

## Poynton Town Council Questions

Thank you for these questions which were sent over to us on close of business Friday.

There is a question that relates to the LPA. In an instance where the Council as a landowner is seeking to submit a planning application that part of the Council is treated in the same way as any other applicant. Therefore, that question and any others about the planning process may best be responded to by the LPA.

### **Q1. Is Poynton Pool classed as a High Risk reservoir?**

*A. The phrase High Risk Reservoir is defined in the Reservoirs Act 1975. Poynton Reservoir is a high risk reservoir. The principal reason why this reservoir is known as a high risk reservoir is that in the event of an uncontrolled release of water human life could be endangered.*

*Therefore I hope it is understood that the purpose of doing these works is one of public safety.*

### **Q 2. Was the required work on the pool identified in the 2016 report carried out by the Inspecting Engineer or the inspection carried out in 2019, or by another inspection?**

*A. One of the recommendations of the 2016 10-year inspection was undertaking a flood study. This study was completed in 2019 and recommended the spillway upgrade that needs to be undertaken on the Pool's Embankment.*

### **Q 3. Who carried out the inspection in 2019 referred to in the S19 Flood Report for the floods in Poynton?**

*A. The flood study was carried by an all-reservoir panel engineer who then certified the study recommended in the 2016 report as complete. The certificate recommended that the undertaker (CEC) carry out a feasibility study with 18 months and any works within 4 years. Panel Engineers are appointed to the Panel by DEFRA and are suitably qualified in what is a niche field. The Council has employed panel engineers from two different well-known firms of Consulting Engineers to undertake work on Poynton Pool.*

**Q 4. When was the last risk assessment on Poynton Pool conducted?**

A. The last annual visit under section 12 was carried out on 29<sup>th</sup> September 2022, and we are awaiting the report. The last ten yearly Section 10 “inspection” was carried out in 2016, and included the engineering assessment required under the Reservoirs Act 1975.

**Q 5. What are the “compulsory safety improvements” which were identified in the inspection?**

A. The pool drains a catchment area of around 2km<sup>2</sup> so in extreme rainfall the runoff will enter the lake a short-term flood. These floods only last a few hours but would cause extensive damage if they overflowed the dam. An example of this was at Whalley bridge, the flood caused extensive damage to Toddbrook dam, and a local evacuation was required.

**Q 6. How often are the culverts, weirs, slipways leading to and from Poynton Pool cleared and visually inspected?**

A. The outfall is checked on a monthly basis by the countryside team and the water levels recorded. Inlets are checked annually as part of the annual inspection

**Q 7. Why is the current infrastructure (culverts, weirs, slipways) inadequate?**

A. They were built prior to a modern understanding of flood risk, and are too small to pass the likelihood of floods now recommended by the Institution of civil engineers for reservoirs to assure the safety of the public living downstream.

**Q 8. Have the proposals been fully evaluated by independent structural and hydrological engineers.**

A. This is covered in our presentation. The Reservoirs Act 1975 identifies panel engineers. These are the experts when it comes to reservoirs. **Panel Engineers** are qualified and experienced engineers in what is a very niche area and are appointed by DEFRA. These are employed by the statutory undertaker, but they have regulatory responsibilities. There are three types of Panel Engineers:

- **Supervising engineer:** The principal thing they do is visit the reservoir once a year to check any change which may affect its safety, and issue a written statement Under section 12 of the Reservoirs act of the action taken once a year. This can include maintenance such as grass cutting.
- **Inspecting engineer:** Once every 10 years an inspecting engineer undertakes a survey, producing a report under section 10 of the Reservoirs Act, identifying any safety measures that are needed and

sets a deadline for these works. **The Undertaker must carry out any safety measures identified.**

- **Construction engineer:** A Construction engineer is appointed when the top water level at a reservoir is modified, and a new reservoir is built.

The Council in delivering this scheme are relying on these experts.

**Q 9. Have the proposals been hydrologically modelled?**

A. It is not clear what this question refers to. The Panel Engineer has undertaken a flood study which is the reason for these works been proposed. The flood risk area of the Reservoir is known and is on the Environment Agencies Web Site.

**Q 10. Will copies of all assessments and reports be publicly available?**

A. All as part of the planning application process.

**Trees**

**Q 11. Did the inspection identify the felling of the trees as compulsory? If not, who is asking/recommending that the trees need to be removed?**

A. Unfortunately the felling of trees as become necessary because of the compulsory works. The all-reservoir panel engineer and the supervising engineer have always showed concern over trees on the reservoir embankment/spillway/dam.

**Q 12. What safety concerns do the trees along the bank pose?**

A. There are a number of issues regarding trees.

Their roots can cause pathways for water to penetrate the embankment wall. In the event of an extreme event, trees can be undermined and be toppled, which in turn can accelerate the erosion of the embankment, increasing the risk of failure.

Obstructions on the dam wall in an extreme event can channel fast flowing water, which in turn could accelerate erosion of the embankment in other areas.

In the event of tree fall it could damage part of the embankment /spillway /dam.

