

Poynton Town Council

Report on Planning Application 22/4001S

Location: Poynton Pool Reservoir, off South Park Drive, Poynton

Applicant: Jacobs, on behalf of Cheshire East Council.

Background

This planning application is part of the process whereby Cheshire East is seeking to make various changes to the spillway on the west side of Poynton Pool. Please note that this is **not** the actual planning application for consent to carry out the proposed works, including the cutting down of up to 88 trees. It is rather a “screening” application, seeking permission from the Council’s Planning Department to proceed without submitting an Environmental Impact Statement.

As the name suggests, an Environmental Impact Assessment (EIA) is a detailed review and appraisal of the consequences for the environment of a proposed development. If properly done, the EIA gives decision makers sound information about the possible effect on the environment. EIAs in England are currently governed by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

<https://www.gov.uk/guidance/environmental-impact-assessment>

The Government website states in part:

“When is Environmental Impact Assessment required?”

‘Screening’ is a procedure used to determine whether a proposed project is likely to have significant effects on the environment. It should normally take place at an early stage in the design of the project. However, it can also occur after a planning application has been made or even after an appeal has been made. A developer can choose not to seek a screening opinion for a [Schedule 2](#) development and proceed to prepare and submit an Environmental Statement.

The local planning authority ... should determine whether the project is of a type listed in [Schedule 1](#) or [Schedule 2](#) of the 2017 Regulations:

- if it is listed in [Schedule 1](#) an Environmental Impact Assessment is required in every case;*
- if the project is listed in [Schedule 2](#), the local planning authority should consider whether it is likely to have significant effects on the environment.*

If a proposed project is listed in the first column in [Schedule 2](#) of the 2017 Regulations and exceeds the relevant thresholds or criteria set out in the second column (sometimes referred to as ‘exclusion thresholds and criteria’) the proposal needs to be screened by the local planning authority to determine whether significant effects on the environment are likely and hence whether an Environmental Impact Assessment is required. Projects listed in Schedule 2 which are located in, or partly in, a sensitive area also need to be screened, even if they are below the thresholds or do not meet the criteria.

Projects which are described in the first column of [Schedule 2](#) but which do not exceed the relevant thresholds, or meet the criteria in the second column of the Schedule, or are not at least partly in a sensitive area, are not Schedule 2 development.”

Schedule 1 covers major infrastructure projects.

Schedule 2, Section 10 – Infrastructure Projects, paragraph (i) covers *“Dams and other installations designed to hold water or store it on a long-term basis.”* This is subject to a threshold that *“The area of the works exceeds 1 hectare.”*

A hectare is a metric unit of area equal to a square with 100 metre sides or 10,000 m².

100 hectares = 1 square kilometre.

An acre is about 0.405 hectares, and one hectare contains about 2.47 acres.

The letter sent to Cheshire East by Jacobs states:

“The proposed development area is 0.19 ha. Therefore, the development does not fall Schedule 2, due to the type and size of development. Furthermore, there are no environmentally sensitive areas within 1 km of the proposed Scheme.”

This statement is not correct. The works will affect all of Poynton Pool and Park. Cheshire East’s own website states that:

“Poynton Park is situated just a few minutes’ walk from the centre of Poynton village. It is a valuable amenity with its pool, ancient trees and wildlife. The Park covers 21 hectares including the pool.”

https://www.cheshireeast.gov.uk/leisure_culture_and_tourism/ranger_service/countryside_sites/poynton_park.aspx

It is wrong to consider only the actual area of work, as changes to the dam, and removal of the trees, will affect all the Pool and the Park. The Pool alone is at least 900 metres long and covers more than 1 hectare.

Cheshire East’s press release confirms that the area affected exceeds 1 hectare.

https://www.cheshireeast.gov.uk/highways_and_roads/roadworks/major-projects/poynton-pool-spillway-improvements.aspx

It states: *“The west side of Poynton Pool has a 900m long bank and footpath ...”* and *“The safety improvement works will affect 480m on the side of the pool next to the A523 London Road North.”*



1 hectare is a square with 100 metre sides, so a rectangle 480 metres by 21 metres covers a similar area. Including both the land and path from the wall by London Road North and areas of the Pool bordering its west bank which will be directly affected certainly exceeds 21 metres.

