

Cheshire East Council Planning  
Attn Paul Wakefield, Case Officer  
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Our ref: ADA4/1/SG/LF  
Your ref: 23/4152M

22 April 2024

Copies to  
Members of the Strategic Planning Board  
Emails as per attached list

BY EMAIL ONLY

Dear Council

## **Poynton Pools Spillway Proposal Reference 23/4152M**

- 1 We are instructed by Friends of Poynton Pools (FoPP) in relation to the above-mentioned application, and we wrote to you on 9 April pointing out the discrepancies and gaps in the documents made available to the public, and that there are outstanding FOI requests of some longevity.
- 2 We understand this matter will now proceed to Strategic Planning for determination on 24 April. FoPP has reviewed the officer's report and their ongoing concerns are neatly summarised in the OR itself:

*The proposal results in a significant loss of trees from the existing woodland which is prominent in views from London Road North and from within Poynton Park. The loss of these trees is significantly harmful to the amenity of local area and the non-designated heritage assets of Poynton Pool and Poynton Park.*

*The replacement planting at Walnut Tree Farm over 2km away from the application site, and within Stockport Borough does little to mitigate for the amenity or historic value of the trees within Poynton.*

*Whilst the new woodland planting would lead to a 10.27% net gain in biodiversity compared to the existing on-site habitat, there would still be significant harm to the LWS and localised harm to a number of species. It is also disappointing that mitigation is not provided for the slight increase in flood risk to the residential properties at 2-10 Anglesey Drive.*

- 3 The OR continues: given there are no mitigation sites in the locality "satisfactory replacement planting cannot be provided." And it goes on:

*Due to the loss of areas of existing woodland, the proposal will not comply with the Ecological Network policy ENV1 which seeks to secure increases to the size, quality or quantity of priority habitat.*

*The associated removal of trees and the clearance of two 40m sections of woodland will, however, be unequivocally visually harmful from vantage points within and outside of the park.*

*The opening up of two sections of the woodland to the main road leading into Poynton will have a significant impact upon the Pool and Park and their setting, by diluting the enclosed and intimate character along the western bank, which is considered to be harmful to these heritage assets identified in the PNP.*

- 4 On almost every basis, therefore, the proposal fails Local Plan policy tests.
- 5 In addition, there are still unknowns:
  - (1) the dimensions and make-up of the waterproof element of the dam is not known, and that investigation should be considered to determine the subsurface make-up of the dam, in order to better understand the risk of seepage through the dam.
  - (2) No land stability information has been provided with the application
  - (3) The Council's Arboricultural officer notes the lack of soil analysis and discrepancies and gaps in the tree record
  - (4) The construction of the dam is historic and accordingly little is understood as to its continuing capacity or integrity
- 6 The Council has always said only 34 trees would be felled but in fact this has increased to 78 with a further 41 at risk. But set against all of this considerable harm, there is the perception of flood risk from overtopping or dam failure, the belief that there is no alternative to the scheme applied for.
- 7 Our client has taken issue with the FRA and Jacobs' report, finding discrepancies in both which have a significance for the evaluation of the baseline against which any appraisals of the scheme and alternatives are made. Accordingly on 15 April our client submitted two alternative schemes to the Council, which give viable alternative proposals that will incur far less harm. Neither of these have been evaluated for viability by the EA or the Council. In the context of overwhelming harm clearly identified by the Council itself in the OR, we remain astounded that our client's alternatives have not been considered.
- 8 We remain equally astounded that the Council has steadfastly refused to commission its own review to give independent advice on what can be done, to avert the worst impacts. The OR refers to a report by Jeremy Benn commissioned by PTC in which his comments are not only quoted out of context, but out of chronology. It is crucial to understand his report, in December 2022, pre-dated discovery of inaccuracies in Jacobs' baseline or the evolution of any of the alternatives currently before the Council.
- 9 In addition we refer to our previous letter and the many significant gaps and omissions in information provided. Overall, FoPP consider a full and proper public consultation has not been carried out, and this is a failure in the Council's duty to ensure fair opportunity for informed comment can be made.
- 10 We submit that the Council is simply not in a position to make a proper decision on this application and request that the item be taken off the Agenda for Committee on 24 April. If the Council does not refuse the application and continues with its decision-making in this context then we consider it an unsafe decision and reserve our client's position in that regard.

Yours faithfully



**RICHARD BUXTON SOLICITORS**

Strategic Planning Board – Committee Members

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