



Economy and Growth Committee

Friday, 26 January 2024

Friends of Poynton Pool's presentation notes in response to Cheshire East Council's '*Response to a Petition – Poynton Pool*' report presented to the Economy and Growth committee.

Papers and the audio recording of the meeting can be found here: [Agenda for Economy and Growth Committee on Friday, 26th January, 2024, 10.00 am | Cheshire East Council](#)

1. MIKE ELLISON (3 minutes)

Introduction

Good morning, I am Mike Ellison and I'm chair of Friends of Poynton Pool a steering committee made up of volunteers and professionals covering: risk management, arboriculture, ecology, structural and reservoir engineering, and reservoir design. We collected 5800 petition signatures in just 8 weeks.

It was the community's expectation that 5,000 or more would trigger a meeting of full council. The mood on the doorstep is that people feel let down that this hasn't happened.

We have some key challenges to the spillway proposal.

Firstly, there is low confidence in the baseline data:

Ground investigation has not been undertaken to identify the composition of the dam.

The dam embankment is actually constructed, at least in part, from permeable sand and gravel, it is possible, the pool has been designed to allow flood events to percolate through the embankment rather than flow over it. This could explain why there are no records of the pool ever overflowing.

The catchment area has been mis calculated:

Local knowledge has been ignored in the flood modelling that has informed the spillway proposal.

The engineers' modelling has used a Pool volume of 130,000m³. An independent measurement indicates that the actual volume is in the region of just 80,000m³. A significant baseline miss that impacts the level of risk.

The risk assessment is incorrect:

The engineering partners 2021 report stated that the risk was categorised as "HIGH". We brought significant errors to the attention of the council, and they corrected their position and reissued their reports.

The High risk was reclassified as Tolerable, but the steamroller is trundling on and the original spillway proposal remains unchanged.

The project cost benefit analysis is contrary to central government guidance. It accounts only for financial cost and fails to account for the loss of amenity, of ecology and of other benefits. It also intentionally overvalues the benefit of the proposed risk reduction.

Measure twice, cut once

History is littered with public outrage in the aftermath of decisions made in haste: The Sheffield trees, Plymouth City Council, and there are more.

Together we can ensure that enough protection is in place to avoid making the wrong decisions.

We share the same objectives and could work collaboratively to achieve reasonable safety and protect our environment.

We request the council put the proposal on hold for appropriate investigation and a more credible risk assessment.

We would welcome the opportunity to work with the Council to develop a more reasonable and balanced solution for Poynton Pool, to use your council's strapline:

"working for a brighter future together"

Thankyou

I would urge you to read our response to the officer's report.

If you have any questions, I would be happy to answer them.

2. ELAINE ADAM (2 minutes)

My name is Elaine Adam, I am a long-standing Poynton resident, retired accountant and member of Friends of Poynton Pool.

Poynton Park and Pool is a place of beauty and tranquillity.

If you stand in the park and look towards the embankment the mature trees create the illusion that you are in the middle of open countryside, as opposed to the edge of greater Manchester. It really is a wonderful community asset.

The Park and ornamental lake were created in the mid-1700s and they were gifted to us, the people of Poynton, by Lord Vernon. The Council acts as a custodian of this beautiful landscape on our behalf.

To our knowledge the pool, which has an average depth of just 1.2 metres, has never overflowed or breached the dam since it was built over 250 years ago.

The engineers' cost/benefit analysis takes no account of the **catastrophic consequences** of this proposed scheme at Poynton Pool. This is inconsistent with The Green Book methodology.

The HM Treasury Green Book is a best practice guide. It is used to bring consistency to decision making across government and the wider public sector. The methodology takes account of the impact on **natural capital**, such as the recreational value of destroyed woodlands or changes in air quality.

My questions to relate to paragraphs 3.2 and 16 of the officer's report:

Q1. Why doesn't the scheme take account of the £3m catastrophic loss of trees?