Note that the map of the proposed works on the Cheshire East website is not scaled.

Schedule 3 of the 2017 regulations covers Selection Criteria for Screening Schedule 2 Development. <https://www.legislation.gov.uk/uksi/2017/571/schedule/3/made>

Jacobs claim that:

“The development does not fall within Schedule 3, as the development is not likely to result in any significant environmental effects given the characteristics of the proposed development (as discussed in Appendix A).

With appropriate mitigation and design controls, the characteristics of the potential impacts of the development would not give rise to any serious hazards or negative effects on either people or the environment.”

In view of the extensive and detailed information already provided and available to Cheshire East of the environmental damage that these works would cause, it is astonishing that such a statement has been made.

As noted above, Cheshire East’s website describes the Pool as *“a valuable amenity with its pool, ancient trees and wildlife.”*

Possible Recommendation to Cheshire East

Poynton Town Council does not support the application from Jacobs (on behalf of Cheshire East) to not require an Environmental Impact Assessment (EIA) on the proposed scheme of works at Poynton Pool and Park.

The Town Council believes this is contrary to:

- Schedules 2 and 3 of the Town and Country Planning (Environment Impact Assessment) Regulations 2017
- The legal obligations of Cheshire East to conserve biodiversity and protected species
- Cheshire East's own Local Plan and emerging Site Allocations and Development Policies Document (SADPD)

Schedule 2: Jacobs admit that the proposed scheme falls under category 10(i):
“... the construction of dams and other installations designed to hold water or store it on a long-term basis.”

However, Jacobs argue that the minimum size for submitting an EIA for such works in Schedule 2 is 1 hectare, while the proposed development area is just 0.19 hectares. This is not accurate and should be disregarded.

The proposed scheme of works will affect all of Poynton Pool and Park. Cheshire East's own website states that:

“Poynton Park is situated just a few minutes walk from the centre of Poynton village. It is a valuable amenity with its pool, ancient trees and wildlife. The Park covers 21 hectares including the pool.”

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It is wrong to consider only the supposed actual area of work, as changes to the dam, and removal of the trees, will affect all the Pool and the Park. The Pool alone is at least 900 metres long and covers more than 1 hectare.

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It states: *“The west side of Poynton Pool has a 900m long bank and footpath ...”* and *“The safety improvement works will affect 480m on the side of the pool next to the A523 London Road North.”*

Jacobs assert in Appendix A of their application that:

“The proposed development area is 480m long and 4 m wide, giving an area of 0.19 ha.”

This significantly understates the area that will be affected directly by the proposed works.

1 hectare is a square with 100 metre sides, so a rectangle 480 metres by 21 metres covers a similar area. Including the land and path east of the retaining wall by London Road North plus the area of the Pool bordering its west bank which will be directly affected means the area of works certainly exceeds 21 metres.

The map supplied by Cheshire East makes clear that trees, bushes and vegetation throughout this area are liable to removal, plus various trees (mainly willows) that project into the Pool. As workers and equipment will have to enter the Pool, this will affect the whole body of water. This is shown on the map issued by Cheshire East.

More widely, the impact of the proposed works, in particular the removal of many prominent trees, will affect the entire Park by changing the westward vista in a highly negative way.

Conclusion: The development area should be defined as the whole of Poynton Pool and Park. This exceeds 1 hectare in size, so Schedule 2 applies, and an EIA must be submitted.

Schedule 3: Jacobs assert that Schedule 3, the Selection Criteria for Screening Schedule 2 Development, supports their claim that an EIA is not required. They suggest that the environmental status of the site is not of sufficient status.

