of life / damage to property*

- People affected by dam failure has been overstated
- Likely loss of life due to dam failure has been overstated
- Damage to property has been overstated
- Report on Risk from Professor David Ball provided.

Applicant response (July 2024)

- Persons at risk data was provided by the Environment Agency from their latest Reservoir Flood Mapping.
- Likely loss of life data was provided by the Environment Agency from their latest Reservoir Flood Mapping
- Damage to property data was provided by the Environment Agency from their latest Reservoir Flood Mapping.
- This superseded any simplified desk based mapping exercise carried out during the flood study to determine Reservoir Consequence Category. EA

data included dambreach and routing modelling with GIS used in the mapping. It also provides a consistent approach for reservoir flood mapping used across all of England's dams.

FoPP response (October 2025)

- Applicant still quoting the Environment Agency (EA) figures of 3,500 people affected as opposed the figures from Jacobs updated 2025 flood study.
- Applicant still quoting the Environment Agency figures of 2 lives as opposed to Jacobs updated 2025 flood study.
- Applicant still quoting the Environment Agency figures of £79m as opposed to Jacobs updated 2025 flood study.
- As a minimum, an updated breach assessment is required to take into account the actual reservoir volume following the completion of the bathymetric survey.
- Ignored cumulative effect 6, 7 and 8

5.13. *Need vs. harm / local opposition*

- The need for the proposal does not outweigh the identified harm and volume and strength of local opposition.

Applicant response (July 2024)

- The boundaries of the 'As Low As Reasonably Practicable' (ALARP), zone were originally incorrectly plotted, but the point plotted on the graph was correct. The graph now shows the plotted societal risk point sits at the top of the ALARP zone. While the societal risk point is in the ALARP zone this does not mean the risk is tolerable. The ALARP zone is where works should be carried out to reduce the risk where the cost is proportionate to the benefits. The economic assessment showed that the proposed works are proportionate i.e. the cost to save a life is zero. This is because the benefits in terms of reduced property damage over the 100 year economic appraisal period outweigh the scheme costs. Notwithstanding this, the reduced property damage justifies the scheme even without consideration of risk to life. Independent reviews of both the proportionality and scheme risks have been undertaken.

FoPP response (October 2025)

- The eight stated cumulative effects, if considered in a revised and objective risk assessment and combined with the potential increases in risk from negative effects referred to at items 7 & 8 might reduce the risk to Broadly Acceptable (HSE 2021. Reducing Risks Protecting People).

5.14. *Viable alternatives*

- The stated 'lack of viable alternatives in this case' as justification to proceed with this planning application is inaccurate

Applicant response (July 2024)

- Alternatives proposed by FoPP were considered and addressed in consultation documents, including the Summary Options Report and Statement of Community Engagement.

- Option 1C (no change to culvert, no crest works) was rejected because the existing culvert limits spillway capacity to under 1 m³/s, which is below the required design capacity and unacceptable for reservoir safety.
- Option 2C (replace culverts, raise crest with clay between trees) was also rejected (similar to option 2). Disagree with FoPP's belief that minor freeboard increases could be achieved without significant tree impact. Potential harm to tree roots from adding up to 0.34 m of material and removing topsoil, which could create seepage paths.
- Engineering standards require a level crest within ±6 mm for uniform overflow, which cannot be achieved with soil alone.
- Hydraulic concerns about the piano key spillway design, particularly its capacity and the need for a non-erodible, level crest.

FoPP response (October 2025)

- At the 25 February 2025 joint meeting, the QCE confirmed that the 2024 SPB report was inaccurate as there were viable alternatives. FoPP alternative Option 1D has been confirmed by both the QCE and December 2024 Inspecting Engineer as viable and meets reservoir act requirements. Note both the QCE and Inspecting Engineers are All Reservoir Panel Engineers appointed by DEFRA.

5.15. *Cost estimates*

- The project cost of Option 3C included in the planning application is understated

Applicant response (July 2024)

- £1.4m is the full scheme costs forecast, however project costs increase with further investigation, correspondence with other parties and the democratic process the council is following. Comparison of construction costs were used for each of the options considered. Construction costs based in scheme design and estimates from similar schemes (with contingency.) This is the standard approach for an ALARP study.

FoPP response

- FoPP letter to applicant dated 21 October 2025 states: You will see that CEC Option 3C has a revised client cost of £2.1m, which increases to £6.9m when all associated scheme costs are included. The £1.9m client cost of Friends of Poynton Pool Option 1D is consistent with the QS costs we presented at Strategic Planning Board in April 2024 due to the risk and inflation adjustments which have been applied.

5.16. *Capital Asset Value for Amenity Trees (CAVAT)*

- The scheme cost fails to take account of the CAVAT despite the risk being restated as tolerable.

Applicant response (July 2024)

- A CAVAT (Capital Asset Value for Amenity Trees) assessment was not undertaken for this scheme because Policy ENV6 of the adopted Site Allocation Development Policies Document specifies that compensation for

woodland loss should be calculated using the DEFRA biodiversity offsetting metric. This approach was also not challenged in the Council's pre-application response. Accordingly, replacement planting was calculated based on Biodiversity Net Gain (BNG) requirements. CAVAT is generally more appropriate for valuing individual street trees rather than groups or woodlands. Applying CAVAT would increase project costs, which would fall to the Council.

FoPP response (October 2025)

- The 2025 cost estimates by Currie and Brown fail to take account of the CAVAT value of the trees.
- This remains contrary to the Council's Policy ENV6 and with the FoPP proposal 1D acknowledged by the applicant and QCE as viable, there is no overriding justification to contravene this policy. The loss of trees is not 'unavoidable' [ENV6 (3)] "Where the loss of significant trees is unavoidable, replacement tree planting should be provided, of a commensurate amenity value to the trees that are lost AND to secure environmental net gain."

5.17. *Landscape Management Plan*

- The scheme cost fails to take account of the Landscape Management Plan

Applicant response (July 2024)

- An estimate for the implementation of the LMP and has been included in the £1.4m project cost. The LMP will be refined (and therefore re-costed), as we move into construction phase.

FoPP response (October 2025)

- The 2025 cost estimates by Currie and Brown included in the planning proposal for CEC for Option 3C exclude the additional 29-year landscape management costs for Walnut Tree Farm and Poynton Pool.

5.18. *Understated impact on trees*

- Number of trees to be cut down and severely impacted by the scheme understated

Applicant response (July 2024)

- According to the submitted Arboricultural Impact Assessment (AIA) Technical Addendum (dated 15 March 2024) and a site visit with the Council's arboricultural officer, the development will require removal of 27 individual B category trees and 4 C category trees. Additionally, following the officer's request to include trees with a diameter at breast height (dbh) over 75 mm, partial removal of two C category tree groups was clarified to include 47 trees. Of these, 29 have dbh over 150 mm, 7 have dbh of exactly 150 mm, and 11 fall between 75–150 mm. These represent a small portion of the woodland understory not previously identified as individual trees. Despite this clarification, the conclusions of the original AIA remain unchanged.

FoPP response (October 2025)

- Further investigation by FoPP regarding the 7m wide clearance that is required with the CEC plan (path + grass verge + gradient from the kerb) the

true number of trees to be removed will be well over 200 plus the two 40m sections of tree clearance and hawthorn hedge removal.

5.19. *EIA*

- Environmental Impact Statement not carried out

Applicant response (July 2024)

- Site is less than 1ha threshold for EIA.

FoPP response (October 2025)

- The area of impact is approximately 1.48ha as evidenced from Google Earth when measured correctly, despite numerous queries. CEC has refused to acknowledge this correct measurement presumably to avoid carrying out an Environmental Impact Statement.

5.20. *AIA drawing inconsistencies*

- Drawing inconsistences AIA page 35

Applicant response (July 2024)

- The actual proposed impact on trees was presented in Drg. no. DR-EN-009 (Rev P01) in Appendix D of the AIA – and which included the amended locations of the spillway clearance areas. Drg. no. DR-EN-009 (Rev P02),was then submitted as part of the AIA Technical Addendum (15 March 2024), following a site visit with the Council's arb officer, although the spillway clearance areas remained the same.

FoPP response (October 2025)

- Even though the drawings have been revised, the inconsistencies have been carried forward

5.21. Zone of influence

- EAR (Environmental Assessment Report) version P02 excludes the zone of influence (ZoI) within the desk study.

Applicant response (July 2024)

- Not clear what part of the reports FoPP are referring to.
- Original desk study undertaken in May 2023 (EAR Rev P01) included review of all desk study records/data within 1km of the central grid reference for the project. This desk study was updated in February 2024 (EAR Rev P02), following comments from the Council's nature conservation officer, and still included the 1 km extent of search. There was no exclusion of any of the Zone of Influences (ZoI) within the desk study search.

FoPP response

- Inconsistency can be found when comparing the EAR version P02 from13/02/24 with the EAR that was submitted
- with the application in November 2023
- regarding the Zone of Influence.

- As an example, section 5.4.4 (d) was changed from 'within the 50m survey area' to the 'proposed scheme boundary' thereby excluding birds found in the desk study to be within the 50m Zone of Influence.
- Original version is no longer available on the planning portal thereby removing public scrutiny where documents have been updated.

5.22. *Local landscape designation*

- Jacobs Technical Memorandum 07/02/2024 erroneously claims Poynton Pool is not included within the local landscape designation.

Applicant response (July 2024)

- FoPP's query appears to have confused two separate designations: the Local Landscape Designation (formerly the ASCV) and Landscape Character Area (LCA) 11a Adlington. Poynton Pool is not within an LLD (ASCV), which is a Local Plan policy designation. However, it is within LCA 11a Adlington, as confirmed in the Cheshire East Landscape Character Assessment (2018) and referenced in the Environmental Assessment Report (EAR). The landscape assessment was based on the proposed clearance area, which remains unchanged despite updated tree loss figures. The EAR states that by Year 1, changes to the wider LCA would be barely perceptible, though locally more noticeable due to woodland gaps. By Year 15, canopy regrowth would result in a barely perceptible change to the LCA. Importantly, the assessment does not claim full canopy closure.

FoPP response (October 2025)

- Jacobs' Technical Memorandum (07/02/2024) incorrectly stated that Poynton Pool is not included in the LCA. The planning case officer's 2024 report confirms that over 80 trees and 80m of hedgerow will be removed, and FoPP's own analysis suggests over 200 trees will be lost under the current plan. This level of removal will have a permanent impact on the landscape, and to indicate there will not be a massive and permanent impact even after 15 years is grossly misleading and inaccurate.

<u>Conclusions on inaccuracies</u>

5.23. The ongoing discussions between the applicant and third parties regarding any inaccuracies in the submitted data and the associated accuracy of the modelling is outlined above. The above summary shows there is still some disagreement on many of the matters raised. Conclusions do need to be drawn on these issues and therefore a summary from a planning officer point of view is provided below.

5.24. *Reservoir volume* – The reservoir volume was confirmed by the bathymetric survey as 75,598m^3, compared to 130,000m^3 it was previously thought to be. Whilst this is a 42% reduction in volume, it does not have such a significant impact upon the peak breach discharge. This is reduced from 103m^3/s to 86m^3/s, which is a 19% reduction. The applicant's QCE advises that this is because the most destructive phase of the breach is the initial flood wave that is more reliant on the depth of the reservoir as opposed to the volume. The applicant's QCE states that the reduction in peak breach flow is unlikely to significantly reduce the average societal life loss (ASLL) for a wet day event (previously 1.97.) The volume or peak flow would need

to be extensively reduced for the proposed scheme to be rendered no longer proportionate. The reservoir volume has been clarified.

5.25. *Outflow pipe size* – Previous discrepancies acknowledged. Modelling showed the pipe size would need to be 1.4m diameter to pass the 1 in 1000-year flood event. Actual pipe size is 600mm. and would need to be 1.4m diameter to pass the 1 in 1000-year flood event. The outflow pipe size has been clarified.

5.26. *Catchment areas* – Applicant has provided details of how the catchment area has been identified from established sources and a field visit. Flow paths created by any historical coal mines are not usually considered for extreme reservoir safety floods, as they are likely to overwhelm them. The catchment area details are considered to be acceptable.

5.27. *Flood modelling* – The applicant stated in their response to this that the flood modelling may be re-run if the volume of reservoir is significantly different to that previously identified. As noted above, volume has reduced by 42%, and there is a reduction of 19% in peak flow but modelling has not been re-run. The applicant states within latest application details that the most destructive phase of the breach being the initial flood wave that is more reliant on the depth of the reservoir as opposed to the volume. The reduction in peak breach flow is unlikely to significantly reduce the average societal life loss (ASLL) for a wet day event (previously 1.97.) The volume or peak flow would need to be extensively reduced for the proposed scheme to be rendered no longer proportionate. The applicant also confirmed that the flood events considered, when evaluating the resilience of the spillway at Poynton Pool, are more extreme than those occurring in Poynton in recent times. The applicant's Flood Study has been updated in May 2025 to address the recommendations provided within the 2024 S10 report. The level of detail provided by the applicant and the extent of flood modelling is considered to be acceptable.

5.28. *Topographical survey* – Levels details are provided within plans. EA commissioned bathymetric survey also provides levels details. LIDAR technology has been used by third parties. No objections have been raised to levels details stated within plans. Adequate topographical information has been provided.

5.29. *Dam composition* – No ground investigation carried out to date. High cost and potential to impact trees cited as reasons for this. Notably, the 2024 S10 report states *"There is no assessment of the internal filtering capability available. It is considered that the dam is constructed more or less as a homogeneous construction from locally won cohesive material. Taking this and the visual condition of the dam structure, it is not considered necessary to carry out such analyses, provided that there is weekly visual surveillance of the upstream face, crest and downstream face to observe for signs of leakage through the dam."* Given the limited extent of ground works taking place, and the fact the S10 inspector did not make a recommendation regarding ground investigations, this is a matter that can be conditioned.

5.30. *Trees on embankment* – No conclusive evidence regarding impact of trees on embankment. It appears to require continual management and monitoring. The proposed works will facilitate ongoing monitoring of the surface of the dam.

5.31. *Risk classification* – Poynton is a high-risk dam with risk of overtopping. The 2024 S10 report states that *"the risk of wave overtopping or overflowing the embankment crest is high (less than 1 in 50 years). The crest and downstream face are not designed to resist overtopping or overflowing. In the event of overtopping or overflowing the vegetation may provide limited initial erosion resistance or create turbulent flow patterns leading to erosion. The situation is considered unacceptable, and a recommendation has been made in Section 11.3 to increase the overflow capacity."* As noted in the original report (page 55) the current risk is within the top of the ALARP (As Low As Reasonably Practicable) zone. This does not mean the risk is tolerable. The ALARP zone is where works should be carried out to reduce the risk where the cost is proportionate to the benefits.

5.32. *People affected / loss of life / damage to property* – Data used by applicant was provided by the Environment Agency from their latest Reservoir Flood Mapping. As noted above, the applicant's QCE states that the reduction in peak breach flow is unlikely to significantly reduce the average societal life loss (ASLL) for a wet day event. The applicant's approach is considered to be reasonable.

5.33. *Need vs. harm / local opposition* – No further details have been submitted, and it remains an area of disagreement between the applicant and third parties. For the purposes of the planning application, the position remains as set out on page 55 of the original report.

5.34. *Viable alternatives* – Option 1D is a viable option for meeting standards. This will be considered in the planning balance below.

5.35. *Cost estimates* – Another area of ongoing disagreement between the parties, but the costs of both Options 3C and 1D have been independently reviewed, and for the purposes of the planning application, these independent costs can be accepted.

5.36. *Capital Asset Value for Amenity Trees (CAVAT)* – Another area of ongoing disagreement between the parties. The CELPS does not mandate the use of the CAVAT methodology for schemes affecting woodlands. It is referred to in the supporting information to policy ENV6 of the SADPD but does not prescribe CAVAT for woodland evaluation. While CAVAT may be used in specific circumstances, such as calculating off-site replacement tree contributions where appropriate; it is not a required valuation method for woodland impacts under local plan policy. The Local Plan places strong emphasis on BNG as the appropriate mechanism for compensating ecological impacts. Policy SE 3 (Biodiversity and Geodiversity) and the BNG SPD outline the expectation that development proposals should deliver measurable net gains for biodiversity, using the Defra Biodiversity Metric.

5.37. *Landscape Management Plan* – Another area of disagreement, the applicant says it is accounted for, the third parties say not. As Council owned land there will no doubt already be ongoing management costs for Walnut Tree Farm and Poynton Pool. This is not a matter that should carry significant weight in the overall planning balance.

5.38. *Understated impact on trees* – There is disagreement on the number of trees affected. However, an AIA has been submitted identifying tree impacts, and the proposal can be conditioned to be carried out in accordance with the AIA.

5.39. *EIA* – As a matter of fact an EIA is not required. An EIA screening opinion was issued under application reference 22/4001S confirming an EIA was not required.

5.40. *AIA drawing inconsistencies* – Again, ongoing disagreement but the development will need to be carried out in accordance with submitted details.

5.41. *Zone of influence* – Yet another area of disagreement, but no concerns have been raised by the Council's ecologist regarding the extent of the surveys carried out.

5.42. *Local landscape designation* – As a matter of fact the site is not located within a LLD. However, the site is located within Landscape Character Area (LCA) 11a Adlington as identified in the Cheshire East Landscape Character Assessment (2018). Landscape impacts are considered in the original report (page 33).

5.43. There is still considerable disagreement between the applicant and the third parties on a variety of issues. The application will need to be considered in light of these disagreements and where required weighed in the overall planning balance.

2. Condition and risks associated with the existing dam wall and removal of trees

5.44. In order to review the current condition and risks associated with the existing dam wall it was suggested by third parties that a ground investigation (GI) survey should be carried out. In response to the GI survey suggestion, the applicant developed a GI strategy to obtain outline cost estimates to determine properties of the embankment. The initial cost estimates include contractor costs of approximately £240,000, excluding any management, supervision or interpretive reporting. The applicant has stated that these costs for a full GI are considered to be significantly disproportionate to the associated costs of a scheme which simply seeks to make good settlement and formalise the dam crest, and therefore they are not proposing to undertake a full GI at this stage.

5.45. A further proposal was then put forward by FoPP to undertake a smaller scale GI comprising circa. 10 window samples at 50-metre centres along the crest. This proposed approach along with findings from a walkover undertaken by the applicant's technical advisor, previous inspecting engineer and QCE earlier this year have been used to inform a modified GI scope, which includes slightly deeper investigations close to the highest point on the dam using boreholes, along with window samples where the dam is lower. It appears from the information provided that this matter is ongoing. However, the applicant maintains that ground investigation is not required to inform preliminary design, however, this information could be used during detailed design and will also inform confirm the make-up of the dam for future reservoir inspections or works to the dam

5.46. Turning to the impact caused by removal of trees on the dam. During the deferral period and prior to the re-consultation on the updated application details a literature

review was submitted on behalf of Friends of Poynton Pool which looked at literature (referencing 36 documents) on the properties of trees and grasses in respect of soil strength and their condition in relation to dam embankment stability and erosion resistance.

5.47. The key points from the literature review are summarised below:

- Roots of grasses and trees enhance soil strength and porosity, especially on slopes and embankments.
- Grasses are most effective at reducing surface erosion.
- Tree roots improve deep soil shear strength.
- Some examples in the USA link vegetation to piping failures in dams, although this may relate to dam construction methods rather than vegetation itself.
- Species selection (grasses, trees, woody plants) must align with the intended function and be carefully managed.
- Seasonal changes in plant growth affect their contribution to soil stability.
- Poorly timed or inappropriate management can reduce vegetation's effectiveness.
- At Poynton Pool, existing vegetation (trees, grasses, etc.) is in good condition.
- Removing any vegetation could destabilize the embankment, however the risk of tree failure depends on tree position and exposure after removal.

5.48. The applicant has provided a response to the literature review, acknowledging that it is a well-researched document, and concurring with the science of the information provided. However, they consider the evidence that has been presented is inconclusive regarding the retention of trees on embankments. They note that a key omission is linked to the USA examples referred to in the literature review. The applicant refers to one study that reports that 29 U.S. states have documented vegetation-related dam failures or safety issues. Consequently, the review is perceived to focus more on the benefits of trees than on the risks, despite it acknowledging its own limitations.

5.49. The applicant also identifies other sections of the literature review report which may be considered as a case for removing trees as much as retaining them:

- Section 5.3.7: Highlights risks of tree roots creating soil channels, drying out clay cores, and displacing structures.
- Section 5.6: Notes that large trees may uproot in storms and that their weight may compress embankments, reducing freeboard (not discussed in the review).
- Section 5.9: Suggests collapsed trees at water edges may have caused structural weaknesses.

5.50. From the point of reservoir safety, the applicant recognises that trees can have some benefits, but consider these are outweighed by the disadvantages, and support the recommendation in the last Section 10 report that "*scrub and saplings on the dam crest between mature trees should be removed and regularly cut to promote good grass cover over the critical sections of the dam"*. This recommendation is also repeated within the separate 2024 Annual Supervising

Engineer's Statement by Mott MacDonald. As a recommendation in the latest s10 report the Council as the undertaker (reservoir owner) is required to carry them out. Planning permission would not be required for the removal of this understorey planting, so this will happen even if planning permission is not granted. It sould also be noted that planning permission is not needed for the removal of trees.

5.51. Whilst the most recent s10 report recommends the removal of scrub and saplings on the dam, it does not specifically require removal of mature trees. Having regard to the information that has been provided by the applicant and third parties on this matter (as outlined above), it is considered that the impact of removing trees from the dam is inconclusive. Ground investigation works would provide further details regarding the condition and make-up of the dam, which may then provide further information regarding the potential impact of trees / tree removal on the dam.

5.52. The original report (page 41) outlines details of ground investigations caried out by a third party and the applicant's desk-based investigations. As explained in the original report, there was no clear concern regarding the stability or permeability of the dam embankment in the last (2016) S10 report. The same can be said of the 2024 S10 report. It should also be noted that ground investigations do have the potential to impact on nearby trees. The original report recommended a condition to require a ground investigation prior to the commencement of development but warned that it will not be without its own impacts. The same conclusion is reached now.

3. Engagement with third parties to consider alternatives

5.53. The applicant has provided the following information regarding the engagement with third parties since the deferral.

5.54. *Cheshire East Council Director of Growth & Enterprise, chaired a meeting on 26 February 2025 attended by representatives from PTC and FoPP, the QCE and the appointed independent inspecting engineer to discuss the concerns, together with the potential alternative scheme proposals suggested by PTC or FoPP, as tabled by FoPP at the meeting (options for changes to the spillway and screw piles)*.

5.55. *Further information was provided by FOPP, which was reviewed and technical responses issued on 30 April 2025. This response covered Catchment area and Floods and Trees on reservoirs based on the portfolio of evidence presented and discussed at the meeting on 26th February and is attached in Appendix C.*

5.56. *A technical workshop held 21 March 2025 attended by FoPP; a representative of PTC; the previous inspecting engineer and CEC project team. The meeting objectives were to discuss scheme constraints and review alternate options to address the reservoir safety issues. Alternate options were presented by FoPP and Jacobs qualified civil engineer provided comments on other concepts previously discussed. While some of these options are technically feasible, there were no alternate options that did not require significant crest raising to provide the required freeboard or did not increase the flood risk downstream. FoPP agreed to take away these concerns and try and refine options further.*

5.57. *A further technical workshop was held on 2 June 2025, attended by FoPP; a representative of PTC; the previous inspecting engineer and CEC project team. The meeting summarised options discussed to date; points where all attendees were in agreement and points still to be agreed; and FoPP's preferred alternate option to be submitted for appraisal (once preliminary design is complete due early June 2025). CEC informed all parties that following the meeting they would be writing to the planning case officer to update him on tasks and stakeholder engagement undertaken since application deferral (this note and its attachments). However, they would continue to engage with stakeholders if subsequent alternate proposals are submitted for consideration.*

5.58. *Following this meeting, FoPP provided concept designs of their proposed option for discussion (received on 26 June 2025.) Following receipt of the drawings a further meeting was held on 2 July attended by FoPP; a representative of PTC; the previous inspecting engineer and CEC project team. During the meeting, a representative of FoPP explained their proposed option and the CEC appointed qualified civil engineer and previous inspecting engineer were invited to give their feedback on the pros and cons of the option along with changes required to meet reservoir safety requirements. It was agreed that Jacobs would appraise the option using the same criteria set out in the Summary Options Report (BRJ10627-JAC-XX-XX-RP-C-0001) and recording the conclusions in an addendum to this report. This process is currently ongoing, but the initial findings are that it has similar shortcomings, as per the applicant's initial Option 2 (see submitted Summary options report).*

5.59. The third parties have been quite critical of the extent of engagement that has taken place. Such criticism does seem quite harsh. The applicant has clearly engaged with PTC and FoPP, and it is evident that Option 1D has been discussed in detail. The applicant has even commissioned an independent costing of their own scheme and the FoPP scheme. It is acknowledged that whilst there was some initial delay in starting the engagement following the last SPB meeting it is considered that considerable engagement with third parties to consider / explain alternatives has taken place. Reasons for the delay have not been sought from the applicant or third parties, but the date of the bathymetric survey report (September 2024) and the most recent s10 report (13 December 2024) are no doubt relevant to the timing. It would make sense that engagement was delayed until the most up to date information and recommendations are known.

5.60. Planning officers also held a meeting with the applicant, and representatives of PTC and FoPP on 31 October 2025 to review progress on the reasons for deferral from SPB in April 2024.

4. Independent Review

5.61. Since the deferral of the application, due to the delays in the implementation of the previous safety recommendations made in the section 10 report from 5 December 2019, the supervising engineer used their powers to call for an early Section 10 inspection. This inspection was carried out by an independently appointed all reservoirs panel engineer from the consultancy firm Arup on 5 September 2024. The

S10 report and certificate was finalised on 13 December 2024. A redacted copy of this document is available to view on the Council's website at: https://www.cheshireeast.gov.uk/highways_and_roads/roadworks/major-projects/poynton-pool-spillway-improvements.aspx

5.62. A further independent inspection of the reservoir has therefore been undertaken. The safety recommendations (under s10(3)(c)) from the inspection (which supersede those from the 2019 S10 certificate (report) were that:

a) Review input data and methodology of Jacobs 2019 flood study
    - Deadline: 17 January 2025
b) Panel engineer to review updated flood study and if found to be unsatisfactory then the flood study to be updated to their satisfaction.
    - Deadline: 28 February 2025
c) Using the outcome of Recommendation b), the design shall be completed to improve the resilience of the embankment and overflow system to safely convey the Design Flood and Safety Check Flood for a Category B reservoir. The improvement works shall consider the blockage risk of the existing screen and downstream fluvial flood risk.
    - Deadline: 31 December 2025.
d) Using the outcome of Recommendation c), the improvement works shall be constructed.
    - Deadline: 31 December 2026.
e) Review outlet capacity required to meet the guidance for a Category B reservoir in the Guide to drawdown capacity for reservoir safety and emergency planning (Environment Agency, 2017) is undertaken. The review may include a risk-based approach to reduce risk to the downstream public to ALARP. The review shall be completed to the satisfaction of an ARPE.
    - Deadline: 31 December 2025.
f) Using the outcome of Recommendation e), should improvement works be necessary they shall be constructed.
    - Deadline: 31 December 2026.

