



This is Poynton Town Council's response to consultation on the Spillway Improvements proposed at Poynton Pool.

Based on the limited information currently available the Town Council is unable to support the destruction of up to 88 trees with the loss of habitat that this would entail.

The Consultation Process

The Town Council regrets that Cheshire East has only provided a summary of the reports and studies which have been undertaken to assess the feasibility of this proposal. For transparency all the reports and studies relied upon should have been available to the public at this consultation stage. Whilst we understand that reports will be published as part of the planning process. Earlier publication would have assisted the Town Council and residents to prepare a more detailed and considered response to the proposals.

Both the Town Council and residents raised questions at the well attended public meeting. Whilst responses were received from Cheshire East at 3.33pm on Monday 31st October this did not allow sufficient time to consider them in full. Questions raised by the residents at the public meeting have not been answered and many of the responses provided to the Town Council's questions do not provide sufficient information.

Environmental Impact Assessment

The Town Council is aware that Cheshire East Council have submitted an application (ref. 22/4001S) for Environmental Impact Assessment screening indicating that it does not believe that a full Environmental Impact Assessment is required. The Town Council will prepare a detailed response to the screening application which will be submitted before the date for last comments. However, it is the Town Council's position that a full Environment Impact Assessment is needed given the significant environmental impact these proposals will have.

It is noted that a resident has provided to Cheshire East Planning Department as part of the screening process a comprehensive list of species recorded at the pool over the last five years and that of these species, 66 have legal protections and we would urge Cheshire East Council to carry out and publish detailed ecological reports on current habitats but also how these habitats will be impacted if the work proceeds. The site is home to numerous species of birds, mammals (including bats), fish, amphibians, insects and other invertebrates.

The Scheme

It is disappointing that no details have been provided outlining possible alternatives to the work proposed. There is concern among residents and the Town Council that the scheme has been chosen because it is the easiest option with little regard to the serious impact this will have on Poynton and the environment.



Poynton Town Council is very aware of the extremely serious impact that flooding can have on communities and Poynton has been badly affected by three flooding events over the last six years, albeit none of the events has resulted in any flooding from Poynton Pool. If there are houses at threat of flooding from Poynton Pool, the Town Council would wish to consider all proposals very carefully but only when it is in possession of all the information including reports and surveys to allow it to make a considered and detailed response. The Town Council believes that less environmentally destructive alternatives must be possible which could ensure the resilience of the dam whilst protecting the very special landscape of the Pool.

Anecdotally, we are aware of no flooding from Poynton Pool over many decades. The current outfall infrastructure appears to be fulfilling its role. Has consideration been given to why an additional outfall could not be used together with leaky dams and natural flood management schemes east of Towers Road or at the park itself to slow the flow of water entering into the pool? The small catchment area of Poynton Pool, just 2 square kilometres or 0.77 of a square mile, suggests that such alternative infrastructure could safeguard against flooding from severe rainfall.

The proposed scheme for improvements takes no account of the context in which Poynton Pool was constructed, nor of the present role it has within the Poynton community and wider society. Poynton Pool is not unique. Historic England describes exactly the approach to take in exactly this situation. <https://historicengland.org.uk/advice/technical-advice/parks-gardens-andlandscapes/lakes-and-water-features/#Section1Text>

The Town Council does not believe that sufficient weight has been given to the significant impact that the scheme design will have on this historic green asset. The Town Council would urge Cheshire East Council to follow the approach outlined by Historic England. The Town Council request that in view of the value of Poynton Pool as a historic asset and the benefit it gives to the community, that Cheshire East Council ensure that a reservoir panel engineer who specialises in historic lakes and gardens reviews the proposed scheme and considers adopting methods in line with those described by Historic England.

It is noted that comparisons have been drawn with Toddbrook Reservoir in Whaley Bridge. However, given the very small catchment area of for Poynton Pool (2KM²) the Town Council would question why comparisons are being made to this reservoir which is far larger and why it is considered appropriate to draw comparisons between two very different reservoirs.

Costs

The Town Council is concerned about the costs of the project which are as yet undefined. How will the project be funded? How will Cheshire East ensure best value is achieved or will the work be awarded automatically to Jacobs, Cheshire East Council's Highway Contractors.