Ultimately the concern is catastrophic failure of the embankment and subsequent flooding downstream of the reservoir.

**Q 13. What consideration has been given to the fact the tree root systems provide greater ground stability and slope stabilisation?**

*A, the advantages of having trees on a reservoir embankment are overmatched by the risk. Please see the issues set out in question 12.*

**Q14. When removing trees adjacent to the path, will the whole root system be removed. If not, have you considered the impact of voids in the soil rotted tree roots will create?**

*A. Yes. The roots of the trees will have to be carefully removed. This is for the reasons you have set out in your question and general ground stability. Shrunken tree roots can generate pathways within the structure for water to flow through the dam embankment.*

**Q 15. How often are the trees inspected?**

*A. They are inspected at least annually by the countryside team and as and when deemed necessary.*

**Q 16. Prior to the instigation of this proposal, when were the trees last inspected and what were the recommendations for those inspection?**

*A. It is noted that tree inspections only consider the health or not of trees and not the risk that they would present to a reservoir. Tree inspectors don't consider the risks to a reservoir, as they are not panel engineers, who do have the qualification skills and experience to understand the risks associated with management of a reservoir.*

**Q 17. What impact will felling the trees have on flooding given the large uptake of water trees provide**

*A. Please note that there are two different type of events been considered in this question:*

- Water uptake from trees*
- and*
- Flood risk caused by over topping of the reservoir.*

*The trees on the Dam wall do not offer any protection in the event of an overtopping incident, in fact quite the opposite. These extreme events occur over a very short period and once they happen it would see a very high volume of water spilling over the reservoir. Such an event cannot be taken up by the thin strip of trees on the top of the dam wall.*

*However more generally speaking trees and indeed other soft features can mitigate the impact of flooding by increasing the time for run off water to work through the landscape and arrive in a water course.*

*The loss of trees will significantly reduce the risk associated with Poynton Pool and flooding.*

**Q 18. What other options to felling trees have been considered and why have they been discounted?**

*A. A number of options from 'do nothing' through to a full engineering solution has been considered. The only option that would not see the loss of trees is the do-nothing option. However, the Council cannot choose this option as it is compelled under the Reservoirs Act to undertake the work. Further information on this is within the presentation.*

**Q 19. How much funding is available for replacement tree planting and how is it accessed?**

*A. This is still to be assessed and will form part of the project budget.*

*The Council has considered replacement tree planting on its land and this has been discussed at the meeting with the public.*

**Q 20. Why isn't it possible to replant trees on the bank once the work has been carried out?**

*A. This is covered in an earlier question. Works to the trees are in part to enable the establishment of the kerb but also to improve the performance of the spill way. To replace the trees on the bank would replicate the same issue the Council is seeking to address.*

**Q 21. What are the practical and environmental reasons which means that planting cannot take place at Poynton Park?**

*A. The Countryside Service has been consulted about the potential for planting of trees in Poynton Park. Currently the Park is set out as managed grass land and is a Habitat of Principal Importance; consequently, it is of high ecological value. Tree planting in the park may hinder this and then also impact the use of the park for other activities.*

**Q 22. What alternative locations are being considered for planting, are any in Poynton?**

*A. The Council is open to alternatives for planting. At present Millennium Wood in Disley is being looked closely, however any suggestions as part of the consultation exercise would be welcomed.*

**Q 23. In assessing the value of the trees, what value was attributed to them as an assemblage and therefore their value as a landscape feature?**

A. As set out in question 1 the reason for the Council doing these works is to address an issue of public safety under the Reservoirs Act 1975. The assessment suggested is not a requirement of responding to this piece of legislation.

**About the Scheme**

**Q 24. What is the timescale to carry out the compulsory safety works?**

A. Subject to planning permission being given granted we are currently planning to have the works completed by the end of 2023.

**Q 25. How high will the kerb be and why can't the kerb go on the bank side rather than the road/tree side?**

A. This is one of the options considered in the presentation. There is a risk that a kerb on that side of the embankment would be undermined therefore a larger structure would be required. The equipment needed to construct this is likely to be bigger than the equipment needed to deliver the proposed option and this would mean further tree loss. This option would likely see a hard edge to the pool which would then present other problems for management of the pool.

The proposed kerb is planned to be set 100mm above the path level.

**Q 26. Why is a 2m grass verge as well as a path needed.**

A. The 2m grass verge is principally designed to protect the kerb from tree root growth.

We have provided a 2m wide path to allow for sufficient width for all users (wheelchair users, buggies and pedestrians). This ensures we're complying with the Equalities Act (2010). 2m will enable a wheelchair user to pass a buggy or two wheelchairs to pass each other."