Other maintenance recommendations were also made and are required to be complied with. One of the most relevant to the planning application is:

- *Scrub and saplings on the dam crest between mature trees should be removed and regularly cut to promote good grass cover over the critical sections of the dam. There shall be no debris retained on the crest that would deter good grass cover, for example stacked timber, decaying vegetation, chippings etc. The trial area towards the south end of the dam is a satisfactory example. It is suggested that the maintenance is commenced at the point where the dam height is greatest, i.e. near the reservoir overflow and widened every year as directed by the Supervising Engineer. If appropriate consideration should be given to canopy thinning to increase light that will assist with maintaining good grass growth.*

This recommendation should not be overlooked as it is a requirement to remove a significant proportion of the understorey vegetation on the embankment, some of which is proposed to be removed as part of this application. Given this recommendation, it is understood that this clearance of vegetation between mature trees will take place even if planning permission is not granted.

5. Mitigation

5.63. The applicant was asked to applicant to review the location of the proposed mitigation planting at Walnut Tree Farm and consider whether any alternatives were available. A similar request was made to the applicant prior to the application being considered at SPB in April 2024, and the options that were considered at the time are identified on page 31 of that agenda. The applicant has re-visited this and looked again at the potential for planting within the park, however, this remains unfeasible due to the park's operational management arrangements, and the need to keep areas open for activities/events. Another search for Council owned land within the Poynton area was also undertaken by the applicant and no suitable sites for planting trees were found. No other potential sites for mitigation planting have been identified by third parties. As in the original report, there are no know alternative sites for the mitigation planting.

Other matters

FoPP Alternative Proposal (Option 1D)

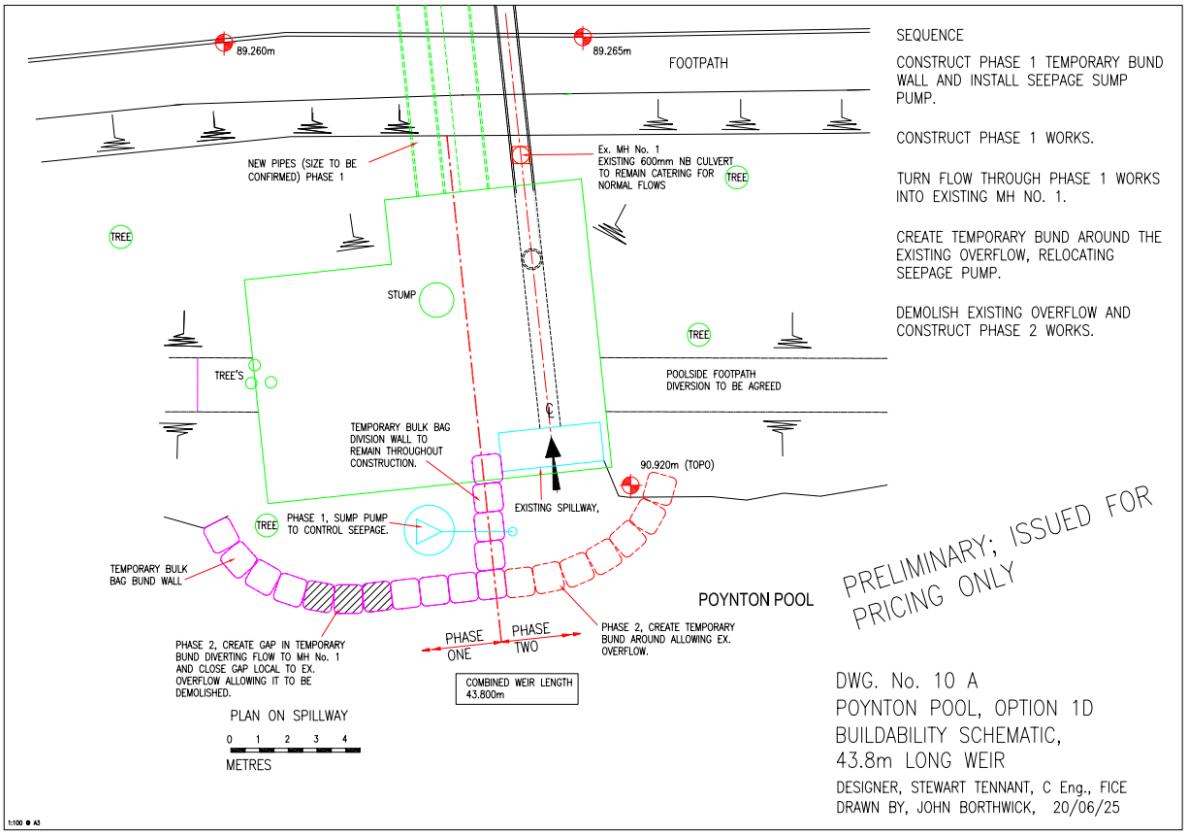
5.64. FoPP have put forward Option 1D as an alternative proposal to the scheme outlined in this current planning application. Within the applicant's latest documents this alternative proposal is referred to as Option 2*. The applicant has stated that it is similar to their Option 2, which was previously assessed in the Summary Options Report (see page 49 of original report). This is disputed by FoPP. The FoPP alternative scheme will be referred to as Option 1D within this report.

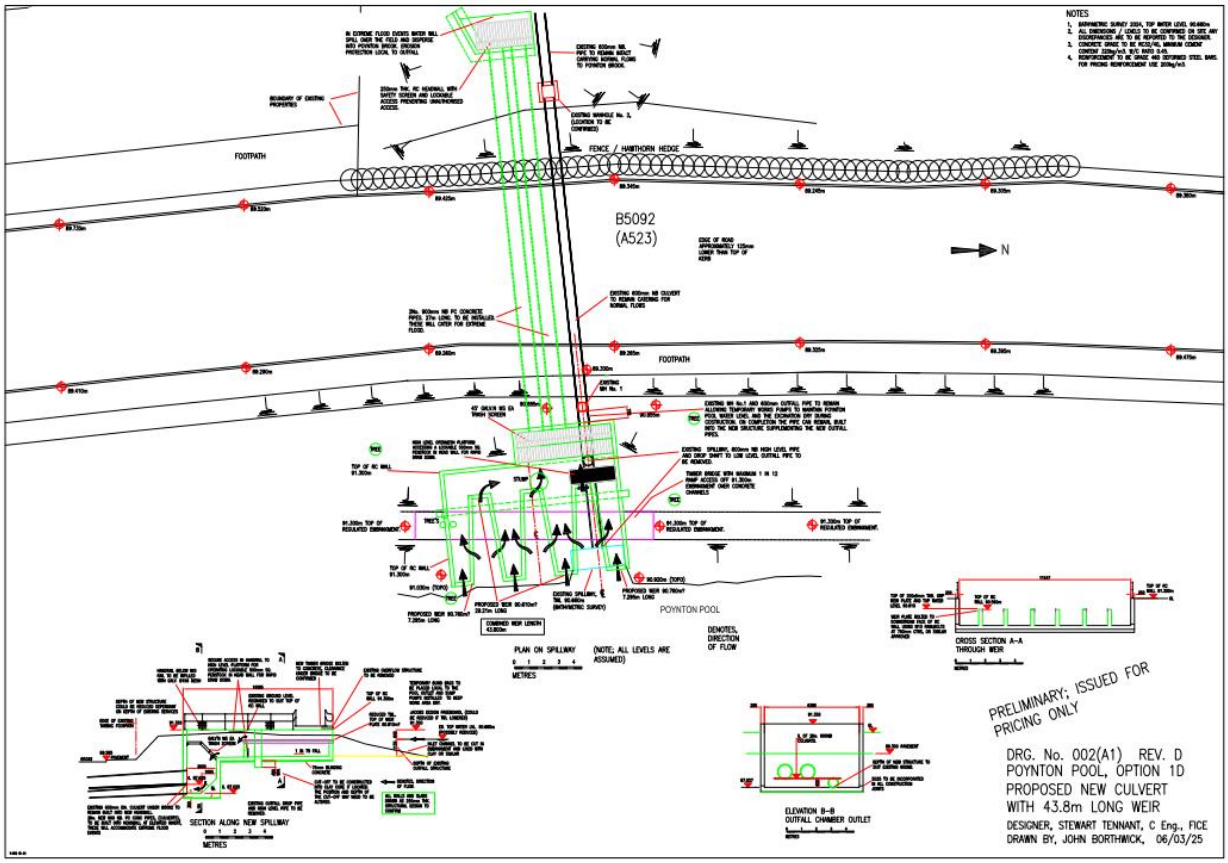
5.65. The applicant's Supplement to Summary Options Report summarises the key components of Option 1D as:

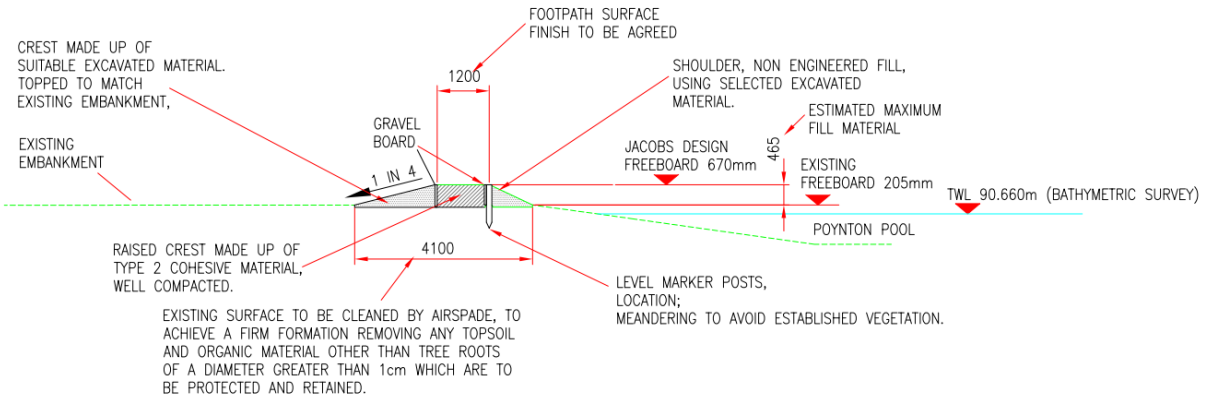
- Reduction of Top Water Level (TWL) by 60mm to 90.600m to increase dam freeboard.
- Construction of a new 44m split-level labyrinth weir spillway, designed to enhance flow conveyance and hydraulic performance.
- Installation of an Environment Agency-compliant trash screen to improve debris management and operational safety (similar to the improved screen to be added to the other options, as recommended in the 2024 S10).
- Incorporation of an emergency drawdown penstock (flow control), providing a controlled mechanism for reservoir emptying for operational purposes (similar to the penstock to be added to the other options, as recommended in the 2024 S10).
- Crest raising to 91.300m over 400m length, ensuring a 700mm freeboard for improved flood protection, using cohesive material sourced from spillway excavation where suitable.
- Provision of a minimum 1.2m wide meandering footpath along the raised crest, designed to avoid root protection zones where possible and enhance public access. Side slopes to be 4H:1V giving a base width of the 400m long embankment of between 2.9 and 4.1m, slightly less than the other options.
- Integration of 2.0m wide passing places to retain existing accessibility and user experience (the current path varies in width up to around 2m width).

- Installation of marker posts for inspection and maintenance, avoiding rigid concrete kerbs to preserve the natural aesthetic.

5.66. Option 1D is shown in the images below:



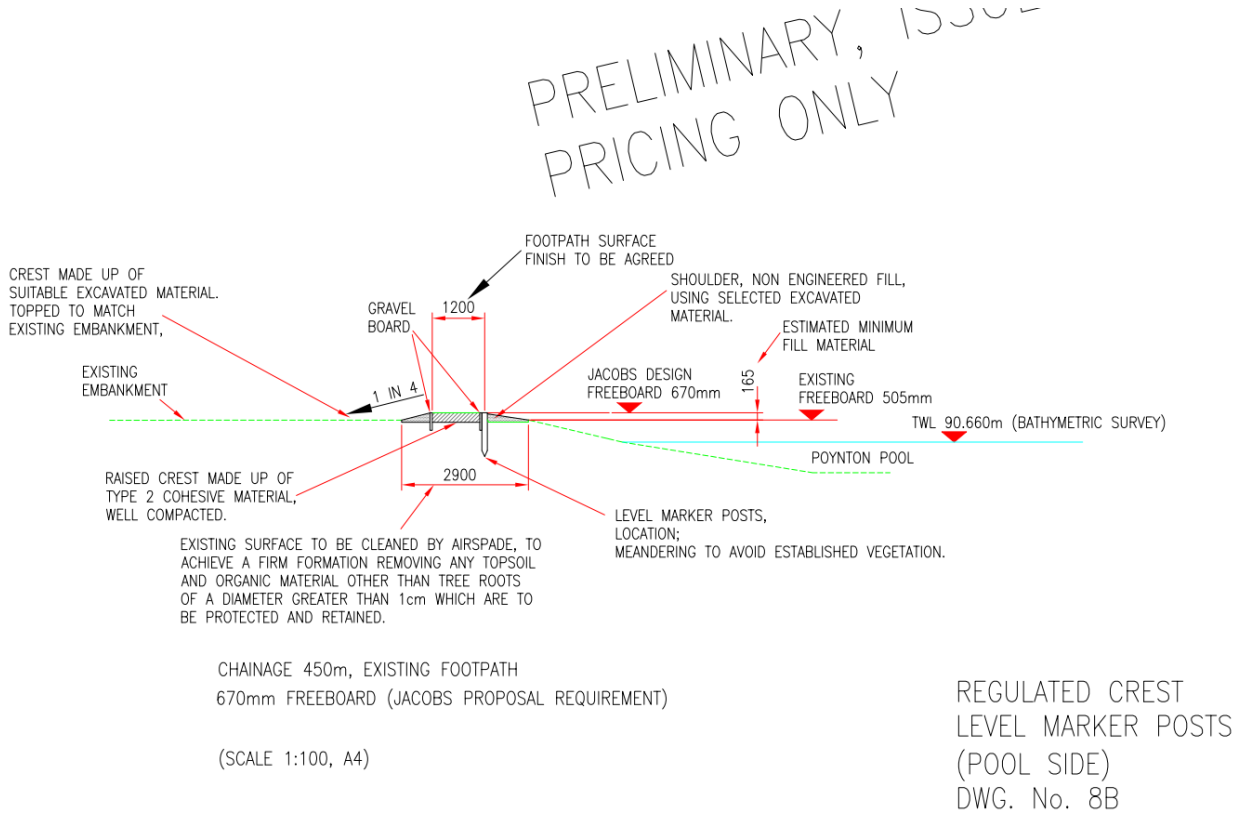




CHAINAGE 650m, EXISTING FOOTPATH
670mm FREEBOARD (JACOBS PROPOSAL REQUIREMENT)

(SCALE 1:100, A4)

REGULATED CREST
LEVEL MARKER POSTS
(POOL SIDE)
DWG. No. 7B



5.67. The applicant states that option 1D aligns with the requirements for full engineering standards compliance as follows:

- The labyrinth weir is designed to convey both the design flood (6.9m³/s) and the safety check flood (11m³/s), ensuring no damage or failure of the dam.
- The use of cohesive material from spillway excavation for crest raising ensures compatibility with the existing embankment structure.
- The inclusion of a trash screen and emergency drawdown penstock enhances operational resilience and emergency preparation.

5.68. The applicant explains that the FoPP proposal has been developed with sensitivity to the local environment and public amenity value of Poynton Pool. The meandering footpath and passing places are designed to minimise impact on tree root zones, and the use of marker posts instead of concrete kerbs helps maintain the natural character of the site. Tree removal is minimised by aligning the footpath to avoid significant vegetation. The proposal would require biodiversity enhancement and off-site mitigation, consistent with the approach adopted in the preferred option.

5.69. FoPP have also provided further details on their proposal noting that Option 1D involves a concrete labyrinth weir at the location of the current spillway box and is designed to avoid overtopping of the embankment and as a result, the raising of the dam crest does not require a level crest marker such as the concrete kerb in the applicant's proposal. FoPP maintain that the statutory requirement to increase the height of the dam embankment can be achieved by raising and resurfacing the existing path.

5.70. They have produced a 3D model of the existing footpath overlaid by a new path with a consistent level along its length. This involved scanning the existing footpath surface using LiDAR (remote sensing technology) and aligning the scan images with the topographical survey and tree survey data. A 3D build-up of a new 1.2m wide path has been overlaid onto the model along with a 1:4 gradient sloping down from the western edge of the path. This configuration has been stated as the minimum requirement by the applicant's Qualified Civil Engineer.

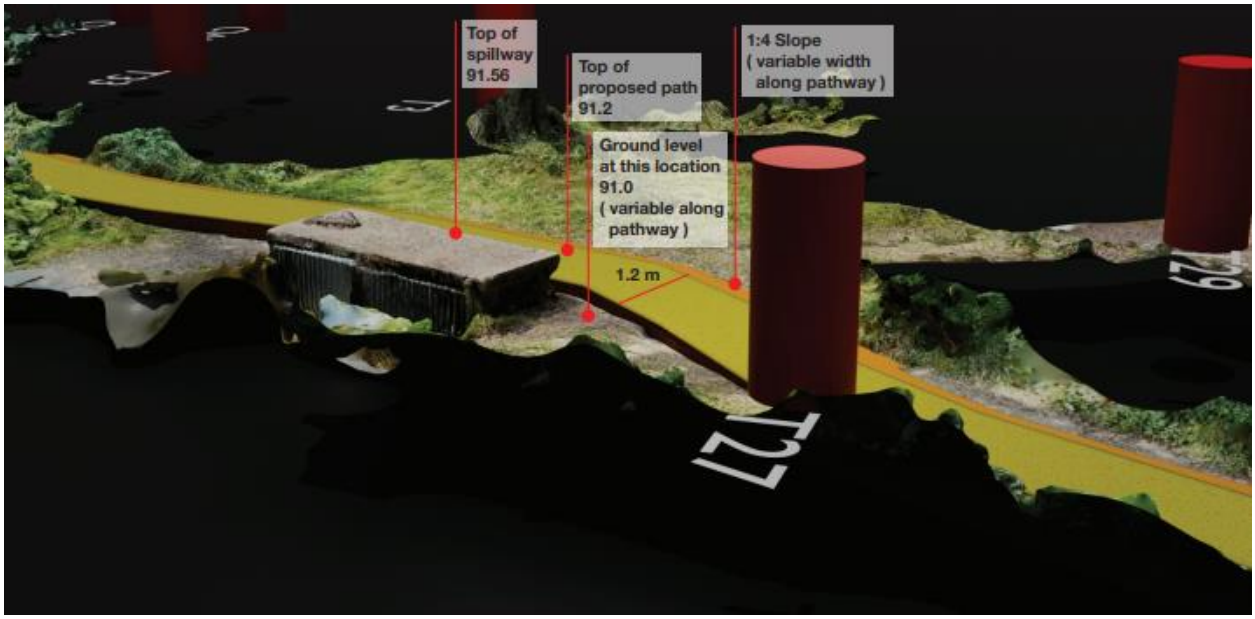
5.71. Two plan views of the path (yellow) and the 1:4 slope (orange/brown) have been produced (Option 1 and 2). Option 1 is with the top height of the footpath at a level of 91.2 metres above datum, and Option 2 is 200mm higher at 91.4 metres. For each, there is an image showing the levels detail at the location of the existing spillway box, and the red and black cylinders represent the locations of trees. Each scan is broken down into five images, beginning adjacent to the Anglesey Drive car park and extending southwards to the point where the embankment is substantially elevated just to the north of Glastonbury Drive.

5.72. The variable width of the 1:4 slope (orange/brown) indicates where the slope would disappear below the existing ground. Because the path at 91.4 is 200mm higher than the 91.2, the width of the 1:4 slope extends further to the west, but even then, they claim that the interface with trees is minimal and that both path and slope can mostly be accommodated within the confines of the existing path.

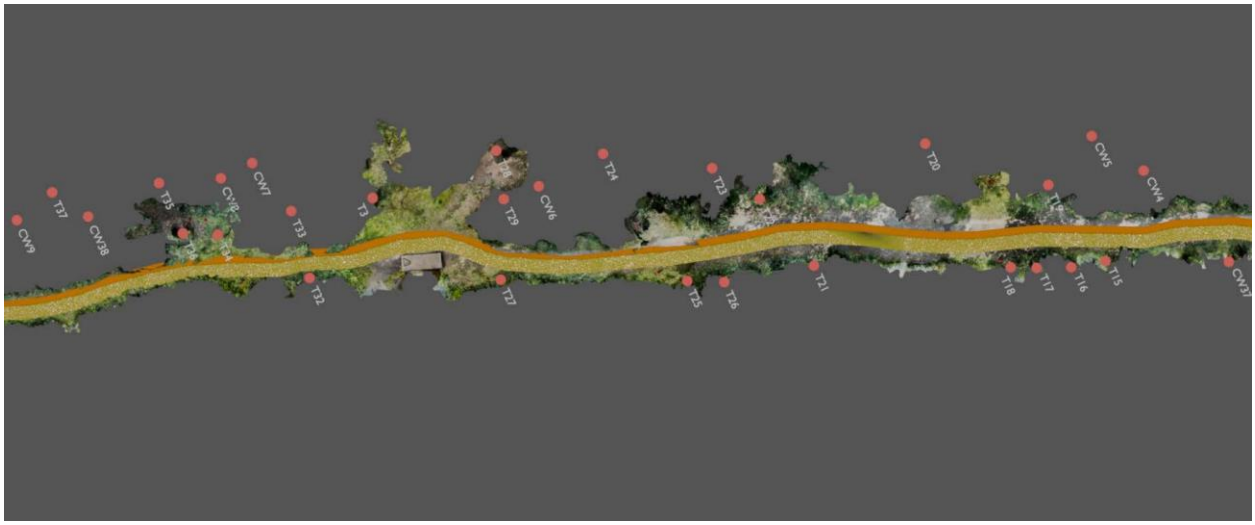
5.73. On the pool side of the path, the edge would be retained either by timber boards, or where the higher areas of build-up are required, earth filled bags similar to those seen retaining a canal embankment. FoPP state that the entire construction of the path can be achieved without the removal of trees and with careful contract management, the impact on the retained trees has been assessed by their arboriculturist as minimal.

<u>Option 1 (of 1D)</u>

5.74. Path height 91.2m.

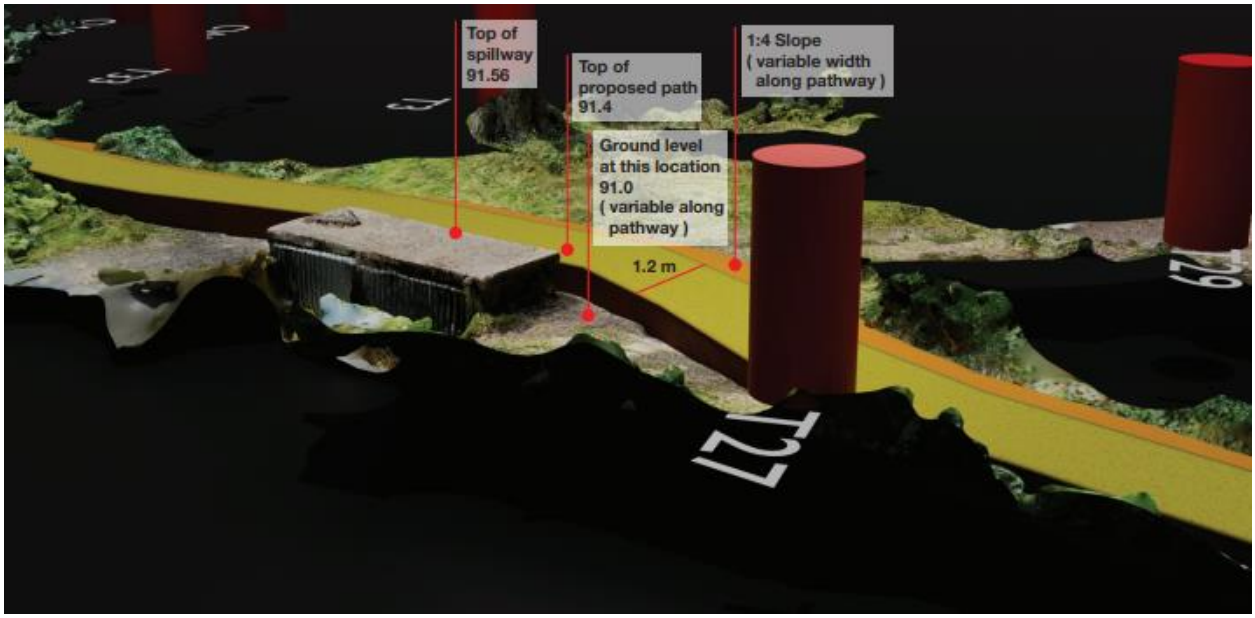


5.75. Sample plan view along path (by spillway)

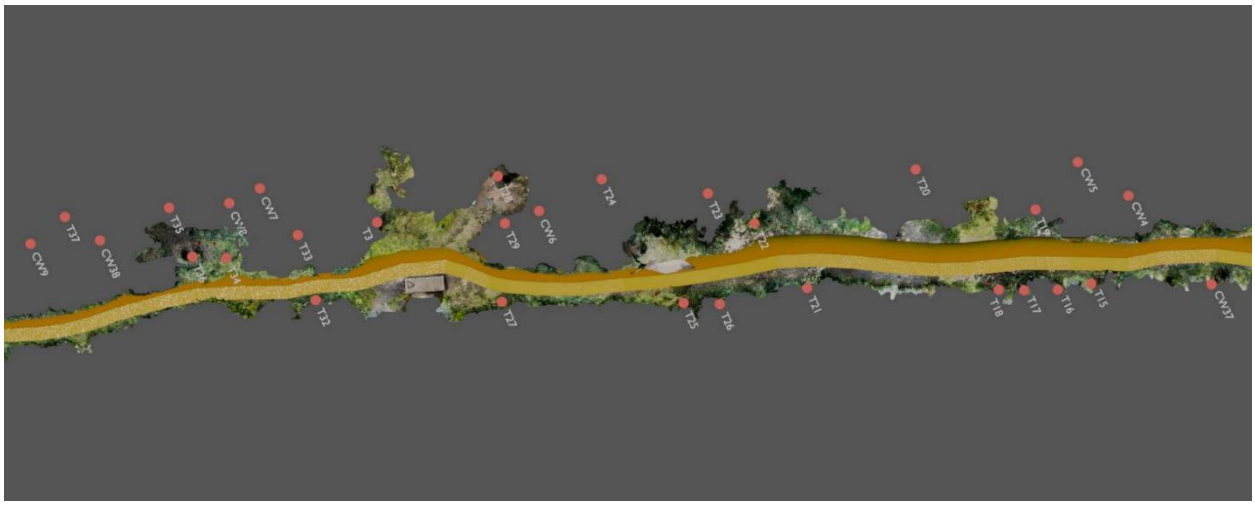


Option 2 (of 1D)

5.76. Path height 91.4m



5.77. Sample plan view along path (by spillway)



5.78. Within their "Supplement to Summary Options Report", the applicant acknowledges that Option 1D presents a technically viable alternative that with modifications could meet the full engineering standards for a Category B reservoir, as defined by the ICE Floods and Reservoir Safety guidance (2015, 4th edition). It incorporates key safety features such as a labyrinth weir spillway, emergency drawdown capability, and crest raising to achieve the required freeboard.

