

Poynton Town Council

Report on Planning Application 23/4152M – December 2023

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

Applicant's Agent: Jacobs UK Ltd on behalf of Cheshire East Council.

Description: The proposed removal of low points along approximately 480m [0.3 of a mile] 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 and the works will also include the creation of two 40m [131 feet] wide clearings, to further increase flood resilience.

Background

This planning application is intended to seek approval for Cheshire East's scheme to make various changes to the spillway on the west side of Poynton Pool. If approved, these works would result in the loss of many trees, resulting in major changes to the appearance of the Pool, especially as seen from both London Road North and Poynton Park.

The purpose of the works is stated to be the risk of flooding caused by a possible overflowing of the earthen dam which forms the western edge of the Pool.

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." [Note: 1 hectare is a square with 100 metre sides].

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 negatively affect all the Pool and the Park. The Pool alone is at least 900 metres long and covers more than 1 hectare.



Recommendations to Cheshire East

Poynton Town Council does not support this application from Cheshire East. We believe that it will have a highly detrimental impact on the environment of Poynton and also the health and well-being of local people, and is contrary to:

- The legal obligations of Cheshire East to conserve biodiversity and protected species and promote public health.
- Cheshire East's own Local Plan and Site Allocations and Development Policies Document (SADPD) and the Poynton Neighbourhood Plan

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

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.

The **Cheshire East Local Plan (CELP)** specifically 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 any claims 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."

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

*“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”*

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 development that inflicts major damage to the environment should be rejected.

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

1. Poynton Town Council urges Cheshire East to reject the application from Jacobs (on behalf of Cheshire East) for this proposed scheme of works at Poynton Pool and Park. They are contrary to numerous policies (see below) in the Cheshire East Local Plan, Poynton Neighbourhood Plan and the SADPD.
2. 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: Cheshire East Local Plan:

- MP1 (Presumption in Favour of Sustainable Development),
- SD1 (Sustainable development),
- SD2 (Sustainable development)),
- SE1 (Design),
- SE2 (Efficient Use of Land),
- SE3 (Biodiversity),
- SE4 (the landscape)
- SE5 (Trees, hedges and woodlands).

Poynton Neighbourhood Plan:

- EGB2 (Open Spaces),
- EGB3 (Natural and Historic Environment),
- EGB7 (Landscape Enhancement),
- EGB8 (Protection of Rural Landscape Features)
- EGB9 (Nature Conservation).

SADPD:

- GEN1 (Design Principles),
- ENV1 (Ecological Network),
- ENV2 (Ecological Implementation),
- ENV3 (Landscape Character), ENV5 (Landscaping),
- ENV6 (Trees, Hedgerows and Woodlands)
- REC1 (Open Space Protection).

3. 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: Cheshire East Local Plan

- SE7 (The Historic Environment)

Poynton Neighbourhood Plan:

- EGB15 (Heritage Assets),
- EGB20 (Non-designated Heritage Assets),
- EGB21 (Protecting and Enhancing Non-Designated Heritage Assets)
- EGB22 (Development within the setting of a listed building).

SADPD:

- HER1 (Heritage Assets)
- HER7 (Non-designated heritage assets).

4. 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: Cheshire East Local Plan

- CO1 (Sustainable travel),
- SD1 (Sustainable development),
- SC1 (Leisure and Recreation) and
- SE6 (Green Infrastructure).

Poynton Neighbourhood Plan:

- EGB4 (Access to the countryside),
- EGB5 (Improving access to the countryside),
- TAC1 (Walking and Cycling),
- HEWL1 (Encouraging a Healthy Lifestyle),
- HEWL2 (Getting About within Poynton) and
- HEWL3 (Access to Green Spaces).

SADPD:

- REC1 (Open Space Protection) and
- INF1 (Cycleways, Bridleways and Footpaths).

5. 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 residents of nearby homes.

Relevant Policies: Cheshire East Local Plan:

- SD1 (Sustainable development),
- SD2 (Sustainable development in Cheshire East),
- SE1 (Design),
- SE5 (Trees, hedges and woodlands),
- SE12 (Pollution and land containment).

SADPD:

- HOU12 (Amenity)

6. 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: Cheshire East Local Plan: SE13 (Flood Risk)

Poynton Neighbourhood Plan: EGB1 (Surface water management)

SADPD: ENV16 (Surface water management and flood risk)

7. The Town Council considers highly relevant the comment of the Cheshire East Principal Forestry and Arboricultural Officer on application 21/5509M (Erection of three dwelling houses 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 ...”

8. 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. This scheme will seriously reduce biodiversity.

9. Flood Risk: The existing dam was constructed around 1780. No residents of Poynton can recall the Pool ever flooding. Certainly, the severe flooding of many

areas of Poynton in 2016 and 2019 did not affect Poynton Pool – at no time did water levels rise to a significant degree. A detailed report prepared by the risk management expert Professor David Ball of Middlesex University has criticised how Cheshire East and the Environment Agency have assessed the risks associated with the current dam and spillway at Poynton Pool.

10. While the report of Professor Ball, the expert consulted by the Town Council, disagrees with Cheshire East's assessment of the risk of the dam failing and causing serious flooding, if Cheshire East do remain committed to this scenario, then we urge this application is deferred and alternative and less damaging solutions are re-examined with an open mind. These may include constructing a second spillway culvert between the Pool and Poynton Brook or reinforcing and raising the wall alongside London Road North to retain any flood waters.
11. 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.
12. 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.
13. The above descriptions of Poynton Pool and Park in the Cheshire East Local Plan and SADPD disprove claims that it is "a non-designated Site of Biological Importance (SBI)."
14. The legal obligations of Cheshire East to conserve biodiversity, including the Natural Environment and Rural Communities Act (NERC) 2006, conflict with the proposed development. This is of particular importance in view of the proposed loss of numerous trees and the presence of 66 protected species at Poynton Pool and Park.
15. The loss of trees is a particular concern. The documents submitted state that 31 trees will be felled and 37 more undergo crown reductions or pollarding. The impact of major construction work is likely to lead to the failure of many more trees.
16. While it is claimed by the applicant's agents that only two trees are Grade A, a report commissioned by Poynton Town Council from a professional arborist has confirmed that 34 trees are actually Grade A. These trees have enormous value, both for their appearance as part of a historic landscape and as an essential part of the ecology and biodiversity of Poynton Pool and Park.
17. The proposal by Cheshire East to plant some replacement trees at a site in Stockport Council's area is a totally inadequate response to the proposed loss of mature trees at the publicly accessible Poynton Pool site. The fact that the trees will take up to 27 years to mature and the site will be closed to the public and largely invisible from nearby roads and paths are further aggravations. This scheme will not address or resolve the many planning, ecological and technical issues raised by the proposed spillway works at Poynton Pool.