Government Inclusive mobility guidance states:

*"A clear width of 2000mm allows two wheelchairs to pass one another comfortably. This should be regarded as the minimum under normal circumstances. Where this is not possible because of physical constraints 1500mm could be regarded as the minimum acceptable under most circumstances, giving sufficient space for a wheelchair user and a walker to pass one another."*

*We could probably reduce this dimension but it shouldn't change the impact to the trees.*

**Q 27. What consideration has been given to the difficulty of combining tree cover with grass cover? If the grass verge does not successfully establish what then is your approach.**

*A. The best solution would be not to have any trees on the embankment. This would eliminate the issue set out. However, it is entirely possible that there could be an issue of grass growth, however we would note that along the bank there are instances where there is good grass growth.*

**Q 28. If the 2m grass verge is required for a buffer zone what is the long-term ring-fenced budget for maintenance of the proposal?**

*A. Any maintenance will need to come from any existing maintenance budgets.*

**Q29. Have you considered the risk posed by pooling water over the earth bank (footpath) where the earth bank is not constructed to prevent water percolation?**

*A. The proposed design of the path uses compacted granular material that allows water to drain away.*

*Any length of path that remains 'compacted earth' is outside of the spillway improvement area. However, if budget is available the countryside team would like to see the rest of the path resurfaced using the same materials but not widened.*

*The intent is to design a solution that allows water to flow away from the kerb. Day to day rainfall would be dealt with by the surface materials and therefore this would not present a risk. In the event of an over topping incident this would not be an issue.*

**Q 30. Were other options ruled out based on cost alone?**

*A. No. All other options still required the levelling of the embankment/spillway / dam and therefore the Council would need to do what we are doing whatever option was chosen. Some options would see more tree loss on the bank. None would see less.*

**Q 31. Is the suggested cycle path only included as part of the public use of Poynton Pool and not in any way linked with any planned cycle routes on London Road North?**



A. A set of indicative images were used on the consultation exercise to show where the path was. The path is not linked in any way to any planned cycle route.

**Q 32. What is the estimated cost of the proposed scheme?**

A. This is still being assessed. It is noted that there are significant global uncertainties at present which then lead to uncertainty around construction cost inflation. This has been a recent feature of the Construction market and therefore it is difficult to give a clear and definitive answer to this question.

**Q 33. Has the proposal been evaluated for what impact it will have on the amenity value of a landscape feature?**

A. The proposal has taken into account visual amenity value, where every effort is being taken to retain the trees on the immediate eastern edge of the reservoir (where this is safe to do so) and further to west away from the spillway crest. By retaining these trees there will be a potential filtering effect on views.

**Q 34. When were the ecological surveys carried out and is the survey sufficient to ensure that the full life cycle of bats have been considered**

A. A Preliminary Ecological Survey was carried out on 4th May 2022, where all habitats present were assessed, which included noting the potential for protected and notable species. This survey followed the guidelines published by the Chartered Institute of Ecology and Environmental Management (CIEEM): CIEEM (2017) Guidelines for Preliminary Ecological Appraisal, 2nd edition.

Following this initial survey, bat activity surveys were carried out on trees with potential for roosting bats on 8th June, 8th August and 30th August 2022. All the bat surveys followed the guidelines published by The Bat Conservation Trust in London: Collins, J. (ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn.). The approach has been agreed by the Cheshire East Ecology officer.

Great crested newt Habitat Suitability Index assessments were carried out following Oldham et. al, (2000) updated by the Arg UK Advice Note 5 Great Crested Newt Habitat Suitability Index (2010).

Great crested newt environmental DNA survey were undertaken following guidance published by Freshwater Habitats Trust (Biggs et. al, 201).

**Q 35. The removal of the trees has multiple environmental impacts including impacts on biodiversity, noise and pollution have you conducted an Environmental Impact Assessment?**



A. An EIA Screening letter was submitted to the Local Planning Authority on 11th October, in which it was suggested that the development was not EIA development. Notwithstanding this (and hopefully confirmation of the LPA that it is not EIA development) a number of surveys, including an Arboricultural Impact Assessment, will be submitted to support the planning application

**Q36. If the pedestrian and cycle improvements were removed from the scheme and the works were focused on purely what is mandatory would there be a reduction in the number of trees affected?**

The kerb line needs to be downstream of the footpath. As the majority of the trees are on this side, they need to be removed to enable construction of the kerb. Therefore, the impact of constructing the footpath on trees is minimal.

### **Scrutiny**

**Q 37. Has any committee of the Council scrutinised these plans?**

A. No. Scrutiny of the plans is part of the planning application process.

**Q 38. Who will make the decision to proceed with this scheme?**

A. Under the Council's Constitution the decision to submit a planning application is delegated to Director level.

**Q 39. Cllr Nick Mannion, a senior councillor and chair of the Cheshire East Cheshire East Economy and Growth committee issued a public statement on 28 September supporting the proposals, despite the public consultation having only just started. Will that Committee discuss the scheme and make the final decision whether to proceed with the scheme?**

A. It is normal for an elected member to be involved in any press release. The response to question 33 sets out the normal process for submission of planning applications.

**Q 40. If a planning application does go to the Council's Northern Planning Committee, of which Cllr Mannion is a member, will he declare an interest and not take part in any decision?**

A. Thank you for this question. I am not able to answer this question for you. This is a question about planning process and regarding Poynton pool I am the applicant and am not able to respond to a matter that would be best directed towards the LPA at the appropriate time. I would suggest that this question is forwarded to the LPA, along with any other questions you may have about the planning process.