Costs

5.79. For each of the alternative schemes considered as part of the process, the applicant has updated the costs to reflect 2025 prices as shown in Table 1 below (extracted from the applicant's Supplement to Summary Options Report). The options shaded green are the current proposal by the applicant (3C) and the alternative scheme put forward by FoPP (1D (2*)). The other options have previously been discounted for the reasons set out in the original report.

Table 1

	Option 2 **Culvert to pass 1 in 1,000 year (Note 1)**	**Option 3A** **Smaller 0.6m culvert (Note 1)**	**Option 3B (upper and lower)** **Emergency spillways**	**Option 3C** **Regularise crest** **APPLICANT PROPOSAL**	**Option 3C** **Reduce risk Of damage**	**Option 1D (2*)** **Proposed 43m weir** **FOPP PROPOSAL**
Project cost estimate from 2022	£1.3m	£750K	£730K	£540K	£340K	
Project cost estimate 2025 (Note 1)	£1.6m	£920K	£900K	£660K	£410K	£2m
Independent cost estimates by Currie & Brown (Note 2)	Not commissioned for option	Not commissioned for option	Not commissioned for option	£1.2m (Note 3)	Not commissioned for option	£3.5m

Notes:

1) Estimated construction costs and professional fees have been uplifted using Construction price uncertainty and GDP deflator index respectively as per the guidance for Allowing for inflation in FCERM projects (EA, 2023)
2) Costs based on version 2 of costs estimates, see Appendices A & B.
3) Costs estimate is higher primarily due to Currie & Brown estimates including costs for concept and preliminary design, consultation and planning process. These have not been included in Jacobs comparative cost estimates.

5.80. The table shows the increase in costs since 2022, and also the applicant's costing of the FoPP scheme Option 1D. Independent cost estimates for Options 1D and 3C were then also obtained from an independent consultancy (Currie & Brown) and are included in the table.

5.81. This table suggests a much higher cost associated with FoPP Option 1D compared to the current proposal (Option 3C).

5.82. FoPP have reviewed the independent costs from Currie & Brown and believe that the costs for Option 3C are understated and the costs for Option 1D are overstated. They have subsequently requested a further review of the independent costs following their detailed response to the cost breakdown.

5.83. The FoPP costs response increases costs across the board for Option 3C, with the most significant increase being for constructions works, which is increased by 68%. However, most significantly FoPP have added over £4.8m for the cost of the land at Walnut Tree Farm (the mitigation site), landscape management of this site and Poynton Pool, together with the CAVAT value of the trees removed / affected. The CAVAT value of the trees alone is listed as over £4.1m. Conversely, the construction costs for their scheme (Option 1D) have been reduced by 47%.

Option 1D advantages / disadvantages

5.84. As noted above, the applicant acknowledges Option 1D as a technically viable alternative, and their Supplement to Summary Options Report sets out a summary of what they see as the advantages and disadvantages of this option.

5.85. Advantages:

- Compliance with engineering standards: If the option is modified to increase crest level to at least 91.4mAOD it could meet the requirements for Category B reservoirs under the ICE Floods and Reservoir Safety guidance, including spillway capacity and freeboard.
- Improved flood resilience: The labyrinth weir and crest raising significantly reduce the risk of dam failure during extreme flood events.
- Enhanced operational safety: The inclusion of a trash screen and emergency drawdown penstock improves the reservoir's ability to respond to emergencies., although following the 2024 S10 Inspection a penstock is to be added to the other options.
- Public amenity improvements: The meandering footpath and passing places retain existing accessibility and recreational value.
- Minimised environmental impact: Use of cohesive material from spillway excavation and careful path alignment minimises tree loss and disturbance to the natural environment

5.86. Disadvantages (FoPP response to these disadvantages identified below each one)

- Higher capital cost: The construction of a labyrinth weir and associated infrastructure is more expensive than risk-based options.

  FoPP highlight that the cost estimates are draft. The FoPP evaluation identifies a higher
  cost for CEC Option 3.

- Visual impact: The new spillway and crest modifications will alter the visual character of the reservoir area to greater extent than risk-based options in introducing a large concrete structure across the dam.

  FoPP responds to this by noting that the labyrinth weir would be buried in the embankment and submerged on the upstream face. The structure would be visible from London Road as a vertical wall 12m long and 1.5-2m above pavement level; it could be clad with stone to minimise visual impact. Just one remnant tree stump would be removed.

- Construction complexity: The works involve significant engineering interventions, including excavation, installation of hydraulic structures, and coordination with environmental constraints. There will also be considerable temporary works as proposed structure extends up to 10m out into the reservoir. The works would involve partial or complete closure of the London Road (B5092) and pavement at the location of the labyrinth spillway to provide access for construction plant, materials, removal of spoil etc

  No comment from FoPP.

- Planning and regulatory challenges: Full compliance options may require more extensive planning approvals and stakeholder engagement.

  FoPP dispute this. They maintain that there is an argument the FoPP scheme could be classified as Permitted Development as there are no trees removed and it involves the construction of below ground drainage assets.

- Downstream fluvial flooding: By increasing the spillway length this will increase the downstream fluvial flood risk, which is likely to be unacceptable to the lead local flood authority (LLFA) and Environment Agency.

  FoPP state that this is incorrect. Option 1D will not increase downstream fluvial flood and could potentially reduce it. This would be achieved by active surface water management with the emergency drawdown facility being used to lower levels in the pool in advance of flood events. This approach has been successfully adopted in the UK at Gorpley Reservoir and on the Forth and Clyde Canal in Sighthill, Glasgow.

- Landowner agreement: The current proposal discharges flood flows onto the field downstream, which is unlikely to acceptable to the landowner.

  FoPP state that this is incorrect because:

- Flood flows would currently discharge in this way during an extreme flood event, along the route of the original watercourse.
- Jacobs Option 3C discharges flood flows onto London Road North over a 480m length and then into the landowners' fields.
- Option 3C puts nearby properties at risk of flooding.
- Option 3C surcharges combined sewer systems.

- Future proofing. The proposal for marker posts rather a hard crest marker increased the risk that future Section 10 inspections (required every ten years under the Reservoirs Act 1975) will check that crest levels meet the design minimum and may require that the crest embankment is raised to make good settlement and erosion where the park users have created desire lines over the embankment.

  FoPP identify the following advantages of using level crest monitoring points as opposed to a concrete kerb:
  - The crest can be surveyed and any crest maintenance done as a routine task.
  - Option 3C is the same in all respects other than relaying kerbs that have moved due to a combination of frost heave, settlement, and root jacking. This is a more involved and expensive operation.
  - Option 3C kerb movement is an extra trip hazards risk for CEC based.

Amended Plans

5.87. As noted at the start of this report (para 2.3), amendments have been made to the proposal in an attempt to minimise the number of trees affected by the works. These amendments comprise:
- Additional drawdown pipe in the into existing spillway chamber
- Change to outlet screen
- Understory vegetation clearance and ongoing management
- Hedgerow planting
- Reduction in the width of the proposed footpath works

5.88. As part of these amendments the applicant has stated that it removes the need for the two 40m wide spillway areas that were originally proposed.

5.89. Given the nature of the changes proposed, two of the key considerations are the impact upon trees and the impact upon biodiversity arising from the revised proposals.

Trees

5.90. The revised plans are supported by a Technical Addendum (4th December 2025) to Jacobs Poynton Pool Arboricultural Impact Assessment (AIA) and Method Statement. The AIA states the revised scheme will necessitate the removal of 17 trees (identified in Table 2); that is those trees located fully within the alignment of the embankment, with an additional 17 identified as 'at risk' (identified in Table 1).

Alongside this clearance of all understory vegetation along the embankment is required to promote good grass cover over critical sections of the dam.

5.91. The AIA categorises trees at risk where:

- They are within 1m of the toe of the new embankment or very close to the proposed works but not within the footprint.
- Root Protection Area (RPA) may be partially encroached upon by fill or construction activity.
- The impact cannot be fully predicted at this design stage; retention depends on detailed design adjustments (e.g., narrowing paths, steepening embankments).

5.92. If all the “at risk” trees were felled, the worst-case scenario would now be the removal of 34 trees. This compares to the 78 that were previously identified for removal, which is a significant improvement to the original proposal. Clearly some mechanism will be required to ensure that the removal of trees is kept to a minimum. A condition is therefore recommended requiring the submission of a justification statement prior to the commencement of the works to explain why any “at risk” tree is subsequently identified for removal.

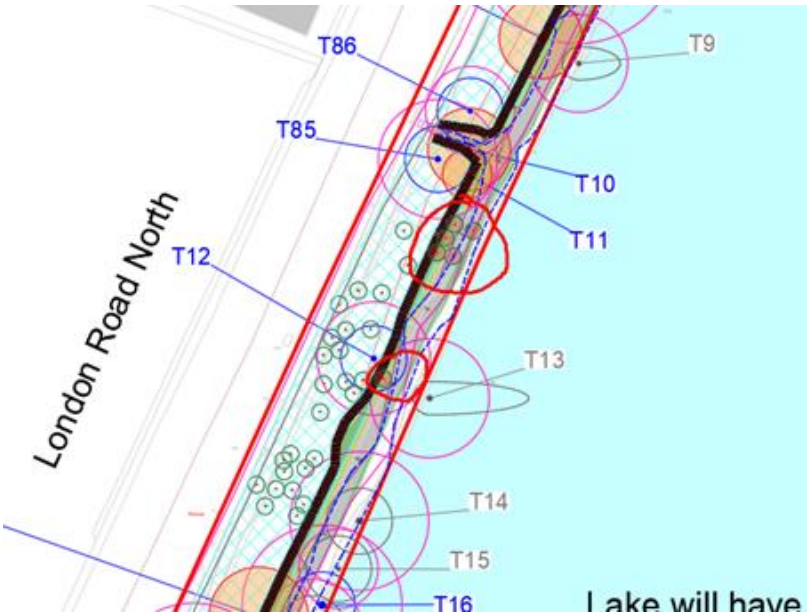
5.93. Para 1.3 of the AIA provides assumptions for assessing the impact of the proposal on trees; advising that roots will be well adapted beneath the hard surface of the existing footpath and that any changes in soil level will not cause significant root loss or adverse impact on the trees. The statement goes on to advise that the impact on trees closer than 1 metre to the embankment may well be difficult to predict, advising narrowing of the footpath or steepening of the embankment as a potential solution.

5.94. The Council’s arboricultural officer has noted that statements on root adaptation are speculative without detailed root surveys and the suggestion that overburden of soils is unlikely to have a physiologically adverse impact on trees does depend on the adaptability of the particular tree, depth of overburden and soil type which can significantly affect aeration and drainage. Statements on the extent of overburden of soils should be defined by the depth of soil, type of soil material and consideration measures for soil aeration. A similar point is raised by FoPP in their objection. The information required to complete a full detailed assessment is not available at this design stage. It is also assumed that crest raising in any scheme will involve the “overburden” of soils, and the same issue would apply to Option 1D as it would to the application proposal.

5.95. It has been noted that the trees listed for removal in Table 2 do not fully align with the updated Tree Survey Schedule (Appendix B). Specifically, trees T27 and T32 are shown as ‘Impacted’ in the Schedule rather than ‘Complete Removal’. Conversely, trees T30 and T33 are marked as ‘Complete Removal’ in the Schedule but are not identified as such in Table 2. This has been clarified by the applicant. T27 and T32 have been confused with T30 and T33 - The Schedule is correct (the error being in table 2). T30 and T33 are being removed. This error does not change the total numbers of trees being removed. All are C category trees.

5.96. Table 2 refers to seven trees (six to the north and one to the south) within the (former) spillway clearance areas discussed during the 2024 clarification meeting, with the Council's arboricultural officer. The 2024 addendum originally identified 32 trees within Group G12 to be removed from Spillway North and 15 trees within Group G11 from Spillway South. Whilst Table 2 represents a reduction from the 47 trees originally proposed for removal in these areas, the arboricultural officer notes that it remains unclear which seven trees specifically within these two groups are now proposed for removal.

5.97. The trees identified for removal are shown on the Tree Removal and Protection Plan. An example showing the 6 trees from the (former) northern spillway are shown shaded pink on the extract below:



5.98. The arboricultural officer concludes his comments by noting that the amended design has sought to minimise harm by the removal of the two large clearance zones and narrowing of the footpath, however it must be acknowledged that the loss of trees, although reduced, will change the character of the woodland to a more formalised open woodland setting, resulting in an adverse effect on the contribution of the woodland to the visual amenity of the area. In the absence of onsite mitigation of replacement planting this is contrary to the spirit of policy SE 5.

Ecology

5.99. The Council's ecologist has provided the following comments on the revised proposals.

Ecological Network

5.100. The application site falls within a Core Area and Stepping Stone and Corridor Area of the CEC ecological network which forms part of the SADPD. SADPD Policy ENV1 therefore applies to the determination of this application. ENV1 requires developments within Core Areas and Stepping-Stone sites to increase the size of core areas, increase the quantity and quality of priority habitat.

The proposed development will result in reduction in the value of existing woodland, but an enhancement for hedgerows, which are a priority habitat.

Poynton Park Lake Local Wildlife Site

5.101. The proposed development is located within the boundary of this Local Wildlife Site (LWS). The LWS was selected due to the presence of woodland, marginal vegetation and open water habitats.

5.102. The proposed development will involve the permanent removal of areas of established woodland from within the boundary of the LWS. This woodland may support important invertebrate species identified as occurring locally as part of the desk study undertaken to inform the submitted ecological assessment. The ecologist advises that the loss of woodland associated with the proposed development will result in a significant adverse effect upon the LWS. The loss of woodland (at least in terms of permanent loss of woodland area) associated with this revised scheme is however significantly reduced in comparison with the previous scheme.

5.103. Local Plan Core Strategy Policy SE3 (4) therefore applies to the determination of this application. This policy states that development proposals affecting Local Wildlife Sites will not be permitted except where the reasons for or benefits the development outweigh the impact of the development.

5.104. In accordance with the mitigation hierarchy the flood resistance scheme should look to avoid or mitigate impacts on Biodiversity in the first instance, with compensation for adverse effects only being considered as a last resort. The applicant proposes woodland planting at an offsite location as a means of compensating for the loss of the existing woodland. In the event that the reasons for or benefits the development outweigh the impact of the development and the loss of the woodland is considered unavoidable the ecologist advises that, in principle, the proposed offsite woodland planting is an acceptable means of compensating for the impacts of the proposed development as a result of the loss of the existing woodland. The proposed off-site compensatory planting is discussed further in the Biodiversity Net Gain section below.

5.105. No direct impacts on emergent vegetation (a feature for which the Local Wildlife Site was selected) are anticipated. However, if planning consent is granted a condition is recommended to require the submission and implementation of measures to safeguard the shores of the lake and associated vegetation during the construction process. This can be included in the CEMP condition discussed below.

Great Crested Newts

5.106. Full access to all appropriate ponds within 250m of the proposed development was not available, however no evidence of great created newts was recorded during the submitted surveys/assessment. The ecologist advises that based upon the available evidence this protected species is unlikely to be affected by the proposed development.

Badgers

5.107. No evidence of badgers was recorded during the submitted survey. This species has however been recorded in the broad locality of the application site in the past. Based upon the current status of badgers at this site the proposed development is unlikely to result in a significant adverse impact upon it.

5.108. As the status of badgers on site can change within a short time scale, a condition is recommended to require the submission of an updated badger survey prior to the commencement of development.

Reptiles

5.109. These priority/protected species are not reasonably likely to be present or affected by the proposed development.

Otter

5.110. There is evidence to suggest the presence of Otter activity at Poynton Pool. The pool is likely to provide an occasional to reasonably regularly used foraging resource for this protected/priority species. The ecologist advises that the proposed development is not reasonably likely to result in sufficient disturbance of this species to result in a significant adverse impact or amount to an offence under the Habitat Regulations.

Common Toad

5.111. There are records at Poynton Pool of Common Toad, a priority species and hence a material consideration. The application site supports suitable habitat for this species. The ecologist advises that the proposed development would result in a localised adverse impact upon this species as a result of the loss of suitable habitat and the risk of animals being harmed during construction works. The submitted ecological assessment includes recommendations to minimise the risk to toads during the construction phase, and the restoration of the application site with a grassland mix, including grasses that form tussocks, would provide suitable habitat for this species.

Hedgehog

5.112. This priority species, which is a material consideration, is known to be present in the broad vicinity of the application site and may occur on the application site on a transitory basis. The proposed development would result in an adverse impact upon this species, if present, as a result of the loss of habitat and the risk of animals being killed or harmed during the construction phase. The submitted ecological assessment includes proposals to minimise the risk to hedgehogs during the construction phase, which could be conditioned in the event that consent was granted. However, the proposed development would result in a minor localised impact upon this species due to habitat loss.

Bats

5.113. *(Roosting Bats)*

A number of trees were identified on site that offer potential for roosting bats. No evidence of roosting bats was recorded during the surveys of the trees undertaken

to inform the previously submitted Environmental Assessment Report (May 2023). A greater number of mature trees are now proposed for retention. The ecologist requested clarification on whether any trees that offer bat roost potential are now to be removed as part of the proposed development. The applicant has since confirmed that - three of these trees with bat roost potential (refs: T22, T42, T60) are identified in the AIA Addendum as at risk of removal. Notwithstanding this, as stated in the EAR, it is proposed to put up bat boxes on retained trees, as a precautionary approach.

5.114. *(Foraging/commuting bats)*

The woodland affected by the proposed development is highly likely to be used for foraging and commuting purposes by a number of bat species. The revised proposals which reduce the number of trees removed greatly reduce the potential impacts of the development upon foraging and commuting bats which the ecologist advises is not now likely to be significant.

Nesting Birds

5.115. The woodland affected by the proposed development is likely to support a number of breeding birds potentially including more widespread priority species, which are a material consideration for planning. There will be a localised adverse impact upon nesting birds as a result of the loss of woodland habitats. The installation of bird boxes is proposed as part of the proposed development, however this would only potentially partially mitigate for the impacts of the proposed development upon nesting birds. If planning consent is granted a condition is also recommended to safeguard nesting birds during the site clearance process.

Construction Environmental Management Plan

5.116. The ecologist recommends a condition which requires the submission and implementation of a Construction Environment Management Plan (CEMP). The CEMP should cover the following topics:

- Control of non-native invasive plant species
- Safeguarding of retained emergent vegetation around the pool
- Pollution prevention
- Avoidance of night working and use of artificial lighting.
- Implementation of precautionary mitigation detailed in paragraph 5.10 of the submitted Environmental Assessment Report.

Biodiversity Net Gain

5.117. This application was submitted prior to the introduction of mandatory biodiversity net gain. All development proposals must however seek to lead to an overall enhancement for biodiversity in accordance with Local Plan policy SE3(5) and deliver a Biodiversity Net Gain in accordance with SADPD policy ENV 2. In order to assess the overall loss/gains of biodiversity resulting from the proposed development the applicant has undertaken and submitted the report of an assessment undertaken in accordance with the Defra Biodiversity ‘Metric’.

5.118. The biodiversity metric submitted in support of the application concludes that the proposed development would result in a net loss of biodiversity on site in respect of area-based habitats, but a net gain in respect of hedgerows. Offsite compensation (on land owned by the applicant) is however proposed that would deliver a net gain of 12.03% for area-based habitats. A habitat creation method statement, and 30-year monitoring and management strategy for the offsite habitat works and securing the on-site provision can be dealt with by condition.

5.119. A Management Plan has been submitted in respect of the on-site habitat creation proposals. A condition is recommended for the 30-year monitoring and management of the on-site habitat creation.

Other Matters

5.120. The revised plans raise no additional issues to those identified in the original report relating to land Contamination, Ground conditions and Pollution, living conditions, flood risk, and highways.

5.121. There have been a number of letters of representation that have raised concern about the planning portal and it not functioning correctly preventing the submission of comments on the application. Given the numbers of representations received, it is evident that interested parties have been able to submit comments.

5.122. The Town Council and FoPP have raised concerns regarding inaccurate statements in the latest planning statement addendum and the BNG Report being submitted as a draft document. The documents were updated once the applicant were made aware of the issues. The issue with the planning statement is shown below:

> ***The Bathymetric survey*** (prepared by 'Reservoir and Water Services' on behalf of the Environment Agency)– The report concluded:
>
> "*The information collected at the request of the planning officer has not had any significant impact on the need for the proposed works, or the works proposed in November 2023. It is concluded that the existing design and planning application submitted in Nov 2023 remain valid….*"

5.123. This statement was not included within the bathymetric survey (written on behalf of the Environment Agency), it was actually from the from the Technical Memorandum prepared by Jacobs on the 20th March 2025. The Town Council believe that the planning consultation *"has potentially been tainted by this inaccurate/ false statement"* by suggesting that an Environment Agency report concluded that the work needs to be done, which is not the case.

5.124. The EA have not objected to any iteration of the proposed development, and the level and nature of representations do suggest that this error has not resulted in any increased inadvertent support for the proposal amongst third parties.

6. PLANNING BALANCE/CONCLUSION

6.1. The information and details associated with the reasons for deferral are set out above. There remains some disagreement between the parties on the stated inaccuracies, but it is considered that there is sufficient information available in order to make an informed decision on the application. Similarly, there remains disagreement regarding the impact of trees on the dam, which appears to align with published information on this matter, that being inconclusive. A ground investigation survey was not required by the Inspecting Engineer, and has not been carried out to date, but can be secured by condition. In terms of engagement, there have been several meetings between the applicant and the third parties, some of which have also been attended by current or previous Inspecting Engineers. Planning officers also held a meeting with the applicant, FoPP and PTC to review progress on the reasons for deferral. There has been no formal independent review of the application proposal, however an updated S10 report has been published since the deferral from SPB in April 2024, and its findings are similar to those identified in the 2016 S10 report. As noted above, the Inspecting Engineer was also present at some of the meetings between the parties where the proposals were discussed. As part of that engagement a viable alternative that could meet full engineering requirements was identified. Finally, there are no known alternative sites for the proposed mitigation planting. Walnut Tree Farm remains the site proposed for the mitigation.

6.2. The applicant has also submitted amended proposals which reduce the number of trees to be removed from 78 to 34 (worst case) or 17 (best case) and eliminate the two originally proposed 40m long spillway clearances. These two spillways were to be completely cleared of all vegetation and grassed over, which would have left two rather wide and prominent openings within this linear woodland along London Road North. This was a particularly harmful aspect of the original proposal. The removal of between 17 and 34 trees in the amended scheme will still have some impact on the linear woodland, simply by reducing the number of trees present, but its unbroken linear appearance will still largely remain, given that the trees to be removed are stretched out across the 480m length of the application site. The removal of the understory vegetation which has to happen, irrespective of the outcome of the planning application, will also have quite a significant visual impact. However, the proposed additional hedgerow planting along the London Road North boundary will go some way towards mitigating this impact.

6.3. The proposed mitigation for the loss of woodland is still proposed off site at Walnut Tree Farm. As with the original scheme, this does not mitigate for the visual impact of the proposal given that it is some way from the application site and not publicly visible. Therefore, there is still conflict with policy ENV6 of the SADPD. Moderate weight is now attached to the loss of trees and associated visual impacts.

6.4. The Council's ecologist advises that the loss of woodland associated with the proposed development will still result in a significant adverse effect upon the LWS, which was selected as a LWS due to the presence of woodland, marginal vegetation and open water habitats. Policy SE3(4) states that development proposals affecting Local Wildlife Sites will not be permitted except where the reasons for or benefits the development outweigh the impact of the development. The harm to the LWS

has been reduced in the revised proposals and attracts moderate weight, but it is noted that the policy does permit proposals that affect LWS in certain circumstances.

6.5. The proposed mitigation has also increased the proposed biodiversity net gain from the original scheme. The proposal previously secured 10.27% net gain in biodiversity via the off-site planting. The latest amended proposal will achieve a 12.03% BNG for area-based habitats via the off-site planting. Added to this, now that there will be additional hedgerow planting on site, rather than the previously proposed 80m of hedgerow removal (across the two spillway clearances), the proposal will achieve a 104.6% increase in hedgerow biodiversity units. It should be noted again that the application was submitted before 2 April 2024 and is not subject to the statutory requirement for the development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. The fact that the proposal does achieve these net gains, without a formal requirement to do so, is a further positive aspect of the revised proposal.

6.6. The submitted updated heritage statement identifies that the proposal would result in less than substantial harm to the non-designated heritage asset of Poynton Pool and Park. Given the works now proposed the impact is significantly reduced from the original proposal, but overall this level of impact is agreed. Paragraph 216 of the NPPF states that *"in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."* Limited weight is attached to this harm.

6.7. Finally, in terms of harm, it is understood that proposals do still increase flood risk to the rear gardens of numbers 2 -10 Anglesey Drive, which is contrary to the objectives of policy SE13 of the CELPS. Moderate weight is attached to this increased flood risk.

6.8. Turning to the benefits of the revised proposal, these remain similar to those identified in the original report (which is provided below).

6.9. It should also be noted that one key difference in terms of other material considerations compared to the original report is the presence of an alternative proposal, that has been confirmed as being able to meet relevant safety standards. The FoPP scheme (Option 1D) has been identified as a viable alternative that could meet the full engineering standards for a Category B reservoir, as defined by the ICE Floods and Reservoir Safety guidance (2015, 4th edition). This is a relevant material consideration.

6.10. The weight to be afforded to any material consideration is a matter for the decision maker. Whilst the alternative scheme (Option 1D) does meet required standards, the full impact of it is not currently known. Whilst FoPP state that only one tree stump will require removal, this is not supported by detailed arboricultural impact information. Some tree/sapling/shrub removals will be required as part of the compliance needed to meet the S10 recommendations, and further removals may be required if the scheme progressed to more detailed plans. Trees may also equally be subject to soil overburden, which is a criticism that has been put forward for the applicant's scheme. The proposed 12m long wall up to 2m in height also

raises some concern in terms of its visual impact. The full impacts are unlikely to be known until it is progressed further, and / or a planning application is submitted for the works. Clearly all this would take time, which the applicant does not have given the dates set out in the latest S10 report to comply with the stated recommendations. It is also noted that FoPP have stated that their proposals do not require offsite mitigation. This is unlikely to be correct as any proposal has to involve the removal of the understory planting to meet the s10 recommendations. Even if this is done prior to any future planning application being made, it is likely that the existing condition of the site would be used for BNG purposes. Any new application submitted now would be subject to mandatory BNG. The costs FoPP have highlighted for the offsite mitigation, and management for the applicant's scheme are therefore likely to apply to their scheme too. FoPP have also suggested that their scheme may qualify as permitted development, and not require planning permission, however, it is likely that this would apply equally to the applicant's proposal given the nature and very limited scale of development that is proposed.