Loss of Community Amenity and Biodiversity

The Town Council is particularly disappointed that in the event that the scheme proceeds the only suggestion to replace the lost trees is in Disley. The impact on biodiversity in Poynton cannot be mitigated by planting immature trees in a neighbouring Town.

Planning Considerations

There are currently four planning policies covering Poynton:

- Cheshire East Local Plan
- Poynton Neighbourhood Plan
- Saved policies of the former Macclesfield Borough Local Plan
- The “emerging” Cheshire East Site Allocations Development Plan, which should be authorised by Cheshire East Council in the near future and will then replace the saved policies of the former Macclesfield Borough Plan

All these Plans have policies relevant to the Poynton Pool Spillway Scheme. They all derive ultimately from the National Planning Policy Framework (NPPF).

Cheshire East Local Plan

The proposed spillway scheme appears to be contrary to several policies in the Cheshire East Local Plan:

MP 1 - Presumption in Favour of Sustainable Development. Planning applications that accord with the policies in the Development Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved.

CO1 - Sustainable Travel and Transport. To deliver the 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.

SD1 – Sustainable Development. The National Planning Policy Framework definition of sustainable development is: *“meeting the needs of the present without compromising the ability of future generations to meet their own needs”*.

“In order to achieve sustainable development in Cheshire East, the following considerations to development will apply. Development should wherever possible: ...

Provide appropriate infrastructure to meet the needs of the local community including: ... health and social care; landscaping and open space; sport and leisure; community facilities; water; wastewater; and energy;

Support the health, safety, social and cultural well-being of the residents of Cheshire East;

Provide a locally distinct, high quality, sustainable, well designed and durable environment;

Incorporate sustainable design and construction methods;



Contribute to protecting and enhancing the natural, built, historic and cultural environment”

SD2 – Sustainable Development Principles. These contain other points of relevance to this scheme, which again falls well short of compliance:

“All development will be expected to:

- i. Provide or contribute towards identified infrastructure, services or facilities. ...*
- ii. Contribute positively to an area’s character and identity, creating or reinforcing local distinctiveness in terms of:*
 - a. Height, scale, form and grouping;*
 - b. Choice of materials;*
 - c. External design features;*
 - d. Massing of development - the balance between built form and green/public spaces;*
 - e. Green infrastructure; and*
 - f. Relationship to neighbouring properties, street scene and the wider neighbourhood;*
- iii. Respect and, where possible, enhance the landscape character of the area. Particular attention will be paid toward significant landmarks and landscape features;*
- iv. Respect, and where possible enhance, the significance of heritage assets, including their wider settings;*
- v. Avoid the permanent loss of areas of agricultural land quality of 1, 2 or 3a, unless the strategic need overrides these issues;*
- vi. Be socially inclusive and, where suitable, integrate into the local community;*
- vii. Avoid high risk flood areas, or where necessary provide appropriate mitigation measures;*
- viii. Use appropriate design, construction, insulation, layout and orientation to create developments that:*
 - a. Are resilient to climate change;*
 - b. Minimise energy use;*
 - c. Use natural resources prudently;*
 - d. Promote the use, recovery and recycling of materials;*
 - e. Integrate or allow future integration of renewable energy technologies;*
 - f. Discourage crime and anti-social behaviour;*
 - g. Minimise trip generation;*
 - h. Minimise waste and pollution; and*
 - i. Are water efficient.”*

The proposed spillway clearly fails to meet these criteria. For example, the works will damage, rather than respect or enhance, the landscape character of the area or the significance of the heritage assets of Poynton Pool and Park. It will have a negative effect on the area’s character and identity, to which the existing trees along the western side of the Pool make a major contribution.

Policy SC1 – Leisure and Recreation

The National Planning Policy Framework states that Local Planning Authorities should *'allocate a range of suitable sites to meet the scale and type of . . . leisure . . . development needed in town centres. It is important that needs for . . . leisure . . . are met in full'* and *'deliver sufficient community and cultural facilities and services to meet local needs'*.