Q2. Can the Council provide the justification as to why the Green Book approach has not been followed?

Q3. Have resources been allocated for the 30-year Landscape Management Plan as the contractor only manages the first year for defects and liability? Is the Council taking on a significant 29-year financial liability?

Word count: 287 words (259 without question 3)

[An independent Capital Asset Value for Amenity Trees (CAVAT) valuation commissioned by Poynton Town Council (PTC) estimated the value of the trees that will be affected is more than £3million (Morris 2023¹). The CAVAT method is described in CEC policies ENV6 and

¹ [Poynton tree valuation report - for web.pdf \(poyntontowncouncil.gov.uk\)](https://www.poyntontowncouncil.gov.uk)

Site Allocations and Development Policies Document, 4.39 (adopted December 2022) as
“an appropriate cost equivalent replacement calculation.”]

3. GWENDA MAYERS (2 minutes)

As a representative of the residents of Poynton I ask members to challenge the Poynton pool spillway proposal as per the petition which has been presented before you today.

About 40% of the Poynton adult population signed this petition, this could have been much higher but we stopped collecting signatures once we had exceeded the 5,000 threshold in order to submit prior to the planning application being registered. Your constituents are extremely disappointed that this petition is not being debated at a full council meeting.

The petition was organised to request that the whole proposal be reviewed because:

1. the work in its current form is NOT mandatory . Friends of Poynton Pool have consulted with specialists who have clarified this for us.
2. the risk of the dam breaching and therefore the risk to life and property is overstated - it is within the tolerable zone for risk .
3. The £1.38 million cost to us, as council tax payers is extremely high – and in this current financial climate needs to be revisited prior to any commitment.
4. We request that you really and truly work with us to find more environmentally friendly solutions and not to dismiss our ideas and knowledge – we are after all working towards the same goals . You state you are a Council which empowers and cares about people – let’s work together.

My questions relate to paragraph 1 of the officer’s report.

Q. Why has it taken almost 4 months for this petition to be heard which contravenes statutory legislation?

Q. Can CEC provide a rationale for submitting a related planning application on 3 November 2023 without considering the objections and wishes of the residents of Poynton?

I believe it is in the gift of this committee to question the proposed solution and spend. We request that you challenge this scheme.

Word count: 307 words

4. JOHN BORTHWICK (2 minutes)

John Borthwick, Retired Reservoir Designer & High Voltage Asset's Flood Alleviation Designer.

I'd like to talk regarding the information provided to the public in relation to the proposed work scheduled for Poynton Pool. The fact there are two 'Top Water Levels' documented, two 'Minimum Crest Levels' documented and two 'Minimum required Freeboards' documented.

There should only be one of each – that's the correct one!

This information is critical to the proposed work, and should be checked. Ideally the project should be reassessed by an alternative water engineer not associated with the project.

Regarding Freeboard there's an interesting point in the 'Flood and Reservoir Safety Book 2015', by The Institute of Civil Engineers, Chapter 5: Waves, Wave Overtopping and Dam Freeboard.

It talks about the influence of wind generating waves, etc. then goes on to state 'The judgement of appropriate dam freeboard is then derived using this overtopping discharge, and knowledge of the condition and composition of the dam crest and downstream slope'.

To my knowledge there are no historic records, nor have there been any site investigations carried out to identify the composition of the dam.

Q1: If the engineers don't know the composition of the dam, how's it possible to set the parameters for an engineered or risk based, solution?

To proceed without this information could lead to the destruction of a 250 year old public amenity that is historically linked to Poynton's coal mining industry.

The Council mention, they've tested alternative solutions.

Q2: Please could you share the 'dated reports' of the tests and the 'fully costed analysis'?

The current proposal allows excess water to overtop the dam crest and then go where? ... That's any one's guess!

A positive spend would be to update the overflow, and deal with flood in a controlled manner.

Thank you.