6.11. There is also disagreement between the parties about whether there will be an increase in the downstream fluvial flood risk with Option 1D. The views of the LLFA, or the landowner whose land the flood water will discharge onto, are also not known at this time. The use of marker posts rather a hard crest marker does raise some queries in terms of the resilience of the proposed works and the potential for increased ongoing maintenance, which would not exist so much with the concrete kerb option. The concrete kerb on the application plans is shown to protrude 100mm from the surface of the path, and when considered with the wider upgrade to the path surface, it would not result in a significant trip hazard. All these matters weigh against Option 1D.

6.12. In addition, the cost of a development proposal usually only becomes a material consideration to a planning application, where it brings the viability of the scheme into question. Viability has not been identified as an issue here, but cost will no doubt be a consideration for the applicant when having regard to their Best Value Duty. The independent review of the costs for the FoPP scheme (Option 1D), and the current application proposal (Option 3C) shows that Option 1D is considerably more expensive than Option 3C. FoPP have stated that costs discussions are ongoing with the applicant, but the application cannot be delayed indefinitely and does now need to be determined, particularly given the extent of local interest in the application. There has been an independent appraisal of the costs, which has identified that Option 1D is considerably more expensive.

6.13. Many of the letters of representation suggest a new S10 inspection should be commissioned in order to allow the dates to comply with the recommendations to be pushed back once again. It has been 20 months since the application was deferred by SPB to review "inaccuracies" amongst other reasons, and disagreement between the applicant and third parties on those issues still remains. Other disagreement and dissatisfaction has also been expressed in the letters of representation. The last s10 report was published on 13 December 2024, and inspection are due every 10 years which means the next inspection should be undertaken before 5 September 2034. A new s10 Inspection is therefore not due for almost 9 years and based on the experience of the last 20 months, to request

one as a delaying tactic would not guarantee a successful outcome. There is a live planning application now before the committee that needs to be determined

6.14. Option 1D is theoretically an option that could be developed to meet statutory safety recommendations. However, there remains some uncertainty regarding the impacts of Option 1D, which also currently appears to be a more expensive option, and whilst these issues remain, only limited weight can be afforded to it as a realistic, and better, alternative to the current scheme. As such this is not considered to be sufficient to tip the planning balance detailed in the original report, and above, against the application proposal, particularly given the amendments the applicant has made in terms of reducing the number of trees to be removed (even when the worst case of 34 trees being felled is considered) and eliminating the two previously proposed spill way clearances, which was a particularly harmful aspect of the original scheme.

6.15. Accordingly, as in the original report, a recommendation of approval is therefore made.

7. RECOMMENDATION

Approve subject to following conditions

1. Time period for implementation – 3 years
2. Development to be carried out in accordance with approved plans.
3. Materials to be in accordance with application.
4. Updated badger survey prior to commencement.
5. updated bat survey of any trees to be removed with bat roost potential prior to removal of trees.
6. Development to be carried out in accordance with recommendations to minimise the risk to toads in Environmental Assessment Report.
7. Development to be carried out in accordance with recommendations to minimise the risk to hedgehogs in Environmental Assessment Report.
8. Nesting birds survey to be submitted.
9. Submission and implementation of a Construction Environmental Management Plan (Ecology).
10. Implementation of off-site replacement planting informed by habitat creation method statement.
11. Implementation of on-site habitat works informed by habitat creation method statement.
12. Submission and implementation of measures to safeguard the shores of the lake and associated vegetation during the construction process.
13. 30-year monitoring and management strategy for the offsite and onsite habitat works.
14. Tree Retention in accordance with submitted details.
15. Tree protection scheme to be submitted.
16. Arboricultural method statement to be submitted.
17. Justification details to be submitted for removal of any “at risk” trees
18. Public Right of Way scheme of works to be submitted.

19.Ground condition survey prior to commencement.
20. Implementation of submitted landscape scheme.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

UPDATE REPORT FROM SPB 24 APRIL 2024 (FIRST PUBLISHED 22 APRIL 2024)

STRATEGIC PLANNING BOARD – 24 April 2024

UPDATE TO AGENDA

APPLICATION NO.

23/4152M

LOCATION

The Dam Embankment of Poynton Pool Reservoir, Poynton Park, London Road North (B5092), Poynton

UPDATE PREPARED

22 April 2024

REPRESENTATIONS

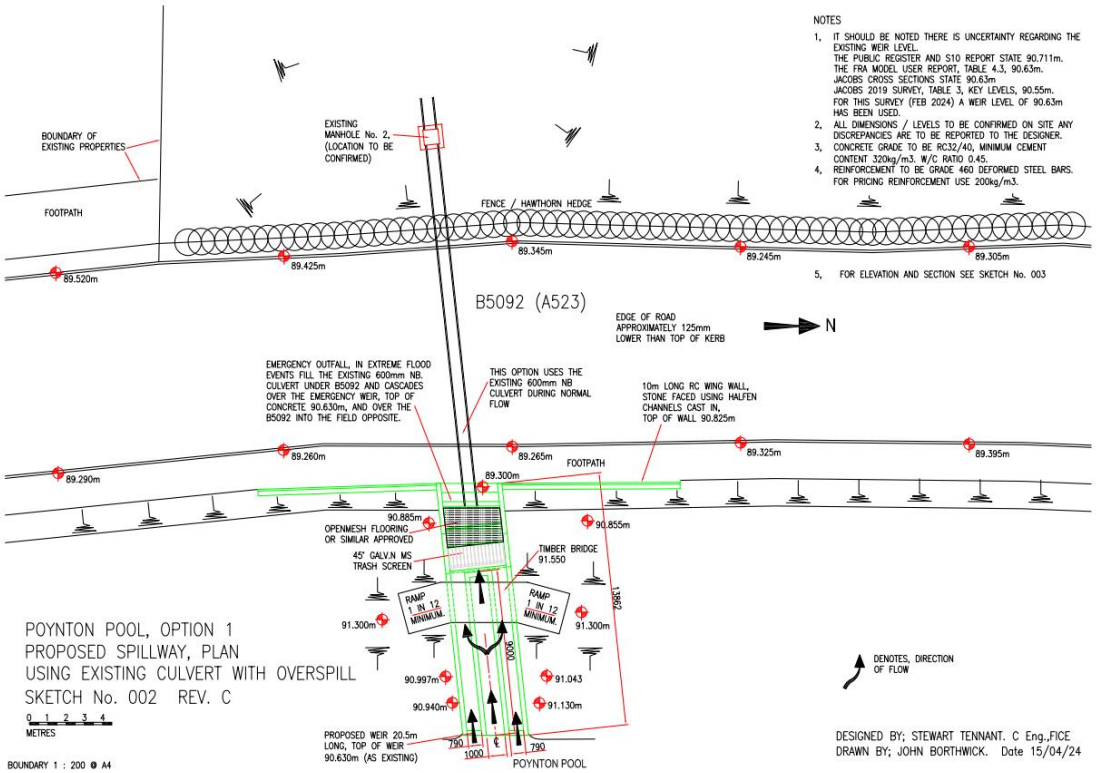
Since the original report two additional letters of representation have been received.

The first of these letters provides two further alternative schemes to the proposed development. The two schemes were drawn up by a chartered engineer and Fellow of both the Institution of Structural Engineers and Civil Engineers with experience of working on dams and statutory reservoirs since around 2010, together with a retired reservoir designer.

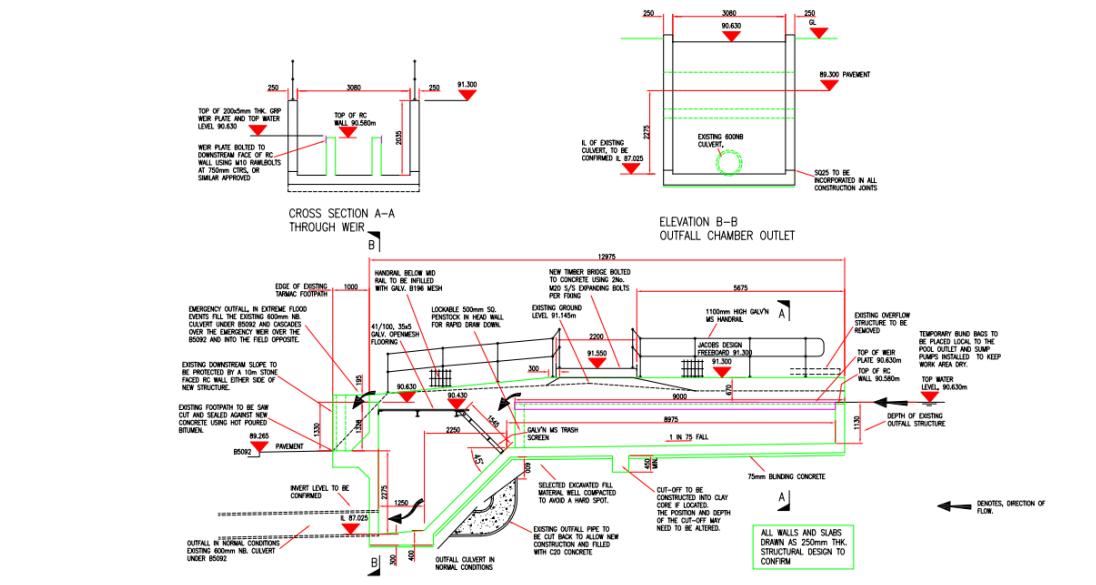
The proposed solution is a conventional reinforced concrete spillway built on the line of the existing overflow structure and culvert. It is a double-sided weir and has been designed to pass the design floods calculated by CEC's technical advisors. There are two options. In Option 1C, the emergency outfall is onto the B5092 as with the application proposal. Option 2C proposes two 1200mm diameter pipes beneath the B5092 to accommodate normal flow and extreme flood events.

It is stated that the required minor increase in freeboard can be achieved by the careful addition of more earth of the same composition as the existing embankment, to be revegetated naturally, without any significant impacts on trees.

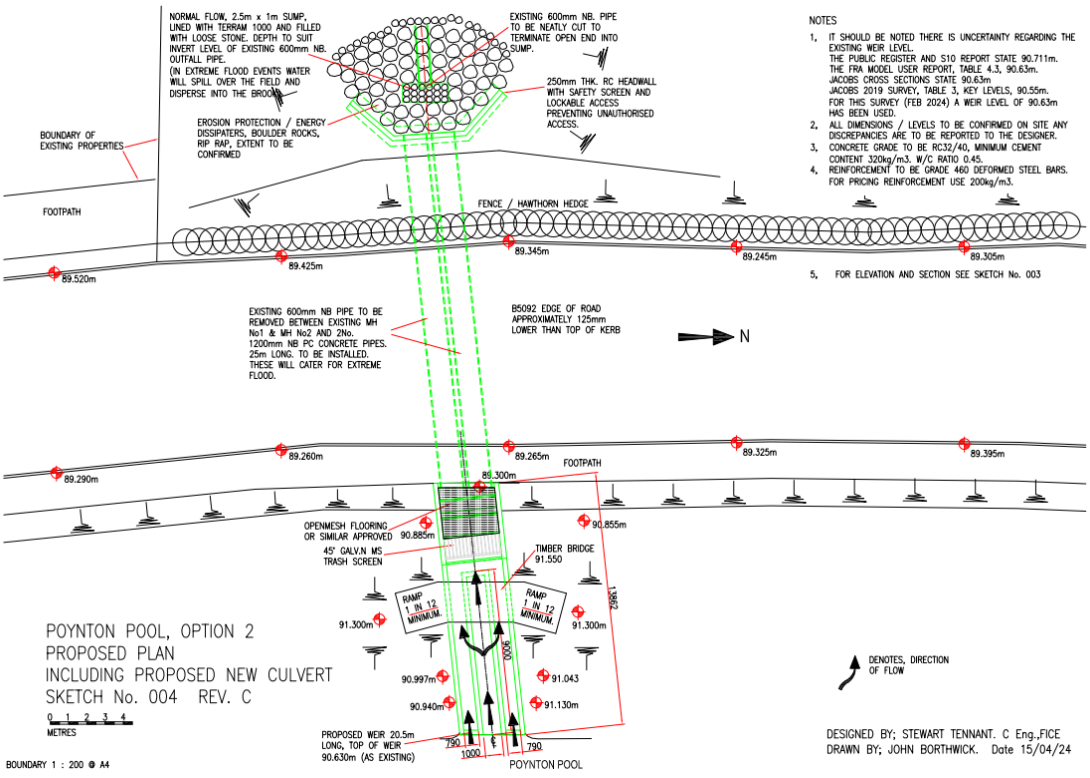
Option 1C Plan



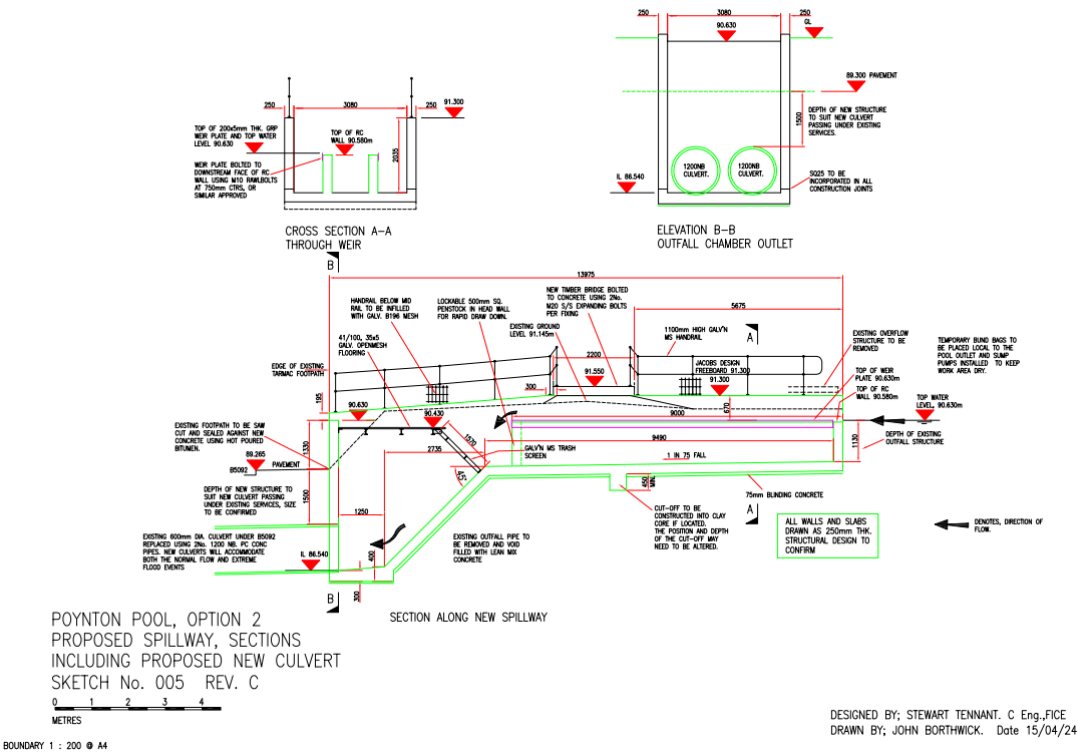
Option 1C Section



Option 2C Plan



Option 2C Section



The advantages of these options are stated to be:

1. Just one remnant of a partially felled tree will need to be removed.
2. It is anticipated that no further mature trees will be affected by the works with the associated risk of root die back seepage and potentially terminal decline.
3. The emergency drawdown is provided by a simple penstock (sluice) in the base of the weir i.e. no need to mobilise emergency equipment at short notice.
4. It has a 100-year design life with minimal inspection and maintenance required.
5. It is a conventional reservoir overflow solution.
6. The scheme is easy to construct with access direct from London Road North.
7. It incorporates a new Environment Agency compliant trash screen which can be cleaned and directly accessed from the highway.
8. The historic embankment will remain intact.
9. The 480m concrete kerb will not be required.
10. This proposal will not require a costly carbon offset mitigation scheme.
11. The landscape management plan will not be required.

The second letter provides a copy of an email from the editor of Dams & Reservoirs, the official journal of the British Dam Society, which makes the following points:

- The Reservoirs Act 1975 makes no mention of grass or trees, or indeed any other physical condition of a dam.
- The onus for safety is on a qualified civil engineer (the Inspecting Engineer) to identify any aspects that could put the dam or reservoir at risk.
- Floods and Reservoir Safety – 4th Edition (ICE) is not a legal document – it simply gives guidance to reservoir engineers. This document does indicate that trees on the downstream face of dam can cause changes in the flow pattern if the dam overtops, causing turbulence and erosion, but that is simply a reminder to reservoir engineers to consider the potential effects. It certainly

does not say that trees must be removed or that the only growth accepted is grass.

- The many dams with trees growing on their embankments are typically at privately-owned reservoirs on estates, and I am not at liberty to release the names of these. However, during my 30 years as a Supervising Engineer I was appointed to a number of these, all of which were subject to Inspecting Engineers' reports at least once every ten years. As these were often by different Inspecting Engineers from year-to-year quite a number of engineers saw these trees, but not one of them felt that – on these particular dams – they posed a risk to the dam's safety.

KEY ISSUES

Alternatives

The two schemes put forward as alternatives have been passed onto the applicant. Any comments received from the applicant will be reported to Members as a verbal update at the meeting.

Ecology

As noted in the original report, there is evidence to suggest the presence of Otter activity at Poynton Pool. The nature conservation officer advises that the pool is likely to provide an occasional or a reasonably regular foraging resource for this protected/priority species. He maintains that the proposed development is not reasonably likely to result in such a disturbance of this species to result in a significant adverse impact or amount to an offence under the Habitat Regulations.

Landscape

The landscape officer has commented on the application identifying the harm that will result from the proposal. He notes that the proposed tree removal and 40m spillway wildflower gaps will look sterile and controlled, then after the 40m clearways, suddenly wild nature. The proposals may look green on plan, but he considers these to be obviously too clean and controlled, adjacent to the raggedy wooded strip. The tree removal will create a very noticeable and visible gap from both the park and road. He refers to the landscape sections of the Environmental Assessment report being very high level, offering little in the way of detail at a smaller scale. The mitigation offers nothing for the people of Poynton regarding more access and landscape amenity. The landscape officer objects to the application.

CONCLUSION

A response from the applicant is awaited regarding the two further alternatives put forward by interested parties. The additional ecology and landscape comments, and the comments from the editor of Dams & Reservoirs, are all acknowledged, but do not affect the overall conclusions in the original report.

ORIGINAL COMMITTEE REPORT FROM SPB 24 APRIL 2024 (FIRST PUBLISHED 16 APRIL 2024)

SUMMARY

The proposal results in a significant loss of trees from the existing woodland which is prominent in views from London Road North and from within Poynton Park. The loss of these trees is significantly harmful to the amenity of local area and the non-designated heritage assets of Poynton Pool and Poynton Park.

The replacement planting at Walnut Tree Farm over 2km away from the application site, and within Stockport Borough does little to mitigate for the amenity or historic value of the trees within Poynton.

Whilst the new woodland planting would lead to a 10.27% net gain in biodiversity compared to the existing on-site habitat, there would still be significant harm to the LWS and localised harm to a number of species. It is also disappointing that mitigation is not provided for the slight increase in flood risk to the residential properties at 2-10 Anglesey Drive.

The volume and strength of local opposition to the proposals is acknowledged and completely understood. However, the identified harm is considered to be outweighed by the need for the proposal and the lack of any viable alternatives in this case. Accordingly, the application is recommended for approval.

SUMMARY RECOMMENDATION

Approve subject to conditions

DESCRIPTION OF SITE AND CONTEXT

The application site comprises part of the dam embankment along the western side of Poynton Pool. Poynton Pool reservoir is an ornamental lake within the grounds of Poynton Park and it is understood that it was constructed around 1750. The dam embankment comprises a footpath along its crest set within broadleaved woodland and ranges between 1.2m and 1.8m higher than the adjacent London Road North. The application site, and the wider Poynton Pool,

is allocated within the Cheshire East Local Plan as an Area of Protected Open Space and a Local Wildlife Site and is located within the Settlement Boundary of Poynton.

DETAILS OF PROPOSAL

This application seeks full planning permission for the removal of low points along approximately 480m of the western dam embankment of Poynton Pool. This would be achieved by:

- Installing a permanent crest marker (kerb) to set a regulated crest at 91.3mAOD over the 480m stretch.
- Slightly raising and regulating the path to remove low spots to achieve a regulated crest of 91.3mAOD. The current lowest point in the embankment is 90.89mAOD. The ground beyond the path would be infilled to provide a shallow fall to tie into existing ground levels.
- Widening the path to two metres in most places and resurface with compacted gravel.
- Connecting the new path into existing access points from the road footpath.
- Creating two 40m wide clearings, which will further increase resilience, so if trees and shrubs block any overflow of water, there are at least two points where floodwater can safely spill across the bank.
- Constructing a 2m-wide clay verge which will create a buffer to prevent tree root growth from damaging the new kerb.
- Removal of trees to enable the construction works.

RELEVANT PLANNING HISTORY

None relevant to current proposal.

POLICIES

Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in Favour of Sustainable Development

PG1 Overall Development Strategy

PG2 Settlement Boundaries

PG7 Spatial distribution of development

SD1 Sustainable development in Cheshire East

SD2 Sustainable development principles

IN1 Infrastructure

IN2 Developer Contributions

SE1 Design

SE3 Biodiversity and geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE7 The historic environment

SE12 Pollution, Land Contamination and Land Instability

SE13 Flood risk and Water Management

CO1 Sustainable Travel and Transport

Site Allocations & Development Policies Document (SADPD)

GEN1 Design Principles

GEN5 Aerodrome safeguarding

ENV1 Ecological network core areas

ENV2 Ecological Implementation

ENV3 Landscape Character

ENV5 Landscaping

ENV6 Trees, hedgerows and woodland implementation

ENV7 Climate change

ENV12 Air Quality

ENV16 Surface water management and flood risk

ENV17 Protecting water resources

HER1 Heritage assets

INF1 Cycleways, bridleways and footpaths

INF3 Highway safety and access

INF9 Utilities

REC3 Open space implementation

Poynton Neighbourhood Plan

EGB 1 Surface Water Management

EGB 2 Open Spaces

EGB 3 Natural and Historic Environment

EGB 6 Landscape Protection and Enhancement

EGB 7 Landscape Enhancement

EGB 8 Protection of Rural Landscape Features

EGB 9 Nature Conservation

EGB 10 Wildlife Corridor

TAC 1 Walking and Cycling

OTHER MATERIAL POLICY CONSIDERATIONS

National Planning Policy Framework (the Framework)

National Planning Practice Guidance

CONSULTATIONS (External to Planning)

Lead Local Flood Authority (LLFA) – No comments or objections.

Environmental Protection – No comments received.

Countryside & Rights of Way – No objection subject to conditions regarding detailed proposals for the right of way.

Cheshire Archaeology Planning Advisory Service – No archaeological requirements for this application.

Head of Strategic Transport – No objection

Countryside / Green Infrastructure – No comments received.

United Utilities – No comments received.

Natural England – No objection

Environment Agency – No objection

Cadent Gas – No comments received

Poynton Town Council – Object on the following grounds:

- Inaccuracies in planning documentation – height of dam
- Volume of reservoir unknown
- Dam properties are unknown
- Catchment area should be monitored to verify modelling
- Missing appendices in Spillway Upgrade Options report
- Increase in freeboard not clear
- Proposals will not prevent flooding to south shown on EA reservoir flood map
- Properties on Anglesey Drive not consulted
- Works to ditch to north may increase flooding to properties
- No maps to show extent of flooding at Vicarage Lane, Tulworth Road and Anglesey Drive after completion of works
- No reference in Flood Study 2023 of dam having significant overtopping from a 3.3% AEP (1:30 year) event
- Baseline figures in Table 5.1 Poynton FRA Model Report vary from original figures in study
- There have been significant flood events in Poynton – no reports of overtopping
- Likelihood of dam failing is not set out
- 3500 people impacted and loss of 2 lives are for a wet day
- Table 4.4 from the Initial Options Report shows failure of the dam alone (dry day) would result in 274 people impacted and loss of life is 0.12.
- 1.4 and 1.5 of the Summary Options Report states risk is “unacceptably high” – This is an error and is actually in ALARP region
- No figures provided in the FRA in relation to residual risk of dam failure
- More proportionate works should be considered
- Trees are acceptable on dam if managed
- Unclear where view that trees must be removed has come from – contrary to S10 report and supervising engineer report
- AIA inaccurate and fails to identify a number of trees and undervalues many
- RPAs uncertain
- Different terms in tree survey and RAG – trees impacted in one – compromised and likely lost in another
- Impact on retained trees unknown
- Some trees have veteran characteristics – require further evaluation
- Assessment of individual trees, rather than as a woodland not consistent with BS5837
- Mitigation ignores impact on impacted trees
- Trees have CAVAT value of over £3m – should be taken into consideration
- Site is SBI / LWS
- Core area of Ecological Network

- Contrary to Local and Neighbourhood Plan policies
- Desk study and walk over are over 18months old
- Impact on non-designated heritage assets – boat house and Pool/Park
- Increased noise and environmental pollution
- Imp[act on LCA 11a Adlington – identifies Poynton Park as a high quality feature
- Alternative solutions exist – additional outlet, leaky dams
- Legal duty to conserve biodiversity
- 66 protected species found at the site
- Replacement planting inadequate
- Woodland lost will exceed 0.1782ha
- Habitat creation overstated
- As proposals affect SBI – BNG should be 20% (currently falls short of 10%)
- Jacobs approach to decision making takes no account of collateral effects and unintended consequences, such as ecosystem impacts, public health and heritage (as in HM Treasury's The Green Book)
- Dated, mechanical approach to risk management (based on 2013 EA's Guide to Risk Assessment for Reservoir Safety Management)
- Suggestion that Poynton Pool debate is about saving lives or trees is inaccurate – more appropriately one of uncertain benefits of flood control measures versus certain losses to an established environment
- Approach relegates impacts on environmental and heritage to afterthoughts
- Proportionality assessment excludes consideration of environmental impacts, public health, heritage, amenity etc.
- Does not give an account of uncertainty in estimates – can have major impact on proportionality
- Gross disproportion factor of 5 in cost benefit calculations distorts findings
- Risk posed by dam failure might be tolerable in exchange for the benefits of the existing Poynton Pool
- Balmforth Review found that (2021) - *"The current system for managing reservoir safety has become over reliant on compliance at the expense of ensuring due diligence in managing safety. A different emphasis is now needed to adequately protect the public".*

Poynton Town Council (Response to Technical Note)

- Table 4.4 from the Initial Options Report shows that the failure of the dam alone (dry day) would result in an estimated 274 people in the population being impacted and likely loss of life is 0.12.
- Misleading picture of the dam structure – it is a small ornamental lake
- Environment Agency would adopt the loss of a life as 1.04 not 1.97 for likely loss of life
- Size of dam exaggerated, which suggests heightened risk
- The unknown volume of Poynton Pool is problematic
- Catchment map differs from publicly available map