This policy includes a requirement that:

“In order to provide appropriate leisure and recreational facilities for the communities of Cheshire East, the council will:

- 1. Seek to protect and enhance existing leisure and recreation facilities ...”*

The plans for the spillway will damage, rather than enhance, existing leisure and recreation facilities.

Sustainable Environment

The NPPF places significant emphasis on achieving high quality design as part of delivering sustainable development, stating that *“The government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”* The NPPF also states that *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”* There are a series of policies relating to the Sustainable Environment. The proposed changes to the path and in particular the removal of trees and bushes clearly breaches the following:

SE1 – Design. Development proposals should make a positive contribution to their surroundings.

SE 2 - Efficient Use of Land. Development should safeguard natural resources including geology, minerals, air, soil and water.

SE 3 - Biodiversity and Geodiversity. Areas of high biodiversity and geodiversity value will be protected and enhanced.

SE 4 - The Landscape. 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.

SE 5 - Trees, Hedgerows and Woodland. Development proposals which will result in the loss of, or threat to, the continued health and life expectancy of trees, hedgerows or woodlands ... that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted, except where there are clear overriding reasons for allowing the development and there are no suitable alternatives.

SE 6 - Green Infrastructure. Cheshire East aims to deliver a good quality, and 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.

SE 7 - The Historic Environment. The character, quality and diversity of the historic environment will be conserved and enhanced. All new development should seek to



avoid harm to heritage assets and make a positive contribution to the character of Cheshire East's historic and built environment, including the setting of assets and where appropriate, the wider historic environment.

SE 12 - Pollution, Land Contamination and Land Instability. Cheshire East will seek to ensure all development is 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.

SE 13 - Flood Risk and Water Management. Developments must 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.

Poynton Neighbourhood Plan

The proposed works, and especially the loss of trees, conflicts with several policies in the Poynton Neighbourhood Plan.

EGB 1: Surface Water Management. This proposes that 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. However, the spillway scheme focuses on Poynton Pool, which is not recorded as having flooded since its construction in 1750.

EGB 2: Open Spaces. Areas of recreational land and existing open spaces within Poynton which characterise the village identity shall be preserved and protected from development.

EGB 3: Natural and Historic Environment. The natural and historic environment within Poynton shall be protected from inappropriate development. The rural setting shall be preserved and enhanced. The sites of Poynton Pool and Poynton Park are natural assets which shall be permanently protected from any development.

EGB 4: Access to the Countryside. Accessibility to the surrounding countryside will be enhanced through a wide range of public footpaths and cycle ways. All 88 footpaths will be retained as closely as possible.

EGB 5: Improving Access to the Countryside. Access to the countryside will be promoted through protection and maintenance of the existing Public Rights of Way (PROW) network. Any development which leads to the loss or degradation of any PROW, or any cycleway, will not be permitted in other than very special circumstances.

EGB 7: Landscape Enhancement. There is a diversity of landscape character areas in Poynton. Conservation and enhancement of these areas within Poynton should ensure that any development respects the local character of the area.



Comment: Poynton Park and Pool are one of the most characterful areas of Poynton.

EGB 8: Protection of Rural Landscape Features. As a town inset into the Green Belt, there are many different landscape features within Poynton including woodland, hedgerows and other natural features. These features should be conserved and enhanced.

EGB 9: Nature Conservation. The Cheshire Wildlife Trust report (Protecting and Enhancing Poynton's Natural Environment) identified Poynton Pool as an area of high value habitat.

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.

EGB 15: Heritage Assets. Any development should 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.

EGB 20: Locally Listed Buildings. A Locally Listed Building is a building, structure or feature which, whilst not listed by the Secretary of State, is considered by Cheshire East to be an important part of Poynton's heritage due to its architectural, historic or archaeological significance. The Boathouse in Poynton Park is a locally listed building. While it is on the eastern side of the Pool, removal of the trees on the western side will radically change the Boathouse's appearance, as when viewed from Poynton Park it will no longer be seen against the trees, as has been the case for many years, but rather silhouetted against the open sky.