Word count: 299 words

5. LYNN SULLIVAN (2 minutes)

My name is Lynn Sullivan and I am part of FoPP team.

I have some questions in relation to the Officers' Report Ref EG/22/23-24– Section 6, whereby it states that the Economy and Growth Committee has previously considered a report on Poynton Pool at its meeting on 6 June 2023.

Since June 2023, the commissioned reports have been identified as inaccurate and we have evidence to support this.

Q1. Is it not incumbent on Cheshire East to ensure that the accuracy of the information is re-assessed and the original decision is scrutinised to ensure that public funds are correctly spent?

Especially during this time when the Council has a significant financial deficit and is proposing multiple service cuts elsewhere?

'Statutory obligation' is referenced multiple times in Peter Skates' report.

Therefore, does Cheshire East not have a statutory obligation to:

- Make decisions based on accurate information?
- Acknowledge and responds to the Poynton residents petition, where more than half of the town objected and were also away on holiday.
- And, to spend public funds wisely?

6. MIKE SULLIVAN (2 minutes)

Mike Sullivan, Retired Risk Director, Volunteer for Friend of Poynton Pool

I would like to pose two questions in regards to agenda item 5 and the specific positioning of the issues contained in the Officers report Ref EG/22/23-24.

Firstly, Para Ref 7

The report states that - Poynton Pool is a large high-risk reservoir as defined by the Reservoirs Act 1975 (the Act). As a result, it is regulated and managed in accordance with the Act and the Council as the owner / operator has statutory responsibilities.]

Q1. My first question, is that, given the errors in the original engineers' report, including the misrepresentation of the actual flood risk posed by the pool, which was initially stated as "high" and following a challenge by FOPP, has been now accepted by all parties as "tolerable". The overstatement of the pool volume, the overstatement of the pool catchment area and lack of understanding of the pools dam structure, and the fact that this scheme is not mandatory. So, why is CEC proceeding with this proposal if all of the data that led to the initial decision can be shown to be flawed.?

Secondly, Para Ref 41

The report states that - The Council has to deliver a scheme which is unpopular with local residents but not to do so would see it contravene its statutory obligations. It has sought to mitigate this issue by engagement with the public and seeking alternative solutions, but unfortunately these have not delivered a viable alternative.

Q2. The report is positioned as if all of the detail contained in the engineer's report is correct. As this is not the case, then the statement is invalid and the stated obligation could be null and void. So how can CEC continue to move forward with this proposal given the issues highlighted?

7. STEWART TENNANT (2 minutes)

I am a Chartered Engineer and Fellow of the Institution of Civil Engineers. I am currently working on safety improvements on statutory reservoirs across the UK for the UK water utilities.

I have visited site and I have reviewed the S10 inspection report, flood study and options report. It is correct that Poynton Pool is a statutory reservoir and whilst it is mandatory that it is managed and operated in accordance with the Act it is not mandatory that the option 3C is implemented.

From my visit and experience it appears relatively straightforward to upgrade the existing overflow capacity to pass the design flood, whilst carrying out some nominal regulation and raising of the crest.

This is a conventional, robust future proof engineering solution, and it comes without the adverse visual impact, loss of social value, loss of habit, loss of acoustic screening, loss of carbon capture that comes with option 3C.

Furthermore, there is a British Dam Society Paper in 2016 that talks about the removal of mature trees on existing embankments, and these can carry the risk of root dieback and future seepage which could bring a burden of further obligation and remediation on the Council.

Having reviewed the certificate 10(6), 4 years have now elapsed since the spillway capacity should have been addressed and the Supervising Engineer can now call to bring forward the S10 Inspection.

So I have been asked by the Friends of Poynton Pool to ask you two questions.

Q1. Will the Council consider calling for a new S10 inspection, in light of the things you have heard today, and if not, why not?

Q2. Would the Council consider working with the considerable expertise and local knowledge in the community, with your experts, to explore further options which are more sympathetic, should be cost effective and give a good outcome for the project?