- Inaccuracies in reports
- Missing appendices (A, E and F) in Initial Options Report
- Contradiction in freeboard height within documents
- Will there be more flooding to south of application site?
- Flood maps showing the extent of flooding to properties after the work is
- Completed should be provided
- No explanation on where the 1 in 30 chance figure comes from
- No reports of Poynton Pool ever overtopping

OTHER REPRESENTATIONS

Approximately 1700 letters of representation have been received from local residents, local groups, CPRE, Cheshire Wildlife Trust, the Woodland Trust, the local MP, and other interested parties objecting to the proposal on the following grounds:

- Unnecessary / disproportionate works
- Waste of money (£1.38m)
- Detrimental to visual amenity of much loved natural beauty spot
- Area has never flooded and pool is very shallow
- A larger outlet pipe could be installed
- Evidence is flawed – incorrect risk categorisation
- Loss of trees – of high amenity value / some Ancient
- In a climate emergency so trees are needed
- Will weaken embankment
- Many more trees at risk than 31 identified for removal
- No risk to housing – none opposite the pool – no risk to life
- Planting trees in Stockport does not compensate for destruction to local area
- No benefit to Poynton residents
- Impact on wildlife including protected species and red list species
- Impact on community
- No consultation with residents of Poynton
- Pool is not a reservoir
- Alternative proposal put forward by Poynton Town Council
- Money could be better spent elsewhere
- >5700 people have signed petition
- Poynton Park & Pool is a Site of Biological Importance and a Habitat of Principal Importance
- Dam has not failed in last 250 years
- Very low risk of dam failure
- Excessive cost – not appropriate expenditure for Council
- Recent flooding in Poynton caused by streams and brooks being breached (not around Poynton Pool) – this is where focus should be
- Park will experience more road noise without trees filtering noise

- More efficient method to alleviate flood is to ensure overflow can cope with excess water – increase length of existing overflow weir / construct energy dissipators (Used at Hollingworth Lake)
- Independent report is required
- Alternatives not properly considered
- Evidence of failed projects in respect of removal of high amenity value trees is not given appropriate weight in the processes which produced the design – e.g. Sheffield Street Trees
- No account of value of trees taken into account (over £3m)
- Mis-classification of Poynton Pool as a reservoir
- Trees absorb a lot of water and carbon dioxide
- Increased soil erosion
- Diminish health and wellbeing of Poynton residents
- Safety implications for users of the path
- When proposals were designed evidence of amenity value was not known and data was not collected ahead of the project specification designs being created. Thus the technical designs for the project are significantly flawed
- Unlike the pool itself, the reasoning behind the proposal simply does not hold water
- Replacing a natural area with ‘proper’ paths is not an improvement.
- Jacobs own figures show that the risk of an upper dam breach is “tolerable” which means there is no mandatory necessity to carry out the work (ALARP zone)
- Incorrect assessment of the catchment area for water that flows into the pool,
- Inadequate understanding of the effect of mine shafts in the area in directing flow away from the pool
- Inability to take account of the Amenity Value of the trees around the pool
- Please consider FOPP solution "screw-pile wandering crest solution" at approx. 91.5 AOD. Then work out overtopping frequency on the official FEH catchment area.
- The volume of water held is considerably less than the Council has estimated.
- Application form does not clarify where will be affected by this increased risk of flood.
- Will give walkers a rather uninspiring view of the road
- loss of trees has not been acknowledged in the Jacobs initial options report
- Independent report on work required should be carried out
- Proposals should have been developed in consultation with community
- Impact on property values
- Increased air pollution
- Unwillingness to change plans in light of alternative solution proposed

- No evidence provided to support and rationalise the use of 1 in 10,000 event
- Reservoirs Act 1975 does not define a major flood event to be a 1 in 10,000 year event
- Has any long term monitoring of the Poynton Pool water levels have been undertaken?
- Flood protection works could be provided by strengthening and raising the height of existing wall by installing ground anchors
- £1.38M plus project cost is absolutely senseless
- Tranquil setting of pool removed
- Significant differences (50,000m3) in size of pool by applicant and an interested party
- Different results from reports in 2010 and 2019 relating to Probable Maximum Flood of pool (2.64 m3/s and 6.9m3/s respectively)
- Defer this application so that all alternative options can be fully costed and evaluated
- Loss of roots will impact on integrity of dam structure - sustaining long-term tree cover may be integral to the stability of the dam
- none of the examples cited in the summary options report pertain to this situation
- The trees are a part of our heritage and town
- Adverse visual impact
- AIA undervalues the trees
- Does Cheshire east have a hidden agenda
- A significant number of the points of ingress can be easily and pre-emptively diverted away from the pool if required
- lack of any use of the historical flow data (typically involve utilising flow/ rainfall patterns over at least a six-month period)
- No substantive work undertaken to assess the mode and method of construction of the dam
- When the accepted industry standard limits have been applied the current risk is into the acceptable but watch zone
- DEFRA biodiversity offsetting metric is not an alternative to considering the
  Capital Asset Value of the trees, it is an addition to that where biodiversity is to be lost to a planning application
- Works will result in water flowing backwards into Anglesey water resulting in flooding of all the surrounding properties including properties on Redacre
- diminish the recreational and social value of the site
- no watertight evidence except information based on an algorithm
- No EIA carried out
- degradation of a wildlife corridor linking Norbury Brook in the north and the Inclines in the south

- No attempt has been made by Jacobs to measure the actual inflows or outflows to and from the Pool; instead, they have made assumptions. As the model input data is incorrect, the flood risk output is also incorrect and cannot be relied upon to justify the proposed works.
- Lack of meaningful consultation from the Council
- Cycles and pedestrians do not mix well
- CEC has not met the requirement to acknowledge the UK Government's guidelines to Local Councils (Listening to communities: Statutory guidance on the duty to respond to petitions)
- Impact on Anglesey Drive properties
- No work done to investigate how dam is constructed
- Jacobs use EA guidance approach to risk management (RARS) which appears to be fundamentally different to “The Green Book (HM Treasury’s approach), which ensures consistency across decision making across government, including on risks and safety
- Poynton is a mining village built on a natural fault, which removes excess water from upstream and yet this has not been included within the planning reports from Jacobs
- Contrary to PNP, CELPS and SADPD policies
- Reduce pool volume as an alternative
- Removal of natural barrier to road
- Removal of trees along Poynton Brook has de-stabilised banking
- Mental health impact
- Not know if land is contaminated
- Queries on answers given on application form
- The outflow sluice is adequately sized for any and all rainfall amounts that have been experienced to date
- Inflow from surrounding fields and streams has never overwhelmed that drainage ability as the amounts flowing in are from small areas and sources
- No increases to pool water levels seen
- The Emergency Drawdown Plan for Poynton Pool (2019) makes clear that inflows to Poynton Pool, from the Indirect Catchment area, via the catch-water structure, could easily be stopped completely, using a few simple wooden boards and a 600mm diameter pipe bung.
- Landscape impact
- Loss of carbon capture
- Cheshire East are determined to proceed without taking account of constituents and experts views flagging the incorrect risk categorisation used in technical decision making by Jacobs and CEC.
- Lack of consultation
- DEFRA biodiversity offsetting metric is not an alternative to considering the
- Capital Asset Value of the trees, it is an addition to that where biodiversity is to be lost to a planning application

- Proposed replacement with 27 trees in Woodford to compensate for the felling of mature trees in Poynton will not compensate/mitigate for the loss
- Application should be deferred to allow for investigation of the structure of the dam, consideration of less damaging interventions, further consultation with community, and investigation of all these matters by an independent arbitrator with no invested interest in current proposal.
- CAVAT value of the trees, in line with the Green Book, and future landscape financial liabilities should be included in the decision-making process.
- Urban in character and will have a negative visual impact
- Levelling of the dam crest and infilling of the low spots to provide the required freeboard could be achieved by gradually adding soil and building up the low spots over an extended period (5 to 10 years or less), allowing trees to acclimatise to the modified levels
- Without ground investigation, it is impossible to know if the existing embankment will tolerate the proposed work
- Tree survey omits several trees to be lost or compromised and likely lost – proposals contrary to policy SE 5
- If permission is granted it should be conditional upon a legal agreement for the contractor to provide for the long-term management of the trees due to unknown characteristics of existing embankment
- Risk mis-plotted in Jacobs 2021 FN chart (in Initial Options Report), and was revised in 2023 – not in unacceptable zone of risk – and not included with planning application
- Risk lies in tolerable region of risk – not unacceptably high
- Proposals go beyond minimum required – options were developed when risk was incorrectly plotted in the unacceptable risk zone – therefore no overriding reasons for allowing the development – contrary to SE5 of CELPS
- Inaccurate to suggest that the debate over Poynton Pool is simply ‘a matter of one’s preference for saving either lives or trees’. The situation is more appropriately described as one of uncertain benefits of flood control measures versus certain losses to an established environment.
- Jacobs approach takes no account of collateral effects and unintended consequences of the proposed flood mitigation measures when developing and appraising options, which is inconsistent with HM Treasury’s “The Green Book” methodology
- Flood risk modelling uses EA modelling rather than Jacobs own modelling. Jacobs more sophisticated modelling gives a lower risk to life and property affected.
- Neither the Environment Agency nor Jacobs used the official Flood Estimation
  Handbook (FEH) catchment of around 1 km2 for Poynton Pool with no explanation given, both used a larger catchment of around 2 km2. If the

official FEH catchment had been used, then the risk to life would be around half of those stated

- Historic flow and levels data has not been used to calibrate the Jacobs model
- Examples of flooding bear no similarities whatsoever to Poynton Pool other than they involve water
- Flood risk assessment carried out by Jacobs has not accounted for the impact of tree removal on the sandy gravelly soils
- Depth of pool not investigated – application relies on previous reports – average depth of 2m – volume of 130,000m3
- Objector measured and plotted water depth at 82 points across the length and breadth of the lake and estimates that the average depth is likely to be around 1.2 metres with a maximum of 2.1 metre found at only one point – equates to volume of 80,000m3.
- Original proposal for option 3C was acceptable to APRE – application proposal includes much more:
    - clearance of all trees from 2 x 40-metre long sections
    - realigned 2-metre wide path
    - a minimum 2:1 regraded slope between the path and the lake;
    - 2-metre wide grass verge to have all tree roots removed and be
    - maintained free of trees.
- Financial cost of the proposed works and the negative impact on the local environment is disproportionate to the projected risk of dam failure at Poynton Pool and is unacceptable to the community
- Alternative less harmful options are:
    - Option 1a: screw piles with stoplogs and clay bunds to both sides.
    - Option 2a: screw piles with stoplogs and sandy clay loam to both sides.
    - Option 3a: sheet pile wall at roadside with sandy clay loam backfill
- Car park excluded from AIA
- Jacobs methodology notes but takes no account of environmental losses in its calculations (including £3m CAVAT value of trees)
- Due the unknown structure of the embankment, the implications of removing and damaging trees as identified in the AIA are unknown
- Proposal is urban in design and would be detrimental to the historical designed landscape
- EA relies on desktop search over 18 months old – only valid for 12 months
- No reference to loss of hedgerows, even though there are mature hedgerows to be removed
- Construction impacts on environment not fully considered
- Tree protection is inadequate
- Bat surveys should be completed in the woodland, not just from boathouse
- Bat surveys over 18 months old

- Initial study did not highlight all potential trees that may be used as bat roosts.
- Mitigation Hierarchy has not been considered fully
- Impact on reedbeds not identified in EA report
- BNG overstated due to understating the impact on the woodland and overstating the value of habitat creation
- Understated and inaccurate landscape impact in EA report
- Tree-lined approach to Poynton from the north will be severely fractured and severely degraded by the direct loss of trees and the indirect loss of trees
- Visual enclosure of park will be lost
- 2 category A trees identified for removal by applicant, but third party Arb report identified 34 cat A trees
- Threat to retained trees
- Contrary to BS5837
- Design not evolved to take account of views of community in line with NPPF
- 2016 and subsequent 2019 Environmental Agency Inspection report state that if the works are not completed by December 2023, then the next S10 inspection should be brought forward
- Trees form a natural dam absorbing excess water – proposal to remove trees will create a flood risk
- The Environment Agency's Guide to Risk Assessment for Reservoir Safety Management it states in Box 1.1 that if the dam is less than 2 meters in height above natural ground then the hazard is very low and just to continue with periodic inspection
- Petition against proposal signed by 5,721 people (mainly Poynton residents)
- Modelling not tested / verified – such as with use of historical flooding data
- Undermines CEC's commitment to carbon neutrality
- CEC notes of meeting held on 26 July 2023 (within SCI) are not an inaccurate representation
- Expand existing spillway as an alternative
- Impact on heritage value of park
- Digging down to increase capacity of lake has not been considered
- Likelihood of the dam currently failing is not set out in the documents
- Unclear where the view that trees must be removed for dam safety has come from
- Historic England should be consulted
- Impact on wildlife corridor
- Application does not identify the number of trees that are affected by each element of the proposed works
- Attenuation features with stream control structures along the route of the rivers in Poynton are another option

- Holding objection from Woodland Trust on account of the potential impact on a number of veteran trees
- 10% BNG not achieved (CWT)
- Flood risk measures should be designed to minimise harm to biodiversity and tree cover; any harm to veteran trees should be minimised or avoided; should achieve BNG of 10%; off-site replanting should be as close to the site as possible and be of sufficient scale and specification to substantially strengthen the ecological network of the area; and robustly drafted planning conditions and/or other mechanisms should be in place to secure the long-term ecological management of the site and to ensure that any compensatory works are promptly delivered and thereafter managed, with any trees or other ecologically important features which are lost or damaged being promptly replaced (CPRE)
- An Otter was recorded at the Pool on 23.01.24, providing clear indication this is an important corridor and feeding site for this species in the local area between Poynton Brook, Norbury Brook and the Canal.
- Re-consultation on additional information should be undertaken
- Factually incorrect to say no bird records were within the proposed scheme boundary, there are records of birds within the proposed scheme boundary and many more within the ZoI.
- Otters have been recorded at Poynton Pool
- Unclear how all bankside trees will be retained and recover from the works
- BNG increased from 9.36% to 10.27% with no summary of how this has been achieved.
- Grading of the woodland as moderate is undervalued and should be reassessed.
- Sections of reports referring to field studies are out of date in being that they were undertaken prior to May 2022
- Records of bluebell, and other notable species, within site boundary
- No proposals to show how common reed and emergent vegetation will be protected
- Area of woodland and area of woodland lost as stated within the Site Habitat Baseline is inaccurate and significantly understates the impact of the proposed works
- Likely overestimation of the claimed BNG at 10.27% is likely to actually only be a 10.02% gain
- Indicators of ancient woodland present
- Affects a ss41 habitat (habitat of principal importance)
- Six veteran trees have been recorded on the Woodland Trust's Ancient Tree Inventory and await verification
- S10 report, 2016 suggests, because Poynton Pool is a small dam, tree management would be acceptable, it does not suggest removal of trees on mass. – Does this suggest a conflict of understanding Between the Inspection Engineer and the Supervising Engineer?

- guidance by the Institute of Civil Engineers, 'Floods and Reservoir Safety', Chapter 5. Has not been followed. The designer has not carried out, nor to our knowledge has there ever been a survey of the embankment commissioned to ascertain the composition of the embankment. Engineering commonsense suggests this exercise would provide valuable information to carry a design solution forward.

A petition signed by 5721 people has also been submitted, which requests the following action be taken:
Cheshire East Council reviews the Poynton Reservoir Flood Study (2019) and if that identifies that works should be carried out to the dam at Poynton Pool:

- the most environmentally friendly identified solutions are employed, with the objective of causing minimal disruption to the landscape, the ecology and the public enjoyment of the park
- Any cost/benefit analysis of the project includes both a Capital Asset Value for Amenity Trees (CAVAT)to account for the loss of amenity, and the DEFRA biodiversity offsetting metric to calculate a biodiversity net gain resulting from the project
- Any subsequent mitigation planting is within the town boundaries.

This area must be protected as it provides highly important habitats for at least 66 species with protections, including at least 15 Redlist species. The Pool is designated as a Site of Biological importance; it is designated for its woodland, marginal/emergent/inundation vegetation and its ornithological interest. The pool has a good mix of habitat along its banks supporting a wide variety of plant and tree species. We must act now to protect this area, as CEC plan how to mitigate a 1:10000 year flood risk that was raised in the last reservoir inspection.

1 letter of support was received noting:

- Trees reaching age requiring attention
- Opening up area to disabled access
- Trees have been undervalued by the Jacobs AIA
- Trees create a natural barrier to the nearby road sound and pollution.
- No external hydrologist report

OFFICER APPRAISAL

Background

A large, raised reservoir holds or has the potential to hold 25,000 cubic metres of water above ground level. Under the Reservoirs Act 1975 (Section 10) these bodies of water must be inspected every 10 years by an independent qualified

civil engineer. The inspecting engineer then prepares a report of the result of the inspection, including in it any recommendations they see fit to make as to -

(a) the time of the next inspection;

(b) the maintenance of the reservoir;

(c) any measures required in the interests of safety and the period within which those measures must be taken

Any works required have to be carried out under the supervision of a "Qualified Civil Engineer" (QCE) who is an "All Reservoirs Panel Engineer" (ARPE). There are currently 30 ARPEs listed at:

https://www.gov.uk/government/publications/contact-details-of-engineers-on-the-all-reservoirs-panel.

National guidance is used to promote consistency between panel engineers. The Environment Agency is responsible for enforcing the requirements of the legislation.

The last Section 10 (S10) inspection of Poynton Pool was 11 July 2016, with the last S10 report being issued in August 2016. This report refers to previous reports stating that the surface area of the lake covers around 6.8ha (68,000sqm), with the volume of water retained above natural ground level being 130,000 cubic metres, and an average depth of around 2m. Whilst queries have been raised about the precise volume of water within the pool, as a recent survey has not been carried out, there is no question that the volume exceeds 25,000 cubic metres and it falls to be inspected every 10 years under the Reservoirs Act 1975 (S10).

The key findings of the S10 Inspection were:

- An updated Flood Study to assess the risk of embankment overtopping arising from flood surcharge and concurrent wave action.
- An Emergency Drawdown plan is required.

The dam

The S10 report provides details of the existing dam as follows:

"The embankment that impounds the reservoir is approximately 800m long and is orientated in a north to south direction. The reservoir was created on ground that slopes gently towards the west and to close of the basin that forms the lake an embankment height 2 to 3m over most of length was required. This embankment forms the western rim of the reservoir. The maximum height of the embankment is approximately 7m which occurs at a narrow valley near the

northern end of the reservoirs. The A523 [now B5092] *occupies a berm on the downstream* [west] *face of the embankment. It is not known whether the berm formed part of the original dam construction, but given the age of the dam it is highly likely that the road has been improved and widened on several occasions, thus providing additional width to the berm and support to the downstream face. The level of the road along the berm is not constant and it varies with respect to the water level in the reservoir within a range of 0.3 to1.0m below TWL* [Top Water Level]*."*

The dam is illustrated in the sketch diagram below.

The S10 report continues:

"The crest of the embankment varied considerably in width along its length. Typically the crest comprises a nearly level area at a level of 90.92mAOD (200mm higher than TWL). Overall the crest has a width of 10 to 12m over much of its length but widens to around 20m at the southern end. In this area, adjacent to the disused Council Yard, the widened area stands at a higher level than the majority of the crest path."

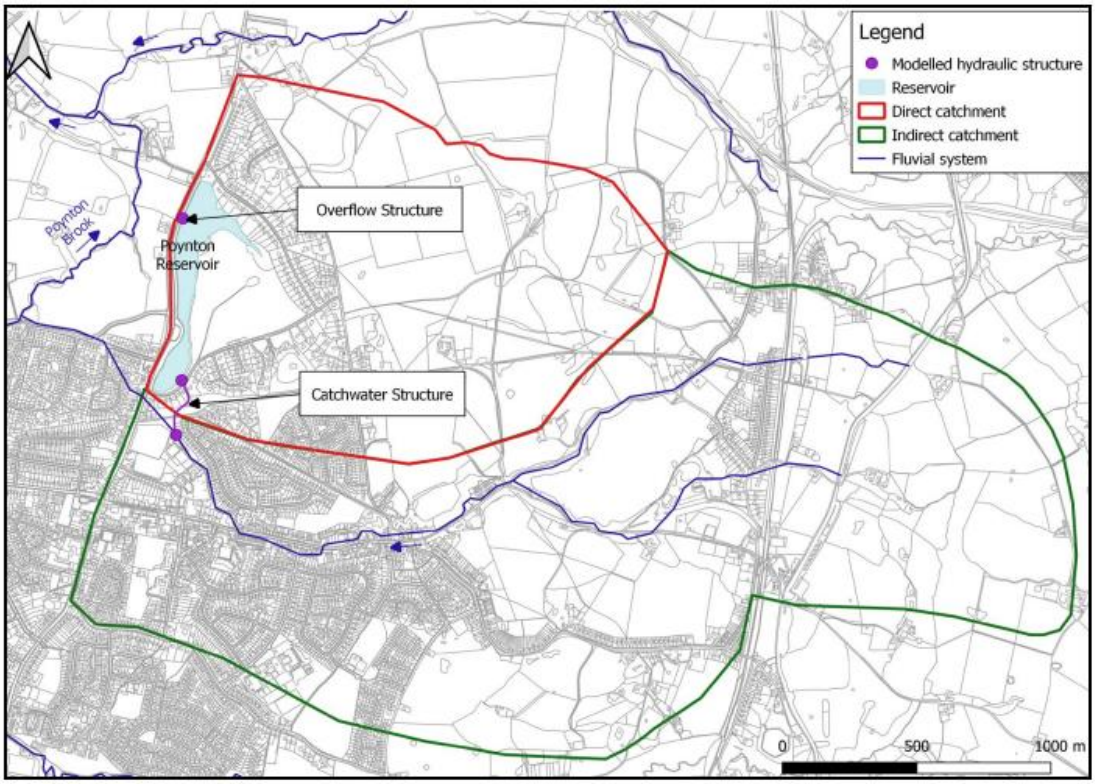
These higher levels to the south explain why the current proposals relate to the northern section of the dam embankment only.

In his Reservoirs Act Panel Engineer Statement (6 July 2023), the applicant's ARPE (Engineer) states that the S10 Inspection identified the main deficiency

at Poynton Pool to be the capacity of the spillway. The dam at Poynton Pool has been assessed as having a hazard classification of Class B as defined in the Guide to Floods and Reservoir Safety (ICE, 2015, 4th Edition, (FRS4)). The ARPE's statement explains that this requires the dam and spillway to pass a design flood with an annual chance of 1 in 1,000 per year with no damage, and a safety check flood with an annual chance of 1 in 10,000 per year with no failure of the dam (but with some damage occurring). In addition, the Guide requires a minimum flood freeboard (height of the crest of the dam above the water level during the safety check flood) of 0.6m.

Catchment

There are two catchments (one direct and one indirect) which drain to the reservoir. The S10 report refers to the direct catchment comprising an area of 1.4km2 and an indirect catchment of approximately 4.5km2. However, the submitted FRA refers to an estimated direct catchment of 1.96km2 and indirect catchment of 4.0 km2. These are shown in the diagram below:



Third parties have raised objections relating to the catchment areas referred to in the FRA being higher than they should be. Objectors refer to historic flow

and levels data not having been used to calibrate the flood modelling which is a potentially significant design weakness.

In response to this, the applicant confirms that they consider the catchment identified in the FRA to be correct. The information comes from the Centre for Ecology and Hydrology and checked by a field visit. The applicant notes that storms are all individual in their nature and can have varying levels of impacts. For example, it depends on where in the catchment the rain falls, the profile and duration of the rainfall and the degree of waterlogging in the catchment prior to the storm. The possible degree of flooding also depends upon the level of water in the reservoir at the time of the event and its additional storage capacity at the time of the storm. In accordance with the guide to Floods and Reservoir Safety ICE (Institution of Civil Engineers) 2015 it has been assumed a catchment wide storm occurs, of a standardised rainfall profile shape with a reasonable worst-case duration, onto a catchment with design assumptions on how wet or dry the ground already is when the rainfall occurs. It has also been assumed that the reservoir is full and just spilling at the time of the event.

Whilst this approach has been queried by third parties no specific evidence to demonstrate that the catchment is incorrect has been provided, and no objections have been raised by the Environment Agency or the Lead Local Flood Authority. On this basis the applicant's catchment area is accepted.

Flood Risk

Hydrological and hydraulic modelling of Poynton Pool and its direct and indirect catchments was developed based on topographic data and Lidar data and utilising "the current industry standard flood study methodologies" (Poynton Flood Study Report, 2023). The model has been used to estimate peak discharge flows and stillwater levels for the 0.01% and 0.1% Annual Exceedance Probability (AEP) flood events (10,000 year and 1,000 year return period events).

The FRA states that the model results showed that for the 0.1% Design Storm flood event, the peak inflow to the reservoir is 6.9m3/s, and the peak total outflow is 6.4m3/s. In this event, the peak still water level of 91.07mAOD exceeds the minimum dam crest level by 0.19m.

For the 0.01% flood event, the peak inflow to the reservoir is said to be 11.2m3/s, and the peak total outflow is 11.0m3/s. In this event, the peak still water level of 91.10mAOD exceeds the minimum dam crest level by 0.22m. This means that the crest levels are lower than the Design Flood and Safety

Check flood event levels and overtopping of the dam is currently expected to occur during these Design and Safety Check flood events. The modelling indicates that overtopping is currently expected to occur during flood events of 5% AEP and greater.

The existing embankment crest level varies from 91.30 to 90.96mAOD, which is 0.33m to 0.67m (the existing freeboard) above the spillway crest level of 90.63mAOD.

Due to the levels of the dam along its length not being consistent with parts of the dam that are lower than others, in a large flood event this would cause water to flow over the dam unevenly, potentially leading to localised damage of the embankment. This could lead to an uncontrolled release of water, leading to extensive flooding impacting people and properties downstream.

The Environment Agency reservoir flood mapping carried out in 2019 shows that the consequence of failure of Poynton Reservoir in a flood is likely to lead to flooding affecting around 3500 people, is likely to lead to loss of around two lives, and cause £79M of property damage.

The map below shows the extent of reservoir flood risk around Poynton Lake.

The applicant's Planning Statement explains that there are primarily two routes that could be taken to address the insufficient spillway capacity and freeboard:

- Modify the reservoir to meet full engineering standards - involving either discontinuing the reservoir or increasing the capacity of the overflow and increasing the freeboard; or
- Adopting a risk-based approach, accepting the dam embankment will overtop, but improving its resilience to overflow.

To upgrade the reservoir to meet full engineering standard two options were considered by the applicant:

- To discontinue the reservoir was discounted primarily because Poynton Pool currently serves as an amenity lake for the local community; and
- To increase the capacity of the existing spillway by increasing the length of the weir and increasing the size of the culvert, and in addition either lower the top water level or increase the height of the dam to provide the required freeboard.

The ARPE statement explains that to achieve the 0.6m freeboard requirement, in order to meet the full engineering standard, the crest of the dam would need to be raised along its full length to 0.6m above the flood level, which would require the removal of all the trees on the crest.

In terms of the risk based method, the following options were considered:

- Add an additional pipe to increase service spillway capacity;
- Construct emergency spillways; and
- Increase resilience to overflow.