EGB 21: Non-Designated Heritage Assets

EGB 22: Protecting and Enhancement Non-Designated Heritage Assets

There are buildings, monuments, places and sites within Poynton which have been identified as having some degree of local significance in terms of heritage value. Although not formally designated, this Neighbourhood Plan identifies these local assets as meriting some consideration in planning decisions affecting them or the immediate area in which they are located.

The impact of any proposal on a non-designated asset should be properly addressed as a part of any development proposals, particularly as these are valued by local communities as it the situation in Poynton.

Poynton Pool and Poynton Park are identified in the Neighbourhood Plan as Non-Designated Heritage Assets.

TAC 1: Walking. The Policy aims to encourage walking – the footpath along the western side of the Pool is a vital part of Poynton's footpath network.

HEWL1: Encouraging a Healthy Lifestyle. The planning system can play an important role in facilitating social interaction and creating safe, healthy and inclusive



communities. Screening of significant planning applications will determine if a full Health Impact Assessment is required.

The proposed degradation of an environment currently used for leisure purposes will discourage exercise and deter individuals from following a healthy lifestyle.

HEWL 2: Getting About Within Poynton and its Environs. Poynton residents and visitors who want to walk, cycle or use public transport to travel within Poynton, are encouraged and should be able to do so. Existing public rights of way must be safeguarded and enhanced.

HEWL 3: Access to Green Spaces. One of the features of Poynton enjoyed by its residents, as stated in the survey, is the easy access to green spaces, including Poynton Park and the Pool.

The “emerging” Cheshire East Site Allocations and Development Policies Document (SADPD)

The SADPD has recently been approved by a Government Inspector, subject to certain minor amendments, and should soon be fully in force. It can now be quoted as an “emerging” planning document. When finally approved, it will replace the saved policies of the Macclesfield Borough Local Plan (see below).

The proposed spillway and tree felling does not comply with several policies in the SADPD – these include:

GEN1 – Design Principles. Development proposals should contribute positively to the borough’s quality of place and local identity through appropriate character, appearance and form in terms of scale, height, density, layout, grouping, urban form, siting, good architecture, massing and materials.

ENV 1 - Ecological Network. New development should seek proportionate opportunities to protect, conserve, restore and enhance the ecological network for the borough

ENV 2 - Ecological Implementation. Net gain: development proposals must deliver an overall net gain for biodiversity.

Comment: Felling numerous trees at Poynton Park will not deliver a net gain for biodiversity. Planting other trees in Disley or elsewhere is not an answer.

ENV 3 - Landscape character. Development proposals should respect the qualities, features and characteristics that contribute to the distinctiveness of the local area.

Comment: These proposals certainly do not contribute to the distinctiveness of the local area.

ENV 5 – Landscaping. Where appropriate, development proposals must include and implement a landscape scheme that responds sympathetically to topography, landscape features and existing green and blue infrastructure networks.



ENV 6 - Trees, hedgerows and woodland implementation. Development proposals should seek to retain and protect trees, woodlands and hedgerows. Where the loss of significant trees is unavoidable it must be compensated for on the basis of at least three replacement trees for every tree removed.

ENV 16 - Surface water management and flood risk. Development proposals will be supported where they relate specifically to reducing the risk of flooding. It should be demonstrated how surface water runoff can be appropriately managed.

Comment: While this scheme is intended to reduce the risk of flooding, it is noted that there is no record of Poynton Pool overflowing since its construction in 1750. If this is felt to be a risk, alternative solutions should be considered. Examples include an additional outlet between the Pool and Poynton Brook or flood prevention measures such as “leaky dams” in the Pool’s catchment area east of Towers Road.

HER 1 - Heritage assets. All proposals affecting heritage assets and their settings must be accompanied by proportionate information that assesses and describes their impact on the asset’s significance.

HER 7 - Non-designated heritage assets. New development will be expected to avoid, minimise and mitigate negative impacts on non-designated heritage assets.

Comment: As noted above, the Poynton Pool Boathouse is locally listed, and the Pool and Park are both included as non-designated heritage assets in the Poynton Neighbourhood Plan.

HOU 10 – Amenity. Development proposals must not unacceptably harm the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of those properties 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.