However, the proposed development is in an area of environmental importance. Cheshire East state on their website that:

“Poynton Park is ... a valuable amenity with its pool, ancient trees and wildlife.”

https://www.cheshireeast.gov.uk/leisure_culture_and_tourism/ranger_service/countryside_sites/poynton_park.aspx

The **Cheshire East Local Plan (CELP)** identifies Poynton Pool as a Site of Biological Importance / Local Wildlife Site.

- Paragraph 2.23 of the CELP states that: *“Key nature conservation sites are shown in Figure 2.7 below.”*
- Paragraph 2.24 of the CELP states that *“The most prominent environmental designations in Cheshire East are: ... 416 Sites of Biological Importance / Local Wildlife Sites.”*
- The map in Figure 2.7 of the CELP clearly shows Poynton Pool and nearby woodland in the Park as a Site of Biological Importance / Local Wildlife Site.

Conclusion: The Cheshire East Local Plan confirms that Poynton Pool and nearby woodland is a “key nature conservation site” with a “prominent environmental designation” as a Site of Biological Importance / Local Wildlife Site.

The description of Poynton Pool in the Cheshire East Local Plan disproves the claims by Jacobs that it is “a non-designated Site of Biological Importance (SBI).” Paragraph 2.24 of the CELP makes clear that the site has an “environmental designation” and is a “key nature conservation site.”

Clearly any proposal for development in such a valuable amenity should be supported by an EIA. This confirms that Schedule 3 applies to these proposed works. Failure to do so would also be contrary to Cheshire East's own Local Plan.

Policy SE3 of the Cheshire East Local Plan covers Biodiversity and Geodiversity state:

*“Development proposals which are likely to have a significant adverse impact on a site with one or more of the following local or regional designations, habitats or species will not be permitted except where the reasons for or benefits of the proposed development outweigh the impact of the development:
... ii. Sites of Biological Importance (SBI) or Local Wildlife Sites”*

It will not be possible to undertake a cost-benefit analysis of the proposed scheme without the submission of an Environmental Impact Assessment, as damage caused by the works, especially the felling of trees, will impose significant costs on the environment.

Emerging Site Allocations and Development Policies Document (SADPD)

Poynton Pool and Park are part of the Core Area of the Ecological Network in Cheshire East as shown in Figure 4.1 in the SADPD, and Paragraph 4.5 states:

“The ecological network will assist in the provision of nature conservation and ecosystem services that are essential for sustainable development, including water management, carbon capture and access to nature with associated recreational and health benefits.”

Paragraph 4.6 of the SADPD states:

“Core areas contain concentrations of habitats that are rare or important because of the wildlife they support and areas of irreplaceable natural habitat such as ancient woodland, glacial meres and peatlands, which are impossible to re-create. They include protected wildlife sites ... local wildlife sites (LWS) and UK priority habitats. Buffer zones are incorporated into the core areas and protect the individual sites and habitats from external adverse impacts such as pollution and disturbance.”

As Cheshire East have identified Poynton Pool and Park in their Site Allocations and Development Policies Document (SADPD) as a Core Area of the Ecological Network, clearly any applications for development should include an EIA.

Planning Policy: More generally, the proposed development conflicts with numerous policies in the Cheshire East Local Plan (CELP), Poynton Neighbourhood Plan (PNP), retained policies in the Macclesfield Local Plan (MLP) and the emerging Cheshire East SADPD.

1. Removal of the trees and vegetation, plus widening of the path along the western side of Poynton Pool will have a serious impact on the local environment. Poynton Park and Pool are a Local Wildlife Site (LWS), with extensive populations of birds, mammals (including bats), reptiles and invertebrates.

Relevant Policies: CELP: MP1, SD1, SD2, SE1, SE2, SE3, SE4 and SE5.

PNP: EGB2, EGB3, EGB7, EGB8 and EGB9.

SADPD: GEN1, ENV1, ENV2, ENV3, ENV5, ENV6 and REC1.

MLP: NE3, DC8 and DC9.

2. The Boathouse on Poynton Pool is a locally listed heritage asset. The Park and Pool are both included as non-designated heritage assets in the Poynton Neighbourhood Plan and will be extensively damaged by these proposals.