The options were compared over a range of criteria including cost, reputational risk, risk of dam failure, onset of flooding, onset of damage to the dam, risk of future dam safety works, fluvial flood risk, heritage and visual impact.

The risk-based option to increase resilience to overflow was taken forward as the preferred option for further development. Several variations for the preferred option were then considered, the variation selected to be brought forward was to regulate and slightly raise the crest.

The scheme comprises:

- The removal of low points in the dam embankment, by infilling the low points and slightly raising the level of crest to ensure that water flowing over the dam embankment is spread out along the whole length. A low crest marker (kerb) will also be added to ensure a consistent level. The resultant freeboard, after these works, would then be 91.3mAOD (proposed kerb level) – 90.67mAOD (spillway crest) = 0.67m (proposed freeboard)
- The creation of two 40m wide clearings where floodwater can spill across the dam embankment and thus further increase resilience, as trees and shrubs could hinder any overflow of water;
- A 2m-wide grass covered clay verge, which would create a buffer to reduce the risk of tree root growth from damaging the new kerb; and
- Enhancement works consisting of widening the footpath to two metres and resurfacing it with compacted gravel to improve its suitability for wheelchair users and pedestrians.

Cheshire East Council, as the undertaker (owner) of the reservoir, is obliged to carry out necessary improvements against extreme flooding and implement these by the end of 2023 to avoid enforcement action by the Environment Agency.

The extent of the proposed operational development is relatively limited. These works comprise the infilling of the low points along the bank and slightly raising the level of crest with the addition of a kerb along its length to ensure a consistent level and works consisting of widening the footpath to two metres and resurfacing it with compacted gravel. Whilst the extent of operational development works are limited, the environmental impacts associated with it are more significant.

Trees and hedgerows

Policy SE5 of the CELPS and ENV6 of the SADPD seek to protect trees, hedgerows or woodlands (including veteran trees or ancient semi-natural woodland), that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, unless there are clear overriding reasons for allowing the development and there are no suitable alternatives. Where such impacts are unavoidable, development proposals must satisfactorily demonstrate a net environmental gain by appropriate mitigation, compensation or offsetting.

Trees within and immediately adjacent to the application site are not protected by a Tree Preservation Order and do not lie within a designated Conservation Area. The trees that comprise the woodland within the application site make a substantial contribution to the visual amenity of the area and are a significant component of the local landscape.

The application site lies within the boundary of the Poynton Park and Lake Local Wildlife Site (LWS) and its habitat is defined as semi natural broadleaved woodland marginal and open water habitats. The site is also designated as a Priority Woodland in the DEFRA Priority Habitat Inventory and identified as broadleaved woodland in the National Forest Inventory (England). The woodland associated with the application site is not listed in the Ancient Woodland Inventory on the DEFRA MAGIC website (www.magic.defra.gov.uk).

The site also does not contain any Ancient and Veteran Trees that are registered in The Ancient Tree Inventory (ATI) (www.ati.woodlandtrust.org.uk).

It is noted however that some trees may have veteran tree characteristics which will require further investigation. Although objectors have recently stated that six veteran trees have been recorded on the Woodland Trust's Ancient Tree Inventory and await verification. At the time of writing, they were not shown on the public access version of the ATI.

The Council's Arboricultural officer has reviewed the submitted arboricultural information and has highlighted a number of concerns:

- A substantial number of trees over 75mm in diameter have not been recorded or are missing in the supporting tree survey and tree constraints plan including trees within the proposed spillways.
- The recording of individual trees where trees within the study area are clearly designated as part of a woodland is incompatible with BS5837:2012 which requires trees collectively to be assessed as a woodland or groups.
- The impact on RPAs and Tree Protection cannot be fully verified without an assessment of soils and that a soil analysis should be included as part of the Assessment.

- RPAs should be modified to take account of pre-existing site conditions
- Inconsistencies between the AIA and RAG assessments need to be addressed.
- Clarification should be given as to the presence of Ash and Ash dieback on the site.

Within the original documentation submitted with the application there was some discrepancy in the number of trees proposed to be removed. The AIA (Rev P02) refers to the removal of 31 trees, which includes 27 individual (B) category trees and four (C) category trees, with the partial removal of a further two (C) category groups (Executive Summary first bullet point). This figure is inconsistent with the RAG Report (Appendix E) which states there are 30 B category trees and 4 C category trees (a total of 34 trees). Bullet point 9 of Section 1.4 of the AIA Limitations and assumptions of the Tree Survey states that the actual impacts on trees will not be known until a detailed design is proposed and mitigation is applied on site. As the impacts on trees are not actually known, then it is considered premature that only 31 trees are expected to be lost. This is consistent with points raised by third parties.

The selective and block removal of trees from within the woodland will likely leave retained trees potentially exposed to prevailing wind forces, increasing the risk of further tree losses within the woodland. The suggestion that some trees could be pruned to reduce this impact has not considered the local site circumstances, in particular species tolerance, soil conditions and site exposure. This is particularly relevant to this site given it is elevated above the road and exposed to the prevailing winds from the west.

Policy ENV6 of the SADPD requires that where the loss of significant trees is unavoidable replacement planting of commensurate amenity value should be provided on site as part of a comprehensive landscape scheme, and where this is not practicable, contributions to off-site provision should be made, prioritised within the locality of the development.

The supporting information to the policy explains that contributions to offsite replacement trees will be calculated using an appropriate cost equivalent replacement calculation such as capital asset valuation of trees (CAVAT). The use of CAVAT is necessary in order to attach a monetary value to the trees as an asset and to compare with other capital costs of the development and assist with weighing up the planning balance. It is noted that no CAVAT or other appropriate cost equivalent replacement calculation has been submitted with this application.

The applicant has proposed native woodland species mix and scrub planting (with individual trees) at an offsite location at Walnut Tree Farm to compensate for the loss of trees within the woodland. The proposed planting will be managed as part of a Landscape Management Plan over a period of 30 years. The general aims of the landscape management plan are to ensure the successful establishment of the proposed woodland with the objective of landscape integration and to create a diversity of habitat and increased biodiversity value.

It is noted that the site at Walnut Tree Farm is located some distance from the

application site, is outside the administrative boundary of the Council and has no public access to it nor is the site significantly visible from any public viewpoint.

Whilst it is noted that the Biodiversity Metric Report concludes the offsite compensatory woodland planting would deliver net gain for biodiversity, it should be noted that any BNG calculation is principally a habitat-based approach to mitigation and does not necessarily deliver replacement of Green Infrastructure, visual amenity or canopy cover.

In response to these comments the applicant has provided the following clarification to the potential tree impacts of the proposal.

Clarification of Survey Approach

The trees located on the dam wall of Poynton Pool, and included within the survey area are a woodland. Using the categorisation methodology of BS5837:2012 it would be considered to be an A category woodland. If the trees had been surveyed as a single woodland group, the arboriculturist and design team would have lacked sufficient detail of individual trees to produce a design that minimised the impact on the most important trees and enabled the resulting impact on the woodland in terms of numbers of trees lost to be quantified. If plotted as a single group, losses could only be expressed as an area of woodland lost as a percentage of the whole group, or an area, both of which are difficult to visualise.

Trees lost within groups

The AIA concluded that 31 trees and part of two tree groups would be lost to facilitate the proposals. The groups correspond to the two spillway clearance areas, and many of the trees in these areas are multi stemmed or arising from

coppicing stumps. In such instances, professional judgement was used on whether to count a multi stemmed tree as a single tree or multiple trees.

These trees have been shown on the updated Tree Constraints Plans. Note these stems were plotted with a GPS device and due to the difficulty of obtaining an accurate satellite fix below tree canopies, especially at the northern site, locations should be considered indicative. One significant tree was identified in the southern slipway location. This tree was subjected to a full BS5837:2012 survey and is shown on the updated plans. Its details are also included in the addendum Tree Survey Schedule. Altogether within these groups, 32 trees and a 40m section of Hawthorn hedge (part of group G12) from the Northern spillway, and 15 trees and a 40m section of Hawthorn hedge (part of group G11) from the Southern spillway will be removed. A total of 47 trees within these two groups, which is in addition to the 31 trees previously identified.

The table below summarises which trees are to be removed, retained, impacted or partially removed (groups):

	Removed	Impacted	Partially removed
A	None	T06, T47 (2 trees)	None
B	T03, T05, T07, T08, T10, T11, T12, T19, T22, T29, T36, T38, T42, T53, T58, T59, T60, T61, T63, T64, T71, T72, T73, T74, T75, T78, T79 (27 Trees)	T16, T20, T21, T23, T24, T28, T35, T37, T40, T43, T44, T45, T46, T48, T49, T50, T52, T56, T57, T62, T65, T66, T67, T68, T69, T70, T76, T80, T85, T86 (30 trees)	None
C	T30, T31, T33, T34 (4 trees)	T04, T09, T13, T14, T15, T17, T18, T25, T26, T27, T32, T39, T41, T51, T54, T55, T77 (17 trees) G01, G02, G03, G04, G05, G06, G07, G08, G09, G10 (10 Groups)	G11, G12 (consisting of 47 trees)
U	None	None	None
Total	31 Trees	49 trees and 10 groups	Part of 2 groups (47 trees)

Anglesey Drive Car Park

This area was not fully included in the original survey, though a number of the trees surrounding it had been plotted and included in the original survey. For clarity the trees immediately adjacent to the car park edge, not previously recorded, were plotted and any necessary works identified. While individual trees have been plotted around the car park, and assigned a BS5837:2012 category, they form a component of the A category woodland which effectively

continues along the dam and around the car park before ending alongside a residential property.

The applicant has confirmed that the site compound will be wholly located within the blacktopped area of the car park and securely fenced to prevent damage occurring to surrounding trees. Minor crown lifting works are required to a number of trees surrounding the car park to prevent damage occurring to low hanging limbs.

Working methodologies and tree protection

Machinery to carry out the works will be chosen to match the constraints of the site and is expected to include small excavators and dumpers. This will operate upon the existing path network and will not stray beyond the footprint of the new footpath created, other than in the two spillway areas, which may be used for temporary lay down areas and turning heads. It will be possible to install protective fencing along the boundary of the works to protect the retained trees. Where works occur within the spillway areas, suitable protection will be installed.

Windthrow Risk

The applicant accepts that an increased susceptibility to wind throw is an inherent risk of removing mature trees growing in a mutually supportive group. In this case they consider the risk relatively low, as the group is not located in a particularly exposed area and the trees in this belt affected are of different ages and species inferring a certain degree of wind firmness. The Forestry Commission's (FC) online GALES program only includes one broadleaved species in the modelling, silver birch. Whichever species the GALES model is run using (assuming a shallow mineral soil) the model returns a wind damage risk status of 1 – low risk. It is acknowledged this is a model for commercial plantation forestry, but it is one of the only readily available tools for assessing wind throw risk in trees. Local site conditions including the elevated aspect of some trees exposing them to winds blowing from the east and the lake offering no protection from winds from the east mean the parts of the site maybe exposed to stronger winds than the FC modelling suggests.

Where trees are suspected of having rooting damage that may affect stability, crown reductions have been recommended to reduce wind loading on the canopy. Despite this there remains a risk some wind damage may occur and the trees stability would require further monitoring, especially after extreme weather events. The applicant has a duty of care and responsibility as a reasonable and prudent landowner when considering the risk posed by the

trees and the cost of any future management of those risks and Poynton Park as a whole will need to be taken into consideration.

Overall tree impacts

Having regard to the consultation response from the arboricultural officer, objections from third parties and the information from the applicant, it is clear that the 78 individual trees to be removed undoubtedly provide a significant contribution to the amenity, biodiversity, landscape and historic character of the surrounding area. The veteran status of the trees referred to in objections and by the Council's arboricultural officer remains to be confirmed by the Woodland Trust, who also register a holding objection to the proposal on account of the potential impact upon veteran trees. It is also evident that further unavoidable losses are possible.

Policy SE5 states that where such impacts are unavoidable, development proposals must satisfactorily demonstrate a net environmental gain by appropriate mitigation, compensation or offsetting. In terms of environmental gains, replacement planting is being provided at Walnut Tree Farm in the form of a 0.35ha broadleaved woodland (stated by the applicant to amount to around 1,500 trees). Walnut Tree Farm is in the ownership of Cheshire East Council, but within the metropolitan borough of Stockport, approximately 2.25km from the application site. No replacement tree planting can take place within the application site due to its limited size. The wider Poynton Park was also ruled out, due to the ecological designation of the park, the land take required and the potential impacts upon the character and appearance of the park as well as how it is currently used (the Park is understood to hold annual events for the community). Another Council owned site was discounted at Millenium Wood in Disley. This site was discounted as it had a higher habitat value, is a designated local nature reserve, there is an existing management plan and the area identified for planting is in close proximity to an adjacent property. No other sites that could be used for mitigation planting are held by, or known to, the applicant. As detailed further below, the proposed off-site replacement planting will provide a net gain for biodiversity. However, policy ENV 6 of the SADPD goes further than SE5 in terms of mitigation requirements and requires replacement planting to be of a commensurate amenity value to the trees that are lost and to secure a net environmental gain.

The trees to be removed form a significant part of the attractive woodland belt that lines London Road North (the B5092) on the approach into Poynton from Hazel Grove. The removal of trees, and particularly the two 40m sections to be cleared will undermine this continuous belt, creating random large gaps at odds with the linear nature of the woodland. The replacement planting at Walnut Tree Farm will not be visible from public vantage points and in no way relates

to the losses visually experienced within Poynton Park, or along London Road North.

As noted above, policy ENV6 requires replacement trees, woodlands and/or hedgerows to be integrated in developments as part of a comprehensive landscape scheme. Where it can be demonstrated that this is not practicable, contributions to off-site provision should be made, prioritised in the locality of the development. The supporting information to this policy explains that contributions to off-site replacement trees will be calculated using an appropriate cost equivalent replacement calculation such as CAVAT. A CAVAT assessment has not been submitted with the application. However, the Town Council has commissioned and submitted a monetary valuation of trees using the Helliwell, CAVAT and CTLA valuation systems, which found a mean value of £2,980,520. Given the reference to CAVAT in the Council's policy it is worth specifically noting the CAVAT figure, which was very close to this mean figure at £3,081,070.

CAVAT is used to help calculate necessary contributions towards off-site planting. This means that where the loss of significant trees is unavoidable, and replacement planting cannot be provided on site, contributions (informed by a CAVAT assessment) would be sought from applicants for the Council to then spend on replacement tree planting on other sites in the locality of the site. Given that no other mitigation sites are known to exist within the local area, any contributions from the applicant for replacement planting would be of no use, as there is nowhere to spend them. Consequently, satisfactory replacement planting cannot be provided. The proposal is therefore considered to be contrary to policies SE5 of the CELPS and ENV 6 of the SADPD.

Visual Impacts

CELPS policy SD2 sets out the Sustainable Development Principles for Cheshire East. It states that, amongst other matters, development will be expected to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of:

- Height, scale, form and grouping
- Choice of materials
- External design features
- Massing of development
- Relationship to neighbouring properties, street scene and the wider neighbourhood

These principles are also reflected within CELPS policy SE1 and GEN1 of the SADPD which deal with design, and Chapter 12 of the Framework.

Policy SE4 of the CELPS notes that the high quality of the built and natural environment is recognised as a significant characteristic of the borough. All development should conserve the landscape character and quality and should where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes. Policy ENV3 requires development proposals to respect the qualities, features and characteristics that contribute to the distinctiveness of the local area, as described in the Cheshire East Landscape Character Assessment (2018). Policy SD2 also includes requirements to respect and, where possible, enhance the landscape character of the area, and policy ENV5 sets out requirements for landscaping schemes on development proposals.

Policy EGB3 of the PNP states that the sites of Poynton Pool and Poynton Park are natural assets which shall be permanently protected from any development but supports modest improvements to improve family use and access. EGB7 seeks to conserve and enhance the diversity of landscape character areas in Poynton to ensure development respects the local character of the area. EGB8 requires landscape features, including woodland and hedgerows, to be conserved and enhanced.

The Landscape chapter of the submitted Environmental Assessment Report refers to a baseline landscape description with reference to National Character Areas and Borough Landscape Character Areas. The Cheshire East Landscape Character Assessment, Cheshire East Borough Council (2018) identifies the application site to be within LCT 11 Higher Wooded Farmland: LCA 11a Adlington. It is acknowledged that "valued landscape features" in this area, relevant to the application site, do include *"The high density of broadleaved woodland particularly on historic estates and along the hidden river and brook valleys, which is unusual in Cheshire East and provides a strong sense of place. Areas of woodland, many designated as LWS, provide landscape character and natural heritage value".* However, it does need to be noted that but these National and Borough wide LCA areas are very large, and encompass the vastness of the relevant landscapes, but their generalisations over what can be thousands of hectares can offer little in an assessment of a small scheme, such as in this particular case. A more detailed and locally based character assessment of the park and its surroundings would perhaps have been better to demonstrate the real local effects.

The proposed operational development of inserting a new kerb and realignment and resurfacing of the existing footpath are limited in their extent. Whilst these elements would serve to urbanise the lakeside path, they are very low level, limited in scale, and not obtrusive features in their context. It is also noted that the path improvements are also intended to improve accessibility. Given these circumstances, the operational development itself is not considered to be unduly harmful in visual terms.

The associated removal of trees and the clearance of two 40m sections of woodland will, however, be unequivocally visually harmful from vantage points within and outside of the park. The two 40m wide gaps which will comprise of only grassland post-development, which will contrast sharply with the natural, mature woodland either side of them, leaving large gaps into what was previously a relatively enclosed pathway and park beyond. Similarly, the feeling of enclosure, being detached from the highway activity and the natural experience of being within the park will be diluted as passing traffic will be clearly visible through these uncharacteristic gaps.

The landscape character of the area will be harmed by the proposed development, and as such the proposal is considered to be contrary to policies SE4 and SE2 of the CELPS, policies ENV3, and ENV5 of the SADPD, and policies EGB3 EGB7 and EGB8 of the PNP.

Ecology

The application site is located within an Ecological Network Core Area, Stepping Stone and Corridor Area as identified under policy ENV1 of the SADPD. The application site also forms part of the Poynton Park Lake Local Wildlife Site.

Policy SE3 of the CELPS requires areas of high biodiversity and geodiversity value to be protected and enhanced. All development (including conversions and that on brownfield and greenfield sites) must aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests. Policy ENV2 of the SADPD sets out ecological requirements for development proposals.

Policy EGB9 deals with nature conservation in the PNP. The application site is identified as an area of high habitat distinctiveness under this policy and should be protected from development. In exceptional circumstances, where

development is to be permitted because of reasons which are judged to outweigh significant harm to nature conservation, appropriate compensation should be made.

Development applications are expected to avoid adverse impact on the nature conservation value of such sites, or if this is not possible minimise such impact and seek mitigation of any residual impacts.

The Environmental Assessment Report submitted with the application was informed by a desk study conducted in May 2022 to obtain ecological information relevant to the study area, and was updated in February 2024. The following filed surveys were also undertaken:

- UK Habitat Classification walkover survey of the proposed Scheme - undertaken in May 2022;
- Bat tree roost potential surveys - undertaken in May 2022;
- Bat tree roost climb surveys - undertaken in June and August 2022;
- GCN Habitat Suitability Index (HSI) and environmental DNA (eDNA) surveys - undertaken in May 2022

The nature conservation officer has confirmed the surveys remain valid and provides the following comments on the application.

Ecological Network

The application site falls within a Core Area and Stepping Stone and Corridor Area of the CEC ecological network which forms part of the SADPD. SADPD Policy ENV1 therefore applies to the determination of this application. ENV1 requires developments within Core Areas and Stepping-Stone sites to increase the size of core areas, increase the quantity and quality of priority habitat. Due to the loss of areas of existing woodland, the proposal will not comply with this policy objective.

Poynton Park Lake Local Wildlife Site (LWS)

The proposed development is located within the boundary of this Local Wildlife Site (LWS). The LWS was selected due to the presence of woodland, marginal vegetation and open water habitats. The proposed development will involve the permanent removal of areas of established woodland from within the Boundary of the LWS. This woodland may support important invertebrate species identified as occurring locally as part of the desk study undertaken to inform the submitted ecological assessment. The nature conservation officer advises that the loss of woodland associated with the proposed development will result in a significant adverse effect upon the LWS.

Local Plan Core Strategy Policy SE3 (4) therefore applies to the determination of this application. This policy states that development proposals affecting Local Wildlife Sites will not be permitted except where the reasons for or benefits of the development outweigh the impact of the development.

In accordance with the mitigation hierarchy the flood resistance scheme must look to avoid or mitigate impacts on biodiversity in the first instance, with compensation for adverse effects only being considered as a last resort.

The applicant proposes woodland planting at an offsite location as a means of compensating for the loss of the existing woodland. In the event that the reasons for or benefits the development outweigh the impact of the development and the loss of the woodland is considered unavoidable the nature conservation officer advises that, in principle, the proposed offsite woodland planting is an acceptable means of compensating for the impacts of the proposed development in biodiversity terms. The proposed off-site compensatory planting is discussed further in the Biodiversity Net Gain section below.

No direct impacts on emergent vegetation (a feature for which the Local Wildlife Site was selected) are anticipated. However, if planning consent is granted, a condition is recommended to require the submission and implementation of measures to safeguard the shores of the lake and associated vegetation during the construction process.

Great Crested Newts

Full access to all appropriate ponds within 250m of the proposed development was not available, however no evidence of great created newts was recorded during the submitted surveys/assessment. Based upon the available evidence this protected species is unlikely to be affected by the proposed development.

Badgers

No evidence of badgers was recorded during the submitted survey. This species has however been recorded in the broad locality of the application site in the past. Based upon the current status of badgers at this site the proposed development is unlikely to result in a significant adverse impact upon it.

As the status of badgers on site can change within a short time scale, it is recommended that if planning consent is granted a condition should be attached which requires the submission of an updated badger survey prior to the commencement of development.

Otter and reptiles

The nature conservation officer advises that these priority/protected species are not reasonably likely to be present or affected by the proposed development. However, since these comments were provided, objectors have provided evidence of otters being recorded within the vicinity of the application site. Further advice from the ecologist will be reported as an update.

Common Toad

There are records at Poynton Pool of Common Toad, a priority species and hence a material consideration. The application site supports suitable habitat for this species. The nature conservation officer advises that the proposed development would result in a localised adverse impact upon this species as a result of the loss of suitable habitat and the risk of animals being harmed during construction works. The submitted ecological assessment includes recommendations to minimise the risk to toads during the construction phase, and the restoration of the application site to tussocky grassland would provide suitable habitat for this species.

Hedgehog

This priority species, which is a material consideration, is known to be present in the broad vicinity of the application site and may occur on the application site on a transitory basis. The proposed development would result in an adverse impact upon this species, if present, as a result of the loss of habitat and the risk of animals being killed or harmed during the construction phase. The submitted ecological assessment includes proposals to minimise the risk to hedgehogs during the construction phase, which could be conditioned in the event that consent was granted. The proposed development would result in a minor localised impact upon this species due to habitat loss.

Bats

Roosting Bats

A number of trees were identified on site that offer potential for roosting bats. No evidence of roosting bats was recorded during the surveys of the trees undertaken to inform the submitted ecological assessment. Based upon the

current status of roosting bats on site the nature conservation officer advises that the proposed development is unlikely to result in a direct adverse effect on roosting bats.

Due to the number of trees to be removed with potential to support roosting bats and the often-transient nature of bat roosting in trees it is recommended that if planning consent is granted a condition should be attached which requires the pre-commencement submission of an updated bat survey of any trees with bat roost potential that would be removed as a result of the proposed development.

Foraging/commuting bats

The woodland affected by the proposed development is highly likely to be used for foraging and commuting purposes by a number of bat species. The likely effects of the removal of section of woodland will vary depending on the species of bat concerned, with some species being more significantly affected by the creation of gaps in the woodland than others but is not likely to be significant enough to result in an offence.

The creation of gaps in linear features, such as the woodland affected by the proposed development, is generally detrimental to foraging and commuting bats. The impact of the proposed development upon foraging and commuting bats is likely to be significant in the local context.

Nesting Birds

The woodland affected by the proposed development is likely to support a number of breeding birds potentially including more widespread priority species, which are a material consideration for planning. There will be a localised adverse impact upon nesting birds as a result of the loss of woodland habitats. The installation of bird boxes is proposed as part of the proposed development would only potentially partially mitigate for the impacts of the proposed development upon nesting birds. If planning consent is granted a condition will be required to safeguard nesting birds during the site clearance process.

Construction Environmental Management Plan

In the event that planning consent is granted a condition is recommended which requires the submission and implementation of a Construction Environment Management Plan (CEMP). The CEMP should cover the following topics:

- Control of non-native invasive plant species
- Safeguarding of retained emergent vegetation around the pool
- Pollution prevention
- Avoidance of night working and use of artificial lighting.
- Implementation of precautionary mitigation detailed in paragraph 5.10 of the submitted Environmental Assessment Report.

Biodiversity Net Gain

All development proposals must seek to lead to an overall enhancement for biodiversity in accordance with Local Plan policy SE3(5) and deliver a Biodiversity net gain in accordance with SADPD policy ENV 2. In order to assess the overall loss/gains of biodiversity resulting from the proposed development the applicant has undertaken and submitted the report of an assessment undertaken in accordance with the Defra Biodiversity 'Metric'.

The biodiversity metric report submitted in support of the application concludes that the proposed development would result in a net loss of biodiversity, but the delivery of the offsite compensatory woodland planting, would deliver a net gain for biodiversity.

If planning consent is granted a mechanism to secure the submission and implementation of a habitat creation method statement, and 30-year monitoring and management strategy for the offsite habitat works and the on-site provision would be required.

Management Plans

Management plans have been submitted in support of the application for both the on-site and off-site habitat creation proposals. The nature conservation officer advises that the on-site management plan is difficult to follow as it is unclear which section of the management plan refers to which landscape treatment proposed. Despite the management plan dealing with the management of grassland habitats, there is no cutting of the grassland proposed. Recommendations have been made to the applicant for the management of the on-site grassland, but this is a matter that would be dealt with by the management strategy referred to above.

Ecology summary

Due to the loss of areas of existing woodland, the proposal will not comply with the Ecological Network policy ENV1 which seeks to secure increases to the size, quality or quantity of priority habitat. There will be an adverse impact upon the LWS, which will only be permitted under policy SE3(4) if the reasons for or

benefits of the proposed development outweigh the impact of the development. There will be a localised impact upon Common Toad, Hedgehog, and nesting birds, and a significant impact upon foraging and commuting bats in local context. However, overall, the delivery of the offsite compensatory woodland planting, would deliver a net gain for biodiversity.

Archaeology and Heritage

Poynton Park and Poynton Pool are identified as Neighbourhood Plan Heritage Sites in the PNP. Poynton Park Boathouse, on the opposite side of the Pool to the proposed works, is also on the Cheshire East Local List of Historic Buildings. These sites should therefore be considered as non-designated heritage assets (NDHA).