Comment: By removing trees along the western side of the Pool, the proposals will increase traffic noise, and hence environmental disturbance or pollution, to nearby houses.

INF 1 - Cycleways, bridleways and footpaths. Development proposals that would lead to the loss or degradation of a public right of way (such as a footpath, cycleway or bridleway) will not be permitted.

REC 1 - Green/open space protection. Development will not be permitted that would result in the loss of green/open space

Saved policies of the former Macclesfield Borough Local Plan

Saved Policy RT1 of the Macclesfield Borough Local Plan protects areas of recreational land and open space, including Poynton Pool and Park.



Saved Policy NE3 – The Conservation and Enhancement of the rural landscape will be encouraged through the creation and restoration of hedgerows, woodlands, dry stone walls and ponds and other natural features.

Saved policy DC3 – Development should not significantly injure the amenities of nearby residential property for reasons including noise, vibration, smells and fumes or environmental pollution

Saved policy DC8 – Applications for new development should include a landscape scheme which should meet criteria including:

- Provide effective screening to neighbouring uses
- Retain existing trees and shrubs as appropriate
- Retain and enhance areas of nature conservation

Saved Policy DC9 – Development which would result in direct loss of trees or woodland which are subject to a Tree Preservation Order, or are considered worthy of protection, will not be allowed, except where the trees or woodland are no longer of value, removal is in accordance with arboricultural best practice or exceptionally where mitigation provides an identifiable net environmental gain.

Conclusion

The proposed works - which will destroy numerous trees and bushes, damage a much-loved environment widely used for leisure purposes, increase traffic noise and pollution and damage a historic landscape - clearly conflict with local planning policies:

Cheshire East Local Plan (CELP)

MP 1 - Presumption in Favour of Sustainable Development

CO1 - Sustainable Travel and Transport.

SD1 – Sustainable Development

SD2 – Sustainable Development Principles

SC1 – Leisure and Recreation

SE1 – Design

SE 2 - Efficient Use of Land

SE 3 - Biodiversity and Geodiversity

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 6 - Green Infrastructure

SE 7 - The Historic Environment

SE 12 - Pollution, Land Contamination and Land Instability

SE 13 - Flood Risk and Water Management

Poynton Neighbourhood Plan (PNP)

EGB 1: Surface Water Management

EGB 2: Open Spaces

EGB 3: Natural and Historic Environment

EGB 4: Access to the Countryside

EGB 5: Improving Access to the Countryside

EGB 7: Landscape Enhancement



EGB 8: Protection of Rural Landscape Features
EGB 9: Nature Conservation
EGB 15: Heritage Assets
EGB 20: Locally Listed Buildings
EGB 21: Non-Designated Heritage Assets
EGB 22: Protecting and Enhancement Non-Designated Heritage Assets
TAC 1: Walking
HEWL1: Encouraging a Healthy Lifestyle
HEWL 2: Getting About Within Poynton and its Environs
HEWL 3: Access to Green Spaces

The “emerging” Cheshire East Site Allocations and Development Policies Document (SADPD)

GEN1 – Design Principles
ENV 1 - Ecological Network
ENV 2 - Ecological Implementation
ENV 3 - Landscape character
ENV 5 – Landscaping
ENV 6 - Trees, hedgerows and woodland implementation
ENV 16 - Surface water management and flood risk
HER 1 - Heritage assets
HER 7 - Non-designated heritage assets
HOU 10 – Amenity
INF 1 - Cycleways, bridleways and footpaths
REC 1 - Green/open space protection

Saved policies of the former Macclesfield Borough Local Plan (MLP)

RT1: Protects areas of recreational land and open space
NE3: Conservation and Enhancement of the rural landscape
DC3 – Development should not significantly injure the amenities of nearby residential property
DC8 – Applications for new development should include a landscape scheme
DC9 – Development which would result in direct loss of trees or woodland
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 ...”

Final Conclusion

The Town Council does not support the current proposals. We would welcome alternative plans which improved flood resilience whilst not destroying a valuable ecological and community asset which is important to the Town. The proposed loss of almost ninety trees under the current proposals is especially deprecated. We urge Cheshire East to think again.