Relevant Policies: CELP: SE7 and PNP: EGB15, EGB20, EGB21 and EGB22.

SADPD: HER1 and HER7.

3. The Pool and Park are extensively used for leisure purposes, contributing to the health and happiness of local people. The well-used path along the western side of the Pool is a public footpath (number 89).

Relevant Policies: CELP: CO1, SD1, SC1 and SE6.

PNP: EGB4, EGB5, TAC1, HEWL1, HEWL2 and HEWL3.

SADPD: REC1 and INF1.

MPL: RT1

4. Removal of the trees along the western side of Poynton Pool, bordering London Road North will increase traffic noise, and environmental disturbance or pollution, affecting nearby residents.

Relevant Policies: CELP: SD1, SD2, SE1, SE5, SE12.

SADPD: HOU10 and MPL: DC3

5. Alternative solutions could be developed to address any flood risk from the Pool, including an additional outlet between the Pool and Poynton Brook and flood prevention measures such as “leaky dams” in the Pool’s catchment area east of Towers Road.

Relevant Policies: CELP: SE13 and PNP: EGB1 and SADPD: ENV16

6. The Town Council considers relevant the comment of the Cheshire East Principal Forestry and Arboricultural Officer on application 21/5509M (Erection of three dwelling houses with associated infrastructure, site access, landscaping and private drive works at the former Council Road Depot, London Road North, Poynton) which borders the west side of Poynton Pool:

“... the loss of trees within the site would have a significant impact on the wider amenity of the area ...”

Legal Obligations

Protected Habitat: Local councils have a legal duty with regard to conserving biodiversity in the exercise of their normal functions. As shown in the above extracts from the Cheshire East Local Plan and SADPD, the habitat at Poynton Pool is one of principal importance:

A local resident has supplied a list of 66 protected species which have been found at the site.

The Natural Environment and Rural Communities Act (NERC) 2006 places a duty on every public authority, in exercising its functions, to have regard to the purpose of conserving biodiversity, so far as is consistent with the proper exercise of those functions. To conserve biodiversity, an EIA should be required for this application

Final Conclusions

1. Poynton Town Council urges Cheshire East to reject the application from Jacobs (on behalf of Cheshire East) to not require an Environmental Impact Assessment (EIA) on the proposed scheme of works at Poynton Pool and Park.
2. The Town Council does not accept the argument that Schedules 2 and 3 of the Town and Country Planning (Environment Impact Assessment) Regulations 2017 do not require an EIA in this case.
3. The actual size of the development area clearly exceeds 1 hectare, so the proposed development falls within the scope of Schedule 2.
4. The Cheshire East Local Plan describes Poynton Pool and nearby woodland in Poynton Park as a “key nature conservation site” with a “prominent environmental designation” as a Site of Biological Importance / Local Wildlife Site.
5. Cheshire East have identified Poynton Pool and Park in their Site Allocations and Development Policies Document (SADPD) as a Core Area of the Ecological Network within the borough.
6. The above descriptions of Poynton Pool and Park in the Cheshire East Local Plan and SADPD disprove claims by Jacobs that it is “a non-designated Site of Biological Importance (SBI).”
7. The Government webpage on EIAs states that: *“Projects listed in Schedule 2 which are located in, or partly in, a sensitive area also need to be screened, even if they are below the thresholds or do not meet the criteria.”* The Cheshire East Local Plan and SADPD make clear that Poynton Pool and Park is a sensitive area, so an EIA should be required.
8. The legal obligations of Cheshire East to conserve biodiversity, including the Natural Environment and Rural Communities Act (NERC) 2006, require the submission of an EIA for the proposed development. This is of particular importance in view of the proposed loss of 88 trees and the presence of 66 protected species at Poynton Pool and Park.
9. Clearly any proposal for development in such a valuable amenity must be supported by an EIA. The above points confirm that Schedule 3 applies to these proposed works.
10. Failure to require an Environmental Impact Assessment would also be contrary to Cheshire East’s own Local Plan (including Policy SE3) and SADPD, as well as the Poynton Neighbourhood Plan.