Policy SE7 of the CELPS states that all new development should seek to avoid harm to heritage assets and sets out requirements for development proposals that affect designated and non-designated heritage assets. HER1 of the SADPD requires proposals affecting heritage assets and their settings to be accompanied by proportionate information that assesses and describes their impact on the asset's significance. When considering the direct or indirect effects of a development proposal on a non-designated heritage asset, policy HER7 requires a balanced judgement to be made having regard to the significance of the heritage asset and the scale of any loss or harm. HER8 relates to archaeology and scheduled monuments.

Policy EGB 15 of the PNP requires development to aim to conserve and enhance the heritage assets of Poynton, including their setting. If any proposed development has the potential to affect the contribution of a heritage asset or its setting to its significance or an appreciation of its significance, an assessment of its impact shall be undertaken. Similar requirements are set out in paragraph 200 of the Framework.

Policies EGB20 and EGB21 relate to non-designated heritage assets identified in the PNP and set out requirements for development affecting NDHAs.

The Environmental Assessment Report accompanying the application makes reference to PNP policy "EGB3" [EGB15] noting that Poynton Park is identified as a local heritage asset of significance. However, the application provides nothing further in terms of the potential impact of the proposal upon the significance of these heritage assets. The absence of a Heritage Impact

Assessment means the proposal is contrary to policies HER7 of the SADPD, EGB15 of the PNP and paragraph 200 of the Framework.

As noted above, it is understood that the pool was constructed around 1750, and given the maturity of some of the vegetation, including the woodland within the application site, this has also been in place for many years. The pool has a longstanding use as a valuable amenity for the local community. The opening up of two sections of the woodland to the main road leading into Poynton will have a significant impact upon the Pool and Park and their setting, by diluting the enclosed and intimate character along the western bank, which is considered to be harmful to these heritage assets identified in the PNP.

Policy SE7 states that proposals that cannot demonstrate that any harm will be outweighed by the benefits of the development shall not be supported. Where loss or harm is outweighed by the benefits of development, appropriate mitigation and compensation measures will be required to ensure that there is no net loss of heritage value. Given the identified harm to these heritage assets, there is considered to be conflict with policies HER7 of the SADPD and EGB21 of the PNP.

Cheshire Archaeology Planning Advisory Service have confirmed that the proposed development is unlikely to significantly impact any below ground archaeological deposits and therefore, there are no archaeological requirements for the application.

Open Space

The application site, and the wider Poynton Park is allocated as Protected Open Space. Policies SE6 of the CELPS, REC1 of the SADPD and EGB2 of the PNP seek to preserve and protect areas of open space from development to ensure good quality, and an accessible network of green spaces for people to enjoy, providing for healthy recreation and biodiversity and continuing to provide a range of social, economic and health benefits. A number of letters of representation have raised concerns about the impact on the community and highlighting the health benefits associated with the Pool and Park.

In this case, the proposals do not result in the loss of any open space, the Park and the Pool will remain as valued local recreational facilities, albeit with reduced tree cover. As such there is not considered to be any significant health

impacts arising from the proposal and no significant conflict with the objectives of these policies is identified.

Land Contamination, Ground conditions and Pollution

Policy SE12 of the CELPS explains that all development should be located and designed so as not to result in a harmful or cumulative impact upon air quality, surface water and groundwater, noise, smell, dust, vibration, soil contamination, light pollution or any other pollution which would unacceptably affect the natural and built environment, or detrimentally affect amenity or cause harm. Developers will be expected to minimise and mitigate the effects of possible pollution arising from the development itself, or as a result of the development (including additional traffic) during both the construction and the life of the development.

This policy also explains that where a proposal may affect or be affected by contamination or land instability (including natural dissolution and/or brine pumping related subsidence), at the planning application stage, developers will be required to provide a report which investigates the extent of the contamination or stability issues and the possible affect it may have on the development and its future users, the natural and built environment. In most cases, development will only be deemed acceptable where it can be demonstrated that any contamination or land instability issues can be appropriately mitigated against and remediated, if necessary.

Policy ENV17 of the SADPD supplements this policy and makes explicit the protection of groundwater and surface water in terms of their flow and quality.

Given the limited scale of the development there is no significant pollution impacts arising from the proposal in terms of air quality, surface water and groundwater, noise, smell, dust, vibration, soil contamination, light pollution or any other pollution.

Objectors refer to the potential increased noise from passing vehicles being experienced by users of the Park due to the loss of trees. Whilst trees might provide some sound absorbing function, they do not form a solid barrier to eliminate noise, therefore traffic noise is and will continue be an inevitable characteristic of the Park, particularly along the western bank of the Pool. It is accepted that users might experience more sensitivity to traffic noise due to vehicles travelling along London Road North being more visible, but any

increase in noise levels is not considered to be so significant to amount to conflict with the noise related policies of the development plan.

Many of the letters of representation raise concern regarding the potential impact upon the stability of the dam if the trees are removed. The Flood Study Report (2023) also notes that the dimensions and make-up of the waterproof element of the dam is not known, and that investigation should be considered to determine the subsurface make-up of the dam, in order to better understand the risk of seepage through the dam.

No land stability information has been provided with the application, however, the submitted Flood Risk Assessment refers to the soil surrounding Poynton Park (to the west of the pool) as slowly permeable seasonally wet, slightly acid, but base-rich loamy and clayey (https://www.landis.org.uk/soilscapes/). A third party has carried out their own investigations and found the ground to have more of a sandy/gravelly make up. Following this and other concerns raised by objectors and the Town Council on this matter the applicant has confirmed a review of published geological information, as given on British Geological Society, BGS, GeoIndex, was carried out as part of the initial options report, referenced in the submitted Summary Options Report. This suggests that the geology of the reservoir area, likely to be the source of fill to build the dam embankment, was marl and so likely to be relatively low permeability. Ground investigations were considered as part of the development of the scheme but was not found to be necessary given that there was no clear concern as to the stability or permeability of the dam embankment in the last S10 report. Ground investigations are likely to have some impact on nearby trees, so whilst a condition could be used to confirm ground conditions, prior to the commencement of development, it will not be without its own impacts.

Living conditions

CELPS Policy SE1 states that development should ensure an appropriate level of privacy for new and existing residential properties. Policy HOU12 of the SADPD states development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive users or future occupiers of the proposed development due to:

1. loss of privacy;
2. loss of sunlight and daylight;
3. the overbearing and dominating effect of new buildings;

4. environmental disturbance or pollution; or

5. traffic generation, access and parking.

Having regard to the details above relating to pollution, and by virtue of the scale of development and separation distance to the nearest residential properties, there will be no significant impact upon the living conditions of these neighbours.

Flood Risk and Drainage

Policy SE13 of the CELPS requires developments to integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation, in line with national guidance.

Policy ENV16 of the SADPD requires development proposals to demonstrate how surface water runoff can be managed, including with the use of sustainable drainage systems (SuDS).

Policy EGB1 relates to surface water management and notes that Poynton is at risk of flooding due to a number of factors. The management of flood risk and management and maintenance of all culverts, streams and brooks within the town should be co-ordinated into a local Flood Risk Mitigation Plan by the relevant authorities.

The application site is located entirely in Flood Zone 1 and is predominantly at very low risk of flooding from surface water sources according to Environment Agency mapping. The flood map for planning also shows that the site is located over 100m away from the nearest designated Main River, which is Poynton Brook to the west. There is an ordinary watercourse (watercourses that are not designated as Main Rivers), Park Lane Stream, approximately 50m south of Poynton Pool flowing from east to west until its confluence with Poynton Brook

<u>Existing Flood Risk</u>

There are no records of historical flood events at the site based on the Environment Agency and Local Authority data. The EA data shows the nearest events to the south west of Poynton Park, along Vicarage Lane and the A523. There was a significant flood event affecting Poynton in June 2016, when 127

properties were internally flooded, and September of 2016, when 3 properties were internally flooded. There were further instances of internal and external property flooding reported during the summer of 2016. The cause of the 2016 summer flooding was reportedly due to prolonged and heavy rainfall resulting in the surface water drainage system exceeding its capacity, along with high water levels in surrounding watercourses which hindered the ability of the sewers to discharge into watercourses and surcharged surface water outfalls. This included residents reporting the Park Lane Stream overflowing and flooding their homes. In July 2019 86 properties were reported being internally flooded in Poynton, and flooding was observed around the “bifurcation” [division] points around Poynton Lake, including along South Park Drive, Anglesey Drive, and from the pond on Towers Road. Several more years have been identified when flooding has been reported in Poynton including: 2011; 2010; 2002; 1994; and 1976.

The EA’s Long Term Flood Risk – Surface Water Flood Risk map (below) indicates that the location of the proposed works, between the west of the lake and the A523, appears to be at very low risk of surface water flooding (Figure 3-2) (less than 0.1% chance of flooding each year). Poynton Lake appears to be at high risk of surface water flooding in some areas (greater than 3.3% chance of flooding each year.

Flood risk associated with reservoirs usually occurs as a result of a breach of the embankments or outfall. Reservoir flooding can pose a danger to life due to the sudden onset and large volumes of water that can travel at high velocity. However, all large, raised reservoirs (currently defined as those with a capacity of 25,000m3 and above), fall under the Reservoirs Act 1975 and as such are regularly inspected and supervised by panel engineers. Therefore, the risk of reservoir failure is generally low.

The EA's Reservoir Flood Extents (Dry Day and Wet Day) map (below) shows the maximum flood extents that may occur during reservoir failure.

The map shows two areas where reservoir flooding would originate from Poynton Pool, one to the northwest where the existing overflow arrangement is located (flooding towards Poynton Brook and onto agricultural land), and at another point to the south west of the lake opposite Vicarage Lane (flooding onto properties on affected streets, joining Park Lane stream towards Poynton Brook and Norbury Brook).

The FRA explains that although the EA's reservoir mapping shows the reservoir flood extent originating to the west of the proposed works, when Poynton Lake

overtops or breaches, water will flow across the site of proposed works (the dam embankment) before flowing west towards the Poynton Brook.

As noted in the background section of this report, the 2023 Flood Study found that levels along the dam crest are lower at some locations compared to others. This means that the crest levels are lower than the Design Flood and Safety Check flood event levels and overtopping of the dam is currently expected to occur during these Design and Safety Check flood events (0.1% and 0.01% AEP respectively). The modelling also indicates that overtopping is currently expected to occur during flood events of 5% AEP and greater.

Due to the levels of the dam along its length not being consistent with parts of the dam that are lower than others, in a large flood event this would cause water to flow over the dam unevenly, potentially leading to localised damage of the embankment. This could lead to an uncontrolled release of water, leading to extensive flooding impacting people and properties downstream.

Climate Change is expected to increase the frequency and intensity of rainfall across the UK. So, although the site currently lies within Flood Zone 1, it is likely that the site will experience a higher frequency of flooding in future due to Climate Change.

Post development Flood Risk

Whilst the proposal will widen the path along the dam crest to two metres and include the construction of a 2-metre-wide clay verge which may slightly increase the local impermeable surface area, this is not considered to result in any significant increase in flood risk.

The works are being undertaken to reduce reservoir flood risk. The height of the dam crest will be regulated, and low spots removed. The lowest point of the dam is currently 90.86 mAOD and the regulated height after the works will be 91.3mAOD. Tree management will involve creating two clearings for overtopping water to flow over the embankment and removal of trees within 2m of the crest kerb will prevent root damage and encourage grass growth for erosion protection.

Hydraulic modelling show that as a result of raising the crest levels to 91.3mAOD, the water level within the reservoir will increase by 0.18m during the 0.1% AEP Design Flood event and also the 0.01% Safety Flood event

(Table 4-1). This means that there may be a higher residual risk in the event of failure due to the increased capacity of the reservoir, however these works will formalise overtopping of the dam, better managing the risk of failure due to concentrated erosion.

The FRA explains that the modelling further demonstrate that as a result of the proposed works, the reservoir will be expected to overtop during the 0.1% AEP event and above, compared to the current scenario where overtopping is expected during events of 5% AEP and above. The peak flow overtopping the dam will be also reduced by 1.35m3/s (from 5.17m3/s to 3.82m3/s) for the 0.1% AEP Design Flood and by 0.59m3/s (from 9.95m3/s to 9.36m3/s) for the 0.01% Safety Flood Event. This means that both the frequency and peak flow overtopping the dam is expected to decrease as a result of the proposed works.

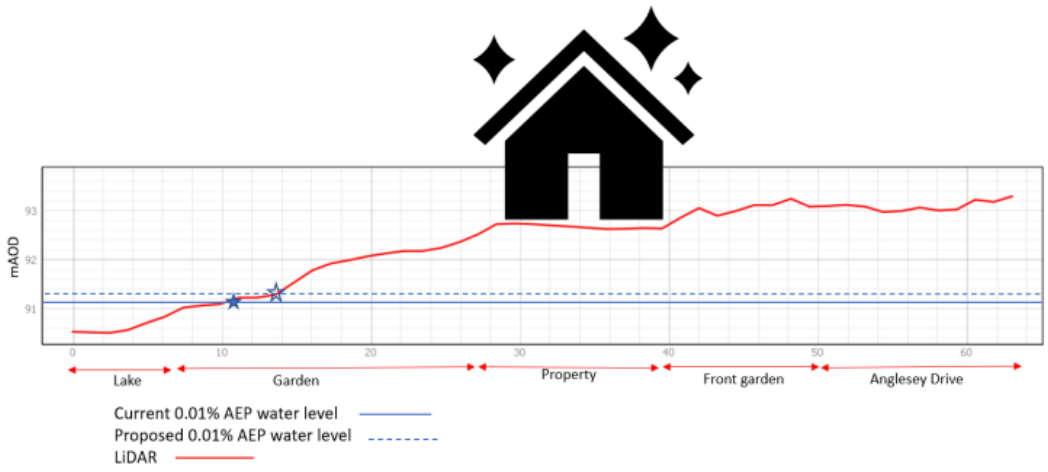
There is a possibility that works in close proximity to the culverted outlet pipe which discharges the reservoir could cause damage to culvert during construction and reduce the ability of the reservoir discharge through the outlet pipe, increasing the risk of the reservoir overtopping. However, safe working practices are all that can be done to minimise this risk.

Anglesey Drive properties

The garden areas of numbers 2, 4, 6, 8 and 10 Anglesey Drive appear to have ground levels (closest to the reservoir) below 91.37mAOD, with the lowest levels around 91.05mAOD. The lowest threshold level of these properties is 92.68mAOD.

Consequently, these properties may experience up to approximately 6m in length of garden flooding towards the end of their gardens (at the edge of the reservoir), with flood depths of up to approximately 0.32m. The bottom of these gardens are already below the existing 0.01% AEP maximum flood level of 91.19mAOD so would currently be expected to flood during this event. However, the proposed works are likely to increase these garden flood depths by up to 0.18m (0.14m existing flood depths compared to 0.32m proposed).

Number 2 appears to have the lowest garden ground levels and is therefore used as a “worst case” in the diagram below taken from the FRA.

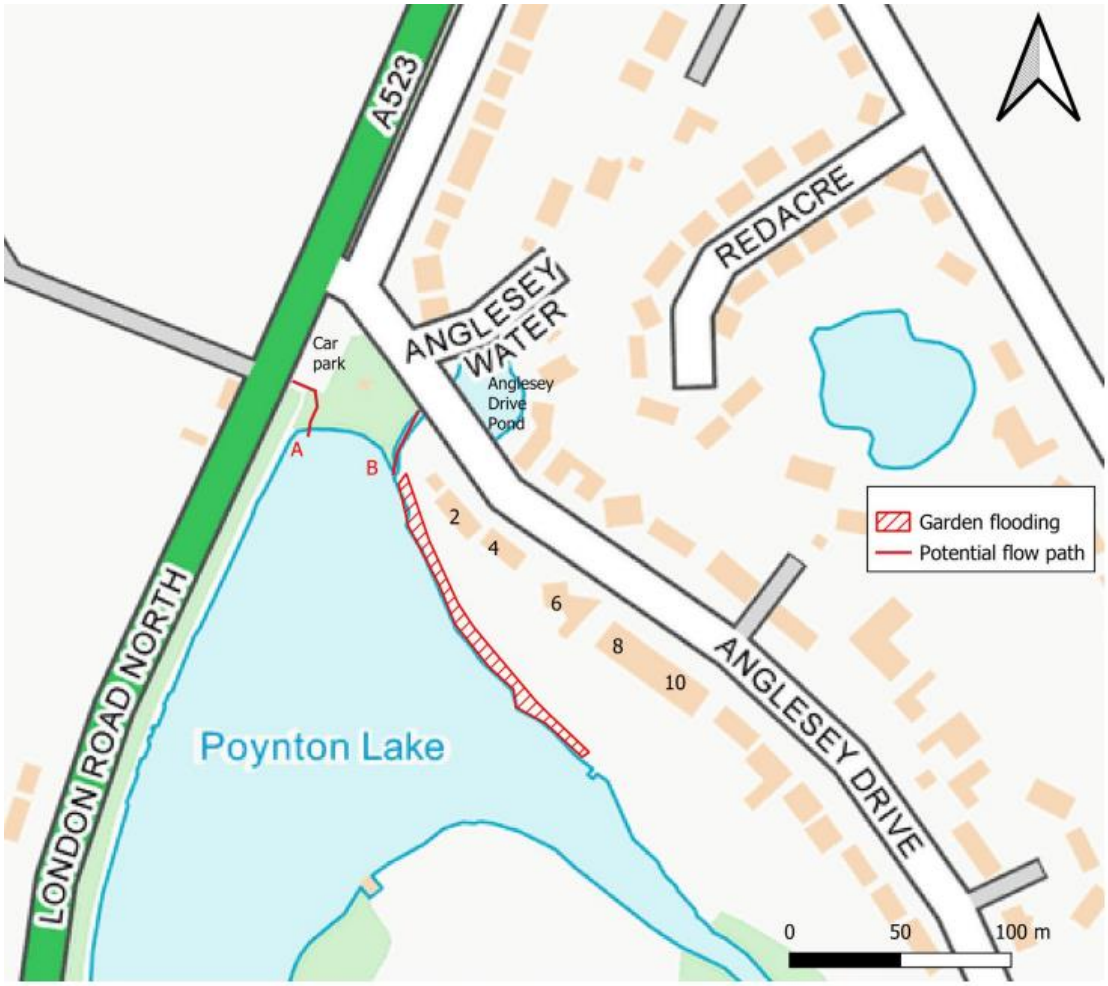


The diagram shows that approximately a 4m length of garden is currently likely to flood during the 0.01% AEP event compared to 6m as a result of the proposed works (2m increase in length).

Policy SE13 states that FRAs should be submitted to demonstrate that development proposals will not increase flood risk on site or elsewhere. Flood risk is a combination of the probability (likelihood or chance) of an event happening and the consequences (impact) if it occurred. Following the proposed works the frequency and peak flow overtopping of the dam to the west of the pool is expected to decrease as a result of the proposed works, reducing flood risk downstream (to the west). However, it does appear that flood risk will increase to the properties to the north along Anglesey Drive. Whilst these are gardens that are likely to flood in the 0.01% AEP event, it is still disappointing that mitigation is not provided for these properties as part of the proposals when the modelling suggests that the proposed development will increase the flood levels in their gardens during these events.

The image below shows the extent of the area affected to the rear of the properties along Anglesey Drive. The image also shows two potential flow paths (Route A via the car park and Route B towards Anglesey Drive pond). Flow path A will be addressed by the raising of the crest level along the western dam. Flow path B is the route of a ditch which connects Anglesey Drive pond and the reservoir. The FRA states that the nature of the connection between the ditch and Poynton Pool Reservoir is currently unknown however it is possible that water could flow from Poynton Pool along the ditch, under Anglesey Drive and into the pond. The ground levels along the ditch (90.89mAOD) are lower than the existing maximum flood level during the 0.01% AEP event so the ditch is already expected to flood. The flood depths along this

route are expected to increase by 0.18m as a result of the proposed works (0.3m existing flood depths compared to the proposed 0.48m flood depth). The FRA states that this could be partially mitigated by installing a flap valve on the downstream end of the culvert, to prevent the lake entering the pond, and this will be explored as part of the detailed design.



The proposed works will reduce flood risk downstream (to the west) of the reservoir, and the LLFA and the Environment Agency raise no objections to the proposal. However, given that the proposal does increase flood risk elsewhere (to the rear of 2-10 Anglesey Drive, and potentially towards Anglesey Drive pond, there is some conflict with policy SE13 of the CELPS.

Highways

Policy CO1 of the CELPS sets out the Council's expectations for development to deliver the Council objectives of delivering a safe, sustainable, high quality,

integrated transport system that encourages a modal shift away from car travel to public transport, cycling and walking; supportive of the needs of residents and businesses and preparing for carbon free modes of transport. Policy INF1 of the SADPD requires developments to contribute positively to local walking, cycling and public transport objectives. Policy INF3 requires development proposals to provide safe access to and from the site for all highway users and ensure that development traffic can be satisfactorily assimilated into the safe operation of the existing highway network. TAC 1 of the PNP supports improvements to the existing footpath and cycle network.

In terms of the highway impact of the proposals, the proposed works/contractor compound will use the existing car park off Anglesey Way, which will mean that there would no public parking in the car park during the construction period. All deliveries and materials we use London Road North to access to site compound, and it is indicated that the work will take up to 4 months to complete in 2024.

The construction phase of this application does not raise any significant highway concerns.

The development would affect Public Footpath Poynton with Worth No. 89 as recorded on the Definitive Map and Statement. The Public Rights of Way (PRoW) Team do not object to the proposed 2 metre resurfacing with compacted gravel, and note that a temporary closure will be required whilst the works are undertaken. A condition is recommended requiring further detailed information relating to the works to the PRoW. The proposed alterations to the existing path will also serve to enhance accessibility, and such proposals are supported by the policies listed above.

The Head of Strategic Transport raises no objections to the proposal, and therefore no significant highway issues are raised.

Other considerations

Alternatives

A number of options have been considered by the applicant, and others have been put forward by interested parties. A summary options report accompanies the application which outlines the other options considered by the applicant.

As noted previously in this report there are two routes that could be taken to address the insufficient spillway capacity and freeboard.

- Upgrade the reservoir to meet full engineering standards. This would involve increasing the capacity of the overflow and increasing the freeboard; or
- Adopt a risk-based approach, accept the dam embankment on the west side of the pool will overflow and improve its resilience to overflowing.

Full Engineering Standard Options

Two full engineering options were considered to upgrade the reservoir:

1. The reservoir is discontinued so no longer impounds the threshold of water to fall under the Reservoirs Act 1975;
2. The spillway capacity is increased

Option 1 – discontinue the reservoir – this option was discounted because the lake, which currently serves as an amenity lake for the local community would be lost.

Option 2 – increase culvert capacity of existing spillway - this option was discounted because it increases flood risk downstream, has a much higher cost than risk-based options and does not meet engineering standards for freeboard (does not meet the Institute of Civil Engineer's Guide freeboard requirements to increase the freeboard by lowering top water level or raising the crest).

Risk Based Options

The risk-based approach is judgement based and includes consideration of economic calculations and sensitivity analysis, although these would not in themselves be the sole determinant. The judgement is therefore "risk-informed" following the principles set out in section 3.5 of the Guide to Risk Assessment for Reservoir Safety Management Volume 1" (DEFRA/EA, 2013).

The risk-based options would accept the dam would overflow but look to increase the resilience of the dam to overflow with a subsequent reduction in the likelihood of breach of the dam and release of the reservoir.

One of the factors considered as part of a risk-based approach is a ALARP (as low as reasonably practicable) calculation, which compares the cost of capital works to reduce risk to the benefits. Where cost is disproportionate then investment is not justified.

Another key consideration of the risk-based options is tree removal. The full engineering standards approach would be for removal of all trees on the embankment. This is not desirable due to the public amenity and ecological value of the woodland.

The following risk-based options were considered to upgrade the reservoir:

3A. – add additional culvert to increase spillway capacity;

3B. – retain the existing overflow and construct an emergency spillway to convey flood flows that the culvert cannot take;

3C. - Increase resilience to overflow (Upper)

3C. - Increase resilience to overflow (Lower)

Option 3A - add additional culvert to increase spillway capacity – this would retain the original overflow configuration and supplement it with one additional culvert. The additional culvert would be of similar size to the existing 600mm diameter culvert, and would approximately double the spillway capacity, but it would not be large enough to pass the design flood event (0.1% AEP). There would still be an "intolerable" risk of failure of the embankment, albeit reduced. For these reasons this option was discounted.

Option 3B - retain the existing overflow and construct an emergency spillway to convey flood flows that the culvert cannot take – this looked at two spillway options, a 35m wide spillway to pass flows that avoid flooding houses on London Road, and a 140m wide spillway to pass 11m³/s (safety check flood). The shortened spillway was preferred as it avoids the houses. In conjunction with an emergency spillway on the upper embankment, the lower section of the dam embankment below London Road North would also need to be flattened and reinforced with grasscrete surfacing. This would need to extend into the garden of one of the residential properties downstream which creates access and maintenance challenges that were considered unacceptable to the applicant.

Option 3C Upper - levelling the dam embankment crest and installing a crest marker - Although Option 3C requires removal of some trees, it was taken forward as the preferred option for further development, when considered against the other options, over a range of criteria including cost, reputational risk (flood risk management, and dam safety), risk of dam failure, onset of flooding, onset of damage to the dam, risk of future dam safety works, fluvial flood risk, heritage and visual impact.

Option 3C Lower – As with "Upper" works plus works to embankment downstream of London Road North - Work to the lower embankment would be beneficial to the reservoir but it does impact heavily on the homeowner of the first of the four properties on London Road North and causes disturbance to the garden of the property. It was decided not to progress these works as the works defined in Option 3C Upper alone already addresses the recommendation in the S10(6) Certificate.

The table below provides a summary of the options appraisal for each option.

Consideration	Option 2	Option 3A	Option 3B (upper and lower)	Option 3C-Upper	Option 3C-Lower
	Culvert to pass 1 in 1,000 year (Note 1)	smaller 0.6m culvert (Note 1)	Emergency spillways	Regularise crest	Reduce risk of damage
Project Cost	£1.3M	£750k	£730k	£540k	£340k
Cost to prevent a fatality (CPF) £M/ life	6	7	3	0 (benefits outweigh costs)	see text section 6.6.1
CEC Reputation (flood risk management)	√√√	√	-	√	√√
Spillway capacity – dam failure	√√√	√√	√√	√√√	√√√
Onset of flooding London Road North	√√√	√	No change	√	√
Onset of damage to dam	√√√	√	√√	√√	√√
Risk of future dam safety works	√√	xx	√	√	√
Fluvial flood risk	xx	x	√√√	√√√	√√√
Heritage	√√	√√	xxx	x	-
Visual impact	xxx	xxx	xx	x	X

Key (scale of 1 to 3): √ Beneficial, x Detrimental

Notes

Project cost and CPF exclude costs to increase freeboard to meet engineering standards, or to mitigate increase in downstream fluvial flood risk

The minimum requirement for regulating the crest to meet the Reservoirs Act 1975 are that it will:

- Spread out overflow uniformly along the length of the crest and therefore be able to tolerate a larger overflow before a breach occurs
- Have the crest kerb in intimate contact with the clay embankment to prevent flow going under the kerb and removal of roots under the kerb which would provide a flowpath.

Several variations of Option 3C were then considered to achieve these goals:

i. Raise path remote from waterline including dwarf wall and clear trees.
ii. Path raising along bank edge and installation of upstream slope wave protection.
iii. Regulate crest by installing crest marker only.
iv. Building a new wall along downstream toe.
v. A meandering path through the Wood forming the level crest.
vi. Constructing a path above the root zone.

Sub-options (iv) to (vi) were discounted for the following reasons:

iv - Building a new wall at downstream toe – This would involve constructing a wall of around 2m in height along London Road North which would need substantial foundations to resist forces imposed on it from the overflow and associated loading from wet soil. There would be disruption to trees on the downstream face and an impact on services running along the footpath. It would also increase the height of the drop on the downstream side and unacceptably increase the risk of scour.

v - Meandering path through wood – for this option the path itself would be the crest marker. Over time the path would erode, be subject to settlement and potential disruption from tree routes resulting in regular and costly maintenance. This option was discounted in favour of an option that provides a crest marker that would spread out the overflow evenly.

vi - Raising the path above the root zone – this was discussed with the view that the trees could be retained. This option would see the use of a root protection matting being installed as the foundation for a new path. The path would still need a crest marker. This option was discounted as the risk of root systems of the nearby trees causing the crest marker to become disturbed was high. Additionally, there would be an unacceptable risk of leakage and internal erosion under the kerb, along the roots.

The remaining three sub-options were then identified as possible solutions suitable to be taken forward to a concept design level. These options were:

i. Raise path including dwarf wall and clear trees

ii. Path raising and installation of upstream slope wave protection

iii. Regulate crest by installing crest marker only.

All three sub-options include tree clearance for the full width of the crest for a total of 80m, maintained as grass, to provide an overflow route for floods. This is important to ensure that undergrowth under the trees does not inhibit overflow water and has regard to the fact that the structure is a dam which comes under

Reservoir Safety legislation and is therefore subject to periodic safety inspections, which it will need to pass in the future.

Option 3C(iii) was preferred as it meets the minimum Reservoir Safety requirements of increasing resilience to overflow and this reducing the risk to the people downstream of loss of life and property damage; it also has the least environmental impact and lowest loss of trees, particularly along the reservoir edge. This option was also considered to be the lowest cost at the time, although the path works were excluded. This has since been added as the existing path meanders and the kerb must remain relatively straight for reservoir safety inspections. The path works will improve access for all users. The impact on trees has been minimised by locally adjusting the route alignment and path width.

Alternatives proposed by third parties

A number of options have been put forward by third parties during the applicant's public consultation exercise and during the planning application consultation. The suggested alternatives are summarised below with reasons given by the applicant why they could not be taken forward.

Increase outlet culvert with no crest works – increasing the size of the culvert does not achieve the freeboard requirements, lowering top water level or raising the crest is required.

Do not widen path – The design has a kerb set out in a straight line along the downstream side of the existing path to allow preservation of vegetation along the edge of the reservoirs. The path is to be varied in width to avoid trees where possible.

Improved maintenance of outfalls – this does not increase spillway capacity for extreme floods or improve resilience to bank overflow.

Desilting of Poynton Pool - this does not increase spillway capacity for extreme floods or improve resilience to bank overflow.

Nature friendly options – No nature-based solutions which address the public safety issues associated with the dam, increase spillway capacity for extreme floods or improve resilience to bank overflow were identified.

Create additional storage in Poynton Park – The Park would not be large enough to store the required volume of water, and this would require extensive excavation and have detrimental impacts on ecology and landscape.

Meandering path using locally available gritstone – To spread out overflow evenly along the length of the crest and improve resilience of the bank to overflow a level crest must be installed. This requires a formal marker (kerb/concrete beam) as this can be installed to low tolerances (+6mm/-6mm is standards Highways spec) and easily surveyed / re-laid of it moves. The overflow in a 1000-year event is calculated to be approximately 40mm. To achieve a uniform overflow and spread the flow out evenly over the full length of the crest a tolerance is required significantly smaller than the depth of the overflow. Otherwise, the crest will not overflow in some places and will have an excessive depth of overflow leading to an increased risk of scour in other places.

With a granular type material it is not possible to achieve this tolerance. This will result in low spots which have an excessive depth of overflow leading to an increased risk of scour in these locations.

A positive cut-off is required from the kerb into the structural fill to prevent water seeping under the path. This will require excavation into the dam structure. This will also require the removal of roots local to the crest marker which could disrupt it.

Introducing an armoured spillway as a "fail safe" – This is an auxiliary spillway similar to option 3B above. The flow would be concentrated onto the road, rather than spreading it along the 480m crest as with the proposed design. Additional works would be required to take the flow along the road to the low point and protect the adjacent houses, as concentrated water would flow into the driveways. The downstream embankment would need to be protected from overflow and works would likely be required in private gardens,

The crest of the embankment would still need to be raised to meet the wave freeboard requirement in Floods and Reservoir Safety (2015) with associated tree loss.

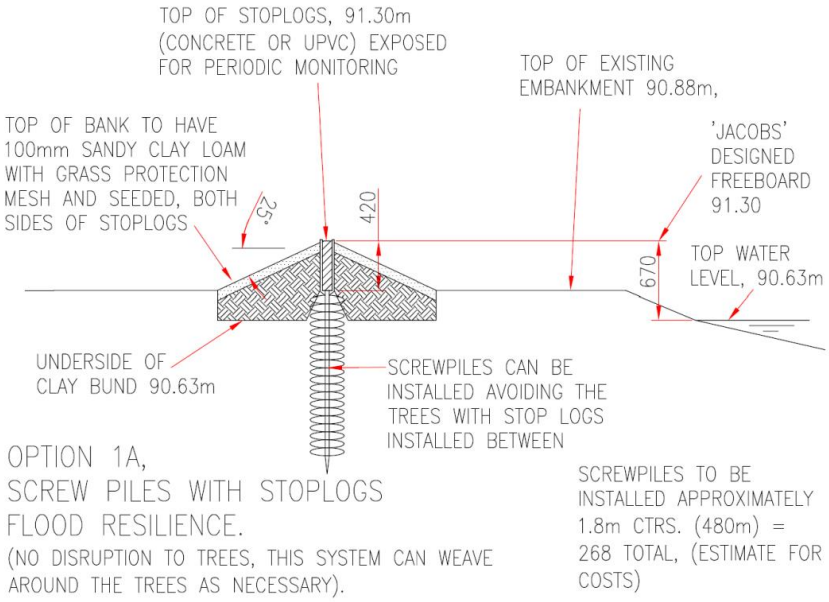
Continue the roadside wall utilising an above ground concrete beam foundation secured by piles - This is likely to have a significant visual impact as the wall would be the height of the existing embankment.

The wall will have to be structural and watertight to hold back the water, including not allowing flow underneath. Therefore, the steel poles would not be suitable and piling would be required which has the potential to have a structural impact on the existing embankment, piles may go through the roots of trees and result in tree loss.

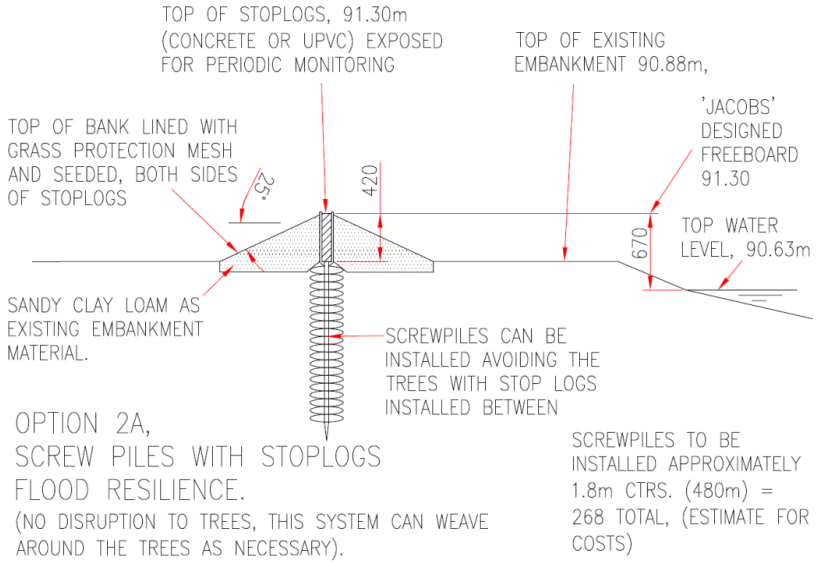
Water flowing over the wall and dropping onto the pavement (rather than down the embankment slope) potentially may lead to erosion on the path, which may require additional reinforcement.

The following options have also been put forward by Friends of Poynton Pool (FoPP) in their letter of representation:

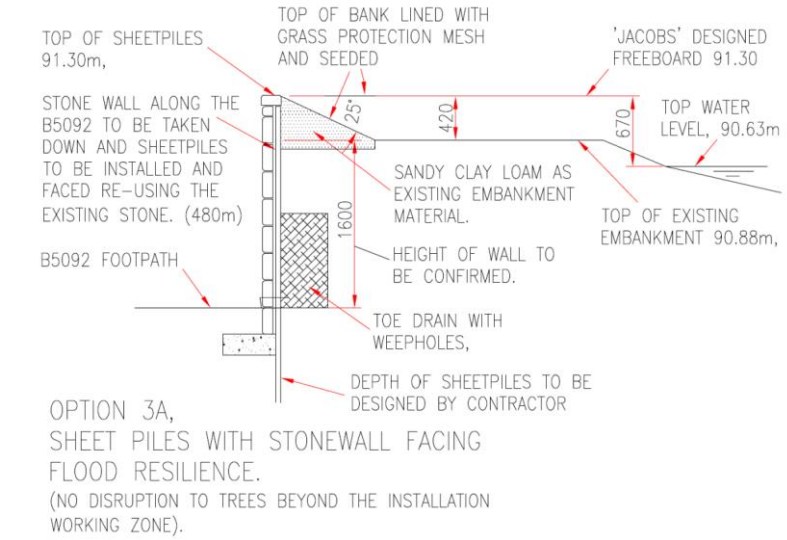
Option 1A Screw piles with stoplogs and clay bunds to both sides



Option 2A Screw piles with sandy clay loam to both sides



Option 3A Sheet pile wall at roadside with sandy clay loam backfill



The applicant has stated that screw pile options have been considered. A Screw pile option would be more expensive and can be easily undermined by water. Tree roots would be left in place which would allow flow under the beam, which is likely to cause internal erosion and is another potential failure mode of the dam. Alterations to the roadside wall have also been considered as above.

<u>Representations</u>

With regard to the comments received in representation not addressed above it is acknowledged that the estimated cost of the works of £1.38m is a substantial amount of money, however the financial cost of carrying out development works is not a material planning consideration. Similarly the impact on property values is also not a material planning consideration.

A number of representations make reference to documents not submitted with the planning application. One example of this is missing appendices within the Poynton Pool Initial Options Report. Whilst this document is on the Poynton Pool pages of the Council's website it does not form part of the planning submission. Similarly, reference is made within letters of objection to the incorrect risk categorisation within the same report. Whilst it does not form part of the planning submission, the applicant has accepted that there was an error in that document regarding the position of boundaries of the ALARP zone, but that the risk was correct and remains unchanged. The effect of the change to the ALARP boundaries was that the current risk moved from just into the unacceptable zone into the top of the ALARP (As Low As Reasonably Practicable) zone. This does not mean the risk is tolerable. The ALARP zone is where works should be carried out to reduce the risk where the cost is proportionate to the benefits. In this case, the benefits of the current proposals in terms of reduced property damage outweigh the costs, even without counting the risk to life. It should also be noted ALARP was only one of the criteria considered when the proposed works were being planned.

The Town Council has suggested that Jacobs approach to decision making takes no account of collateral effects and unintended consequences, such as ecosystem impacts, public health and heritage (as in HM Treasury's The Green Book). This is not considered to be the case, as is evident form the above information on alternatives, a number of factors were considered when arriving at the final solution to address the deficiencies identified in the S10 report, which do include the amenity value of the site, the environmental impact, visual impact, heritage, etc.

It is suggested that evidence of failed projects in respect of removal of high amenity value trees is not given appropriate weight in the processes which produced the design – e.g. Sheffield Street Trees, however, each project is designed and then determined on its own merits.

The safety implications for users of the path has been raised as a concern with the removal of the trees that create a barrier to the road. This is acknowledged, however there are routes through the trees towards the highway. If Members

do require additional safety measures to the newly created spillways, this could be dealt with by condition.

Many letters refer to there being no consultation with the local community and the design was not evolved to take account of views of community in line with NPPF. It is also stated that there was a lack of notification of affected properties, and Historic England should be consulted. The applicant ran a public engagement period between 26 September 2022 to 4 November 2022 (prior to the planning application). Press releases were issued on the Council's website and on Facebook and Twitter accounts. Poynton Town Council included details on their website. A number of local interest groups were identified and contacted, such as the local flood working group, and users of the park with a presence in Poynton. This also included relevant Council departments. These groups were identified as having a potential interest in the works and were therefore invited to share their thoughts on the scheme. Houses in the vicinity of the works, on Anglesey Drive and London Road North, were contacted via a letter drop, inviting them to respond to the engagement. Two poster trailers were also positioned in Poynton Park. Publicity on the planning application was carried out in accordance with statutory requirements. A small number of neighbouring properties were notified (mainly on Lond Road) and a site notice was posted. There was no requirement to consult Historic England on the planning application.

Some additional information has been submitted during the course of the planning application and objectors maintain that a re-consultation exercise should be carried out. The additional information provided clarification on points that were raised during the consultation process, and no significant changes to the proposal were made. Consequently, further consultation was not considered to be necessary. However, it is noted that some objector and the Town Council have provided comments on the additional information, which have been considered as part of the assessment of the application.

Some representations allege that the Council has a hidden agenda, perhaps with a view to promoting the land opposite as a future housing development. The land opposite the application site is allocated under policy PYT 2 (Land north of Glastonbury Drive) for sports and leisure development (for 10 ha). The requirements for the work are set out in the S10 Report, and the Council as the undertaker (reservoir owner) is required to carry them out.

Finally, in terms of representations, many representations state that an independent review of the proposals is required. The Secretary of State for Levelling Up, Housing & Communities received a request from third parties to

call-in the application for his consideration. However, the Secretary of State decided not to call-in the application, and was content that it should be determined by the local planning authority. Poynton Town Council have previously instructed an independent reservoir engineer to provide an opinion on the Spillway Improvements. His report followed the applicant's period of public engagement and was published in November 2022. His concluding remarks were, *"In summary, the works to the dam are a legal requirement on the Council. They either have to undertake them or permanently drain the Pool. The option proposed appears proportionate and has less impact in terms of tree loss than potential alternatives."*

Planning Balance

Harm

The extent of the proposed operational development is relatively limited. These works comprise the infilling of the low points along the bank and slightly raising the level of crest with the addition of a kerb along its length to ensure a consistent level and works consisting of widening the footpath to two metres and resurfacing it with compacted gravel. Whilst the extent of operational development works are limited, the environmental impacts associated with it are more significant.

It has been confirmed that 78 trees and two 40m sections of Hawthorn Hedgerow will be removed as a result of the proposed development. 49 trees and 10 groups are also identified to be impacted by the proposals, largely by crown lifting over working areas or by RPA encroachment. Trees adjacent to where the works are taking place are at risk from construction activities and windthrow. Reference by interested parties to six trees awaiting verification as Veteran Trees is noted, as is the arboricultural officer's comments that some trees have Veteran characteristics, but given that this is only an anecdotal report, and has not been confirmed only limited weight can be given to the potential Veteran Tree status. Notwithstanding this, the impact arising from the loss of trees on the site is significant, not only in arboricultural terms, but also visually, as they form part of a woodland that makes a significant contribution to the amenity of the area. In comparison, the replacement planting at Walnut Tree Farm, whilst greater in number and area to those lost, it will not be visible from public vantage points and in no way relates to the losses visually experienced within Poynton Park, or along London Road North. Policy ENV6 requires replacement tree planting to be of a commensurate amenity value to the trees that are lost and (officer emphasis) to secure environmental net gain. The environmental net gain is achieved, but they are not of commensurate amenity value. The proposal is therefore considered to be contrary to policy ENV 6 of the SADPD. The creation of two 40m wide gaps within this prominent

roadside woodland that forms the boundary to Poynton Park will be a brutal intervention, and unequivocally harmful. Substantial weight is given to this harm.

In ecological terms, the loss of these areas of existing woodland conflicts with the objectives of policy ENV1 which relates to the Ecological Network and requires developments within Core Areas and Stepping-Stone sites to increase the size of core areas, increase the quantity and quality of priority habitat. The proposal runs counter to this objective. The proposed development is also located within the boundary of the Poynton Park Lake Local Wildlife Site (LWS). The LWS was selected due to the presence of woodland, marginal vegetation and open water habitats. The loss of woodland associated with the proposed development will result in a significant adverse effect upon the LWS. There will also be localised impacts upon Common Toad, Hedgehog and nesting birds as well as a significant impact upon foraging and commuting bats in the local context.

As the application was submitted before 2 April 2024 it is not subject to the statutory requirement for the development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. It is however subject to policy SE3(5) which requires development proposals to lead to an overall enhancement for biodiversity, and ENV 2 which requires a net gain in biodiversity to be delivered. The off-site planting provides a 10.27% net gain in biodiversity, and in principle, the proposed offsite woodland planting is an acceptable means of compensating for the impacts of the proposed development as a result of the loss of the existing woodland. 10.27% is greater than currently required by Local Plan policies which does attract some positive weight in favour of the proposal. The BNG proposals do go beyond what can be currently required (in the current policy context) to mitigate for the relative harm arising from the loss of the woodland. But a significant effect upon the LWS will still occur, as well as the local harm to the species listed above which weighs against the proposal. The weight afforded to this harm is tempered by the extent of BNG to be delivered, however it is still considered that moderate to substantial weight should be attached to this ecological harm.

The absence of a Heritage Impact Assessment describing the impact of the proposal on the non-designated heritage assets' significance means the proposal is contrary to policies HER7 of the SADPD, EGB15 of the PNP and paragraph 200 of the Framework. The pool has a longstanding use as a valuable amenity for the local community, and the visual impact described above will result in moderate harm to the heritage assets identified in the PNP. The trees to be removed have served to enclose the pool area and been the

setting of the pool and park for many years and their loss will undermine this historical setting and sense of enclosure. Moderate to substantial weight is attached to this harm.

Finally, in terms of harm, the proposals do increase flood risk to the rear gardens of numbers 2 -10 Anglesey Drive, which is contrary to the objectives of policy SE13 of the CELPS. These gardens would flood even if the works were not carried out, but not to the same extent. Moderate weight is attached to this increased flood risk.

Benefits

The Reservoirs Act is concerned with public safety (preventing loss of life and damage if the dam failed and released the reservoir water). The legislation requires the Inspecting Engineer to make recommendations as to "measures to be taken in the interests of safety" and must give a timescale by which these measures shall be caried out (within their S10 report). The Environment Agency is responsible for enforcing the requirements of the legislation.

Therefore, balanced against the harm identified above is the fact that the proposals address the capacity issues of the spillway identified in the latest S10 Inspection. Section 2A of the Reservoirs Act 1975 designates Poynton Pool as 'high risk'. This means that an uncontrolled release of water from the pool would endanger human life. EA flood maps and data identify that failure of the dam in a flood is likely to lead to flooding affecting around 3500 people, loss of around two lives, and cause £79M of property damage.

As a high-risk reservoir, the dam and spillway at Poynton Pool are required to pass a design flood with an annual chance of 1 in 1,000 per year with no damage, and a safety check flood with an annual chance of 1 in 10,000 per year with no failure of the dam (but with some damage occurring). The proposed works to raise the low points of the crest and increase the spillway ensure this will happen and provide some resilience for the reservoir to pass future S10 inspections, with the next one due in 2026.

Whilst alternative solutions have been put forward by third parties, these and others have been considered, and all have been discounted. No other viable options are known to exist that would achieve the same resilience to flooding as the proposed scheme. The proposed works are supported by the appointed All Reservoirs Panel Engineer. An independent review by an Engineer

Appointed to the Reservoir Supervising Engineer Panels for England & Wales and Scotland by Poynton Town Council confirms that the works are proportionate and have less impact than alternatives.

Consequently, the effect that the proposed works have on flood risk and public safety together with the lack of any other viable alternatives to address the issue is given substantial and overriding weight. Overall, the identified benefits of the proposed development are considered to outweigh the substantial environmental, visual and historic harm in this case.

CONCLUSIONS

The proposal results in a significant loss of trees from the existing woodland which is prominent in views from London Road North and from within Poynton Park. The loss of these trees is significantly harmful to the amenity of the local area and the non-designated heritage assets of Poynton Pool and Poynton Park. The replacement planting at Walnut Tree Farm over 2km away from the application site, and within Stockport Borough does nothing to mitigate for the amenity or historic value of the trees within Poynton. Whilst the new woodland planting would lead to a 10.27% net gain in biodiversity compared to the existing on-site habitat, there would still be significant harm to the LWS and localised harm to a number of species. It is also disappointing that mitigation is not provided for the slight increase in flood risk to the residential properties at 2-10 Anglesey Drive. The volume and strength of local opposition to the proposals is acknowledged and completely understood. However, the identified harm is considered to be outweighed by the need for the proposal and the lack of any viable alternatives in this case. Accordingly, the application is recommended for approval subject to the following conditions.

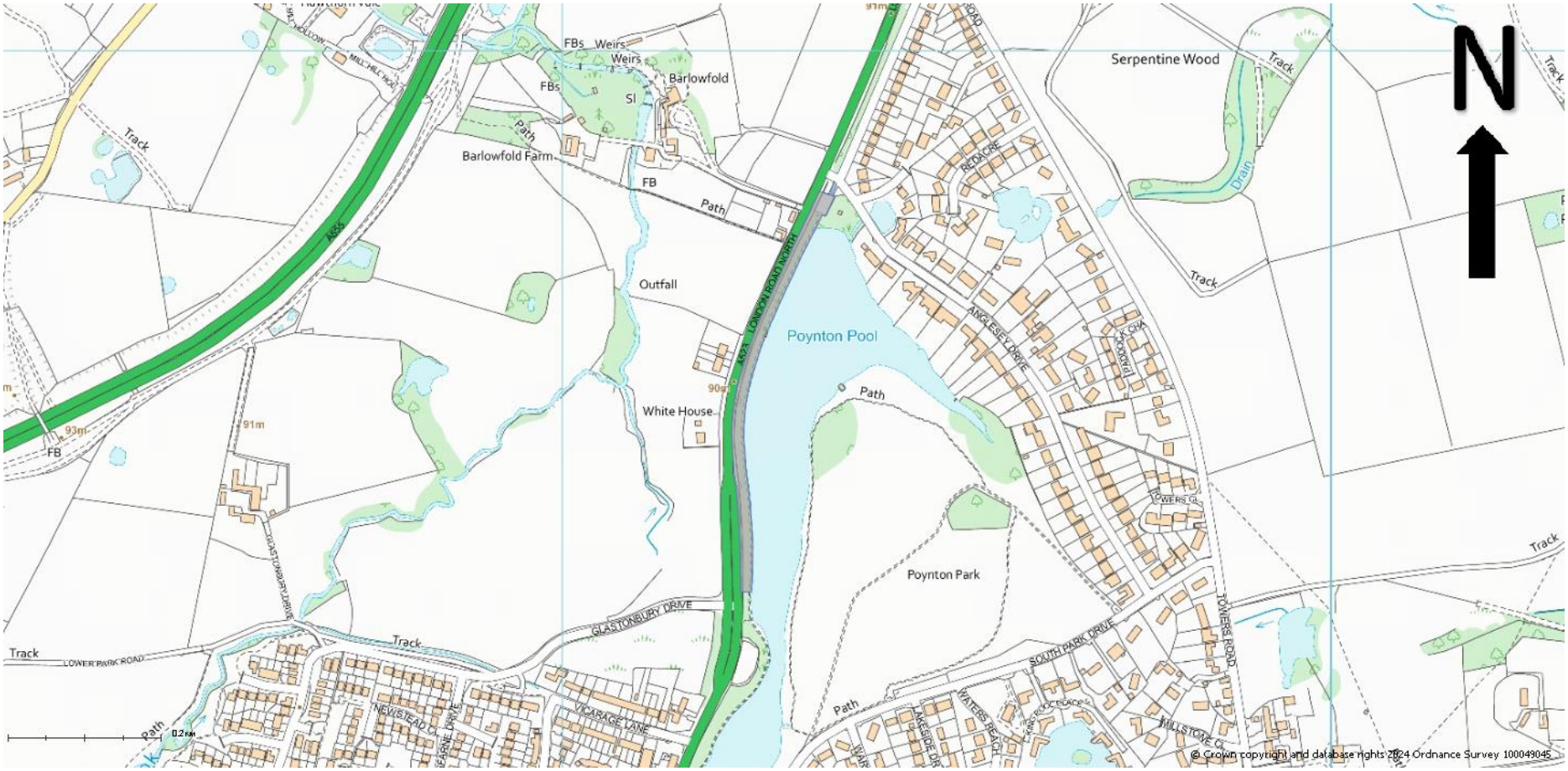
RECOMMENDATION

Approve subject to following conditions.

Conditions

1. Time period for implementation – 3 years
2. Development to be carried out in accordance with approved plans.
3. Materials to be in accordance with application.
4. Updated badger survey prior to commencement.

5. updated bat survey of any trees to be removed with bat roost potential prior to removal of trees.
6. Development to be carried out in accordance with recommendations to minimise the risk to toads in Environmental Assessment Report.
7. Development to be carried out in accordance with recommendations to minimise the risk to hedgehogs in Environmental Assessment Report.
8. Nesting birds survey to be submitted.
9. Submission and implementation of a Construction Environmental Management Plan (Ecology).
10. Implementation of off-site replacement planting informed by habitat creation method statement.
11. Implementation of on-site habitat works informed by habitat creation method statement.
12. Submission and implementation of measures to safeguard the shores of the lake and associated vegetation during the construction process.
13. 30-year monitoring and management strategy for the offsite and onsite habitat works.
14. Tree Retention in accordance with submitted details.
15. Tree protection scheme to be submitted.
16. Arboricultural method statement to be submitted.
17. Public Right of Way scheme of works to be submitted.
18. Ground condition survey prior to commencement.
19. Landscape scheme, including any required safety measures, to be submitted.
20. Implementation of landscape scheme.


N
Poynton Pool
Poynton Park
Serpentine Wood
Barlowfold
Barlowfold Farm
Outfall
White House
FBs
Weirs
SI
FB
Path
Track
Drain
A555
A523
LONDON ROAD NORTH
ANGLESEY DRIVE
GLASTONBURY DRIVE
SOUTH PARK DRIVE
TOWERS ROAD
LOWER PARK ROAD
NEWSTEAD CLOSE
VICARAGE LANE
WATERS REACH
MILLSTONE CLOSE
REDACRE
93m
91m
90m
0.2